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Mr Darren Millar AM
Chair of the Public Accounts Committee
National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA

Dear Chair

CARE AND SOCIAL SERVICES INSPECTORATE WALES

As you may recall, my programme of value for money studies previously included a commitment to undertake a review of the Care and Social Services Inspectorate Wales (CSSIW). However, as I indicated in my recent briefing paper, which the Committee considered on 31 January 2012, I have now decided not to proceed with a detailed review of CSSIW. This letter explains my reasons for that decision and also summarises findings from work on CSSIW undertaken by my staff during 2011.

Concerns about the effectiveness of CSSIW's regulatory regime, specifically in respect of adult care homes (including those providing nursing care), were raised by a BBC Wales Week In Week Out programme broadcast on 25 November 2009. The BBC investigation which underpinned that programme centred on evidence collected in relation to Glyndwr Care Home in Ystrad, Rhondda Cynon Taf. Jonathan Morgan, as the then Chair of the Committee, wrote to Jeremy Colman, as the then Auditor General, requesting that the Wales Audit Office carry out an investigation of the performance of CSSIW in light of the issues raised by the BBC programme. You also wrote to Mr Colman about this matter in December 2009, in your role as Chair of the then Health, Wellbeing and Local Government Committee.

Following the Week In Week Out programme, CSSIW initiated a fundamental review and overhaul of its regulatory activities. As well as following-up the specific issues and concerns raised in relation to Glyndwr Care Home, CSSIW has since embarked on a 'Review of Regulation', leading into the development in 2011 of a wider ranging 'Modernisation Programme', which will affect the full breadth of CSSIW's regulatory activity and the way the organisation is structured. The case for change also stems from the need for CSSIW to ensure that it is able to deliver its regulatory functions effectively while, at the same time, responding to the financial pressures facing all

public services. CSSIW is also taking action to comply with EU regulations and meet user expectations by improving its provision of on-line services and, more generally, it has needed to respond to the issues identified in the Welsh Government's February 2011 paper, *Sustainable Social Services for Wales: A Framework for Action* and the new *Social Services (Wales) Bill*.

Given the level of review and change now underway within CSSIW, I decided that it would not be helpful or productive to seek to carry out an audit of CSSIW in parallel. In arriving at this decision I also took into account the scope of the Health and Social Care Committee's current inquiry into residential care for older people, which includes consideration of the effectiveness of the current regulatory regime. I understand that CSSIW has submitted a paper to that Committee and will be giving further evidence in May 2011.

Annexed to this letter is our assessment of the action taken by CSSIW over the past two years to address some of the immediate issues of concern that emerged in late 2009, and of work taken forward as part of the Review of Regulation project and now the ongoing Modernisation Programme. Our findings and conclusions are based on a review of a range of documents supplied by CSSIW about the delivery of its regulatory functions, including the specific circumstances of its regulation of Glyndwr Care Home, and the action CSSIW has taken to improve its processes. My staff have discussed relevant matters in meetings with CSSIW senior managers, regional directors and regional regulation managers. They have also met other CSSIW staff responsible for the Modernisation Programme and for governance and information technology, as well as meeting staff from the Welsh Government's legal services team.

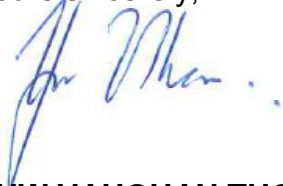
The scale of CSSIW's change programme has been significant and the direction of travel is positive. The overall pace of change has been constrained by capacity issues, including the need to balance progressing organisational change against the demands of day to day business. Nevertheless, CSSIW has improved its performance in the delivery of its planned inspection regime. It expects to complete 100 per cent of planned inspections in 2011-12, and is confident that the action it has taken to improve its regulatory processes since late 2009 has resulted in work being delivered to a better professional standard. CSSIW has made good progress with its Modernisation Programme during 2011-12 and now plans to introduce new regulatory processes, supported by a new organisational structure, from the start of 2012-13.

I retain a keen interest in the progress that CSSIW is making in implementing its change programme and the impact that has on the effectiveness of its regulatory functions. The Wales Audit Office is already represented on CSSIW's national stakeholder board for the Modernisation Programme and I will report to the Committee should any issues of significance emerge. In the meantime, I trust that you find this information helpful as a report on the progress that CSSIW is making in the light of the issues of concern the Committee raised previously.

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I am copying this letter to the Chair of the Health and Social Care Committee to inform its current inquiry, and in light of the concerns you raised when Chair of its predecessor Committee.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Huw Vaughan Thomas', with a stylized flourish at the end.

HUW VAUGHAN THOMAS
AUDITOR GENERAL FOR WALES

Enc

cc Mr Mark Drakeford AM, Chair, Health and Social Care Committee

Annex: Summary of key action taken by CSSIW that should address weaknesses in its regulation of care homes

CSSIW's regulatory activities aim to ensure that good quality care is provided in care homes

1. The Care and Social Services Inspectorate Wales (CSSIW) was created in April 2007, following the merger of the former Social Services Inspectorate Wales and the former Care Standards Inspectorate Wales. CSSIW is responsible for inspecting and reviewing local authority social services and regulating and inspecting social care and early years settings and agencies. CSSIW carries out its functions on behalf of Welsh Ministers. While professionally independent, CSSIW is part of the Welsh Government's Local Government and Communities Directorate.
2. CSSIW's regulatory functions in respect of care homes for adults, and other care settings, include:
 - *Registration*: deciding who can provide these services;
 - *Inspection*: inspecting registered services against the regulations in the Care Standards Act 2000, and reporting the results of these inspections;
 - *Complaints*: investigating and dealing with complaints – if they cannot be dealt with by providers;
 - *Compliance*: ensuring compliance with relevant regulations; and
 - *Enforcement*: taking enforcement action to ensure the requirements of the Care Standards Act 2000 and associated regulations are met.
3. At 31 December 2011, CSSIW was responsible for regulating 6,240 service settings, of which around one in nine was a care home for adults aged 65 and over¹.
4. CSSIW's regulatory activities aim to ensure that care home providers provide good quality care and comply with statutory requirements. However, *Sustainable Social Services for Wales: A Framework for Action*² emphasises that: "the prime responsibility for ensuring quality, a clear voice and control by service users, safeguarding and protection lies with organisations themselves, with professionals and with commissioners of services - and not with regulators and inspectors".
5. There is a regulatory requirement for the registered providers of care homes to undertake their own quality monitoring. Commissioning organisations

¹ Service settings and places regulated by CSSIW, 31 December 2011, CSSIW, February 2012.

² *Sustainable Social Services for Wales: A Framework for Action*, Welsh Government, February 2011.

(local authorities and health boards) should also be undertaking their own work to monitor the quality of service provision. The Welsh Government's Director General for Health and Social Services and Children has recently requested information from Health Boards about their arrangements for monitoring the quality of care in care home settings and has asked that they engage their internal auditors in reviewing those arrangements. CSSIW also plans to carry out a national review of local government commissioning arrangements.

CSSIW's 2009 review of the way it had discharged its functions in relation to Glyndwr Care Home highlighted some clear weaknesses that were unlikely to be unique to this care setting

6. On 25 November 2009, the BBC's Week In Week Out programme focused on whether vulnerable elderly people's rights were being properly protected by CSSIW. The BBC investigation which underpinned the programme centred on evidence collected in relation to Glyndwr Care Home in Ystrad, Rhondda Cynon Taf. The concerns raised with us as a result of the Week In Week Out programme related to:
- the extent to which CSSIW's regulation of care homes provides adequate assurance that they are being run by staff who are properly vetted, resourced, trained and managed;
 - whether CSSIW's monitoring and inspection procedures were sufficiently robust to ensure that care homes comply with their statutory obligations;
 - whether the sanctions available to CSSIW were being used effectively; and
 - whether CSSIW's information management processes were sufficiently robust to fully assess performance, including the extent of poor performance, non-compliance and repeat offending.
7. In response to the issues raised by the Week In Week Out programme, CSSIW undertook an immediate review of its previous regulation of Glyndwr Care Home. The review found that issues of concern at the home had been identified over a number of years, particularly in relation to medicines management. On various occasions, including following two Protection of Vulnerable Adult (POVA) referrals³ in April and August 2009 and the annual inspection in May 2009, CSSIW identified that it had missed potential opportunities to take firmer regulatory action. The review identified a range of shortcomings in CSSIW, including:

³ A POVA referral is the direct reporting of an allegation, concern or disclosure – relating to possible abuse – to a statutory organisation (local authority social services, police, or NHS body).

- Work pressures created by staff shortages. The regional regulation team for Mid and South Wales had also been dealing with numerous enforcement concerns relating to other care settings, which, it appears, had taken priority.
 - A reticence among staff to take enforcement action because they perceived that such action may not have been supported by the Welsh Government's legal services, and because of the resource implications associated with taking enforcement action.
 - A tension between CSSIW's distinct regulatory role and the role of other agencies, notably in this case the role of the police in POVA investigations.
 - Inappropriate referral of complaints and POVA referrals for local resolution. Individual care home settings are required to demonstrate that they have put in place a clear, effective and fair complaints procedure which promotes local resolution wherever possible. However, CSSIW's review concluded that, given their nature and in light of growing concerns about the performance of the registered manager, some complaints and POVA referrals in relation to Glyndwr Care Home had been inappropriately referred for local resolution.
 - Concerns about the way in which regulatory requirements⁴ had been identified and dealt with following the inspection visit in May 2009 (reported in August 2009). These concerns related to: a lack of focus on requirements outstanding from previous inspections; opportunities for the inspection report to have been clearer and more focused in identifying specific regulatory breaches: and the issue of compliance notifications at the time of reporting rather than at the time of inspection.
 - Weaknesses in underpinning quality assurance and management information systems. Staff indicated that it was not easy to access information on individual care settings. The review also pointed to an apparent lack of any comprehensive case analysis or documented chronology of events specifically in relation to Glyndwr Care Home, and to the general absence of a structured risk management process and alert system and of systems to monitor activity. Staff turnover and/or absence within the team responsible for the regulation of Glyndwr Care Home exacerbated these shortcomings in information management.
8. The review concluded that lessons needed to be learned at all levels within CSSIW and that it was unlikely that the issues raised were entirely unique to

⁴ CSSIW's inspection reports set out any formal requirements for the care setting in terms of ensuring compliance with specific regulations. The reports also identify the timescales for notifying CSSIW of action taken to achieve compliance. In addition to these formal requirements, inspection reports may identify other action needing to be taken to improve care in line with good practice.

this one care setting, or solely to the management of activity in the Mid and South Wales region.

The most recent inspection of Glyndwr Care Home, reported in June 2011, concluded that all requirements outstanding from previous inspections had been appropriately complied with, but it also highlighted areas for further improvement, particularly in relation to care planning and staffing

9. Following the Week In Week Out programme on 25 November 2009, CSSIW undertook an unannounced visit to Glyndwr Care Home on 27 November 2009, with further unannounced visits in December 2009, March 2010 and May 2010. CSSIW's next formal inspection drew on the findings from three further unannounced visits in July and August 2010. In addition to the normal inspection processes, the visits in July and August 2010 incorporated a particular focus on infection control arrangements. This work informed CSSIW's thematic review of infection control standards in all care homes for adults.
10. CSSIW published its inspection report in October 2010. The report pointed to improvements since the previous inspection (reported in August 2009) in respect of: recruitment practices and related documentation; compliance with requirements to confirm in writing to service users, following initial assessment, that the home can meet their needs; the production of an annual quality assurance report (although a requirement for quarterly monitoring visits by the registered provider was still outstanding); and improved provision of daytime activities for residents. However, the report found that the overall services and standard of care could be improved by the provision of more staff. It also pointed to the need for improved record keeping and remedial work in respect of the nurse call system and electrical installation. Infection control arrangements were also deemed to be unsatisfactory.
11. The inspection report contained 12 specific requirements, five of which related to CSSIW's findings on infection control. Of the other seven requirements, four were outstanding from previous inspections. A requirement in relation to ensuring consistency between service users' care plans developed by staff at the home and related documentation produced by commissioning services had originally been identified by CSSIW for completion by mid-April 2007.
12. The most recent inspection report for Glyndwr Care Home, dated June 2011, was based on an unannounced inspection visit in April 2011. The report pointed to ongoing concerns about staff recruitment and retention, particularly in respect of registered nurses. These concerns had been identified by CSSIW and local commissioning bodies as part of 'escalating concerns' procedures initiated since the 2010 inspection. As a result, both the local authority social services department and the Local Health Board had imposed a formal embargo on admissions. CSSIW had also had regular contact with the home since the previous inspection report in October 2010. The June 2011 report noted that improvements had been made and that the embargo had been lifted, although it emphasised that these improvements needed to be sustained to provide stability and continuity of care for service users.

13. The June 2011 report highlighted various areas for further improvement, particularly in relation to care planning and staffing. However, the issues raised did not necessitate any specific and new regulatory requirements requiring notification of compliance by the registered provider. The report indicates that the requirements outstanding from previous inspections had been appropriately complied with.
14. Since CSSIW's most recent inspection, reported in June 2011, the registered provider has changed the name of the care home to Mill View Care Home.

CSSIW has addressed some of the immediate concerns it identified in 2009 about the way it had discharged its functions in relation to Glyndwr Care Home, but a fuller response to these issues has been subsumed within a Review of Regulation project in 2010 and, since early 2011, a wider-ranging Modernisation Programme

15. The areas for action identified by CSSIW in late 2009 related to performance management and related systems; staff numbers and staff training and development; information system improvements; working with others; and broader policy implications. Several of the identified actions have since been subsumed within the scope of CSSIW's Review of Regulation project in 2010 and, since early 2011, the wider-ranging Modernisation Programme. However, more immediate action taken outside of the scope of that work has included the following:
 - At a national, regional and individual setting level, CSSIW has strengthened its arrangements in terms of monitoring and reporting progress with, and addressing any issues of concern relating to, the delivery of its regulatory functions. However, there are still recognised limitations in its information systems, and CSSIW's key performance measures are output, rather than outcome, focused. The development of performance measures that are focused on outcomes features as part of CSSIW's Modernisation Programme.
 - In strengthening line management arrangements, CSSIW has introduced more robust quality assurance processes to oversee the reporting of inspection findings and the requirements placed on providers as a result.
 - CSSIW has provided additional guidance and training for staff, notably regarding the handling of complaints and adult protection issues. This follows guidance issued in November 2009 on CSSIW's role in relation to other statutory bodies as regards adult protection policy and procedures. New Interim All Wales Adult Protection Policy and Procedures, relevant to all agencies involved in this work, were also developed in 2010 following work commissioned by the four adult

protection fora in Wales⁵. The development of these policies and procedures is but one part of a wider body of recent work on adult protection arrangements in Wales. This work has included CSSIW's own national inspection of adult protection arrangements⁶, and a report by the Welsh Government's Protection of Vulnerable Adults Project Board⁷. Building on this work, the Welsh Government's *Social Services (Wales) Bill* will include a statutory framework for adult and child protection.

- CSSIW deployed additional staff to strengthen management arrangements in the Mid and South Wales region and to address staff shortages. However, a residual concern about capacity and workloads remained in all regions, exacerbated by the impact of the Welsh Government's location strategy and voluntary severance initiatives. In addition, work undertaken by CSSIW in 2010 highlighted a lack of consistency in the way inspectors were spending their time. CSSIW had also identified more general concerns about the amount of staff time being spent on the management of complaints, notwithstanding that there will be times when local resolution is not appropriate, and in the management of registration. CSSIW's plans for organisational restructuring and the introduction of leaner processes as part of the Modernisation Programme are providing the basis for more sustainable workload management.
- CSSIW reviewed all outstanding requirements placed upon providers following inspection visits. This work highlighted issues in relation to outstanding requirements that needed following up. However, CSSIW found that providers had, in some cases, responded to these requirements, but its information systems had not been updated accordingly.
- CSSIW has developed revised guidance for staff on the use of chronologies of events and the regional managers emphasised that staff were now better aware of their importance, particularly in supporting any possible action by legal services. While they recognised the limitations of the information system used to hold regulatory data, some of the CSSIW regional managers we met emphasised that, if used properly, the system is capable of providing an overview of regulatory activity over time.
- During 2010-11, CSSIW also developed new processes for 'services of concern' reviews, which provide a more rigorous approach to reviewing

⁵ The four multi-agency fora are responsible for developing, agreeing and implementing policies and procedures for the protection of vulnerable adults. The four fora are aligned geographically with the four police authorities in Wales (South Wales, Gwent, Dyfed Powys and North Wales).

⁶ *National Inspection of Adult Protection – All Wales Overview*, CSSIW, March 2010.

⁷ *Report of the Protection of Vulnerable Adults Project Board*, Protection of Vulnerable Adults Project Board, February 2011.

available information about a particular setting and further action in terms of compliance and potential enforcement activity. CSSIW will instigate these reviews if, following an inspection and any subsequent meetings with CSSIW, the care provider still fails to demonstrate compliance with regulatory requirements.

Following concerns about the prospects for successful delivery, CSSIW strengthened its Modernisation Programme control arrangements and changed the Programme's priorities

The main purpose of the Review of Regulation project in 2010 was to develop the case for new business processes and investment in new information systems, rather than to implement change

16. The concerns identified in 2009 had highlighted that CSSIW's existing business processes and information systems were not fully fit for purpose. The main purpose of CSSIW's Review of Regulation project in 2010 was to support decisions on the viability of implementing new business processes and associated information systems. The work planned in 2010 was, in essence, a scoping project to support the case for change, as opposed to being the vehicle for implementing change. The project was managed by CSSIW staff but supported by external consultants (at a cost of £311,000, plus VAT).
17. The Review of Regulation project took longer to complete than had been expected. At the start of the project in February 2010, it was envisaged that the outline business case would be prepared by the end of July 2010. This timeline was then extended so that the proposed ICT solution for CSSIW could be properly evidenced and to ascertain whether a suitable ICT solution might already have been procured by the Welsh Government for use elsewhere within the organisation.
18. When the Review of Regulation Project Board considered the outline business case in December 2010, it recognised that more work was needed to clarify expected benefits. The indicative costs of delivering CSSIW's preferred ICT solution, including the value of staff time, were estimated at £8.3 million (excluding VAT). This figure included certain elements of work that are now expected to be absorbed as part of a separate Welsh-Government-wide project to support the development of secure on-line services (the Enabling On-line Services project). In CSSIW's case, such on-line services would include registration for care providers.
19. The Review of Regulation recommended the full establishment of a CSSIW change programme – the Modernisation Programme launched in January 2011 – to be supported by recruitment to new programme and project management roles⁸. The Review of Regulation also recommended that, once established, the Modernisation Programme's management arrangements

⁸ The CSSIW Project Director and Project Manager for the Review of Regulation have since left the organisation.

should be reviewed by the Welsh Government's Gateway Review Team. Other recommendations relating to staff communication and further work on benefits profiling and process mapping, have been taken forward within the scope of the Modernisation Programme, which is framed around three core workstreams:

- process development (spanning the full range of CSSIW's regulatory functions);
- organisational development (management structures, workforce planning and learning and development); and
- information and communications technology (ICT) development.

20. CSSIW developed the Strategic Outline Case for the Modernisation Programme between January and April 2011. That document identified plans for full implementation of new regulatory processes by the start of 2012-13, with organisational development work ongoing through to mid 2012-13 and ICT development to be completed by the end of 2012-13.

A Gateway Review in May 2011 identified significant concerns about CSSIW's prospects for delivering the Modernisation Programme within intended timescales and questioned the focus, at that time, on ICT development

21. In May 2011, Welsh Government officials completed a Gateway Review⁹ of CSSIW's plans for the Modernisation Programme. The Gateway Review identified significant concerns about CSSIW's prospects for delivering the Programme within its intended timescales. The review team gave the Programme a 'red' rating in terms of delivery confidence. This rating reflected an assessment that: *"Successful delivery of the Programme appears to be unachievable. There are major issues on programme definition, schedule, budget required, and quality or benefits delivery, which at this stage do not appear to be manageable or resolvable. The Programme may need baselining and/or its overall viability re-assessed"*. The Gateway Review recognised that significant development work was underway but that it was taking place largely outside of any formal programme control, for example in terms of arrangements for agreeing priorities, reporting progress and managing interdependencies.
22. The Gateway Review observed that, as with the focus of the Review of Regulation, the early focus of the Modernisation Programme had been about defining the full business case to fund ICT development. Yet few of the people within CSSIW spoken to by the Gateway Review team had identified ICT development as the top priority. The Gateway Review raised concerns

⁹ The Gateway Review process was developed by the Office for Government Commerce (which now operates through the Government Procurement Service, an executive agency of the UK Government's Cabinet Office). The purpose of the process is to examine programmes and projects at key points in their lifecycle and to provide assurance in terms of progress to the next stage of development. The Gateway Review of CSSIW's modernisation programme was undertaken by Welsh Government officials external to CSSIW.

that the source material used to define the ICT requirements was already out of date, as it had not been updated to reflect process developments. It questioned whether the Welsh Government's Enabling Government¹⁰ team would willingly accept a CSSIW bid for resources to support the development and procurement of a new system. The Gateway Review also expressed concern about the inter-dependency between CSSIW's aspirations and timescales for the Welsh-Government-wide Enabling On-line Services project.

CSSIW strengthened its Modernisation Programme control arrangements and changed the Programme's priorities, resulting in a positive follow-up Gateway Review in September 2011

23. In response to the Gateway Review, CSSIW revisited the Modernisation Programme's priorities and decided to focus on the development and implementation of planned process and structural changes, and related organisational development work, on the basis that the ICT requirement could not be fully understood and defined in isolation. The appointment of a project manager for the ICT development workstream was deferred until Spring 2012. In the meantime, CSSIW has been working within the constraints of its current ICT system to meet business needs in the short-term. CSSIW managers recognised that, regardless of what system is used, the challenge will be to ensure that field-staff and managers are better able to understand and use it than is the case with the present system.
24. The Gateway Review team undertook a follow-up review in September 2011 to consider the action that CSSIW had taken in response to the recommendations of its May 2011 review. In light of the Programme being refocused and the action taken to formalise programme management and programme board arrangements, the reviewers significantly upgraded their delivery confidence assessment to a 'green' rating.

The general direction of travel has been positive and CSSIW now plans to introduce new regulatory processes, supported by a new organisational structure, from the start of 2012-13

25. The May 2011 Gateway Review commented on the perception of some field staff that the Modernisation Programme had stalled. Some of the regional managers we spoke to also noted that the Review of Regulation had perhaps promised too much too soon and that this had affected staff morale. However, during 2011 CSSIW staff and the representatives from the Welsh Government's legal services were actively engaged in events designed to support the development of proposals for new and leaner regulatory processes. Bringing staff together to help develop new processes again highlighted variations in local practice and understanding. All-staff training on the new regulatory processes arising from this work is currently underway.

¹⁰ The Welsh Government's 'Enabling Government' portfolio was set up in 2007-08 (as the Business Development Portfolio). Its purpose is to develop and take forward a portfolio of significant change programmes and projects, including ICT business change.

26. As the May 2011 Gateway Review identified, the case for change is well founded and the direction of travel appears to have been generally accepted within the organisation and by external stakeholders. Some of the key proposals in terms of organisational structure and process redesign include:
- With effect from 1 April 2012, CSSIW will be formally restructured from four regional management teams to three, although a three region approach has, in practice, been operating since October 2011. The number of Assistant Chief Inspector posts also reduces from four to three (covering operations, strategy, and enabling functions). The new structure will be 'de-layered', reducing to no more than three the number of management layers between the Chief Inspector and those employed at 'team-band' level. This de-layering is consistent with wider changes across the Welsh Government. Job descriptions and gradings have been reviewed, with a formal five-week consultation currently underway. CSSIW expects to complete the matching and selection of staff to posts by June 2012, with a view to full implementation by October 2012.
 - As part of the restructuring, each region will have a dedicated registration and enforcement team. This change is intended to improve the efficiency and consistency of these processes, and to ensure that there is a dedicated resource available to deliver these functions, separate from those staff responsible for inspections. The intention is that CSSIW registration and enforcement teams will work closely with the Care Council for Wales in co-ordinating enforcement activity to ensure that registered or licensed managers are held to account for shortfalls in performance. CSSIW has also been discussing with the Care Council for Wales opportunities to work together to simplify registration or licensing arrangements¹¹. Processes for assessing and completing application forms are being simplified, although full on-line services are no longer an ambition in the short-term. CSSIW is awaiting the outcomes from consultation on the Social Services (Wales) Bill before finalising its remodelling of registration processes.
 - Also under the restructuring proposals, responsibilities for the management and delivery of inspection work in relation to individual care settings and local authority social services will be integrated, addressing a separation that has existed since the creation of CSSIW in 2007.
 - CSSIW has been exploring options for the use of lay inspectors to support delivery of its care home inspections, and workforce planning has also identified the need to recruit and develop trainee inspectors.

¹¹ In its submission to the Health and Social Care Committee, CSSIW said that it has been developing a broader programme of collaborative working with the Care Council for Wales in response to the Welsh Government's February 2011 paper, *Sustainable Social Services for Wales: A Framework for Action*. The programme will include pooling knowledge and information to enable a better understanding of the staffing resources available in residential care for older adults.

- While there are challenges to CSSIW to reduce any unnecessary regulatory burden on service providers, there also appears to be little appetite for a reduction in the requirement for annual inspections of care homes. However, CSSIW intends to shift the focus of inspection more clearly towards the quality of experience for people using services. CSSIW intends to reshape its care home inspection processes and reporting to focus on the following four core themes in respect of regulated care settings:
 - *Quality of life:* This includes service users' rights and control (in terms of choice and influence over their care), fulfilment, physical wellbeing and emotional wellbeing.
 - *Quality of staffing:* This theme focuses on professional competence and confidence, sufficiency, support and supervision in regulated settings. Of relevance to this theme, *the Care Homes (Wales) (Miscellaneous Amendments) Regulations 2011* came into force on 1 June 2011. These new regulations now require that all managers of care homes for adults in Wales, including those homes registered to provide nursing care, must be registered as a manager with the Care Council for Wales.
 - *Quality of leadership and management:* This theme covers clarity of vision and purpose, quality assurance, diligence and compliance, improvement and sustainability. CSSIW has remodelled the annual self assessments returned by registered providers to evidence corporate responsibility and their commitment to improvement.
 - *Quality of the environment:* This theme covers ambience, accessibility, facilities and safety.

CSSIW has worked with the University of Bradford to develop a 'Short Observational Framework for Inspection' method based on these inspection themes. Training for inspectors has started, with a view to full roll-out from June 2012, Plans for the development of clear evaluative judgements against each of these themes are under discussion. CSSIW is keen to align these plans with the national outcomes framework for social care proposed in *Sustainable Social Services for Wales: A Framework for Action*.

- To support a more risk-based and focused approach to inspection, CSSIW has developed a new electronic risk assessment tool framed, initially at least, around the themes set out in national minimum standards for care homes for older people¹². Implemented in October 2011, to date the tool has been applied to all settings with the exception of children's day care where its use was not considered appropriate. Risk assessment will be undertaken at the point of registration and annually thereafter. The tool will also be used when specific concerns come to light and CSSIW expects that, in the medium to long-term, it will support a better targeted and more efficient inspection regime.
- From April 2012, CSSIW's inspection methodology will also differentiate between baseline inspections, covering a fuller range of issues, and focused inspections targeting particular issues of concern.
- CSSIW is also developing a tool to measure the quality of service from a service user perspective, to be used in conjunction with the risk assessment tool. CSSIW plans to consult stakeholders on its proposals for the quality measurement tool, early in 2012-13.
- Building on work that pre-dated the formal establishment of the Modernisation Programme in January 2011, CSSIW has implemented revised processes for self-assessment by, and data collection from, providers in respect of individual care settings. The new arrangements were discussed with providers at a workshop in February 2011 and introduced as the foundation for all inspections of care settings in 2011-12. They include:
 - an annual collection of data about service users, staff and the general characteristics of the setting; and
 - a self-assessment of service form exploring how providers review and record the quality of their services, how they involve service users and other stakeholders in that work, and plans for future service development.

During 2011-12, CSSIW has been reviewing the effectiveness of these revised data collection and self assessment processes with a view to introducing further changes for 2012-13, and to ensure alignment with the proposed changes to inspection processes and the work undertaken to develop the risk assessment tool. The timing of the data collection and self assessment processes is currently connected with CSSIW's inspection timetable for individual settings. CSSIW has indicated that it intends to move to on-line data collection, with

¹² *National Minimum Standards for Care Homes for Older People*, Welsh Government, March 2004. CSSIW uses these standards to help determine whether care homes are providing adequate care, meeting the needs of service users and are otherwise operating in accordance with regulatory requirements.

providers submitting information for all settings during a fixed time period. These changes are intended to help CSSIW prioritise its annual inspection work on the basis of the information collected and to support the aggregation and publication of summary information.

- New enforcement processes have been developed, for full implementation from April 2012, and processes for assessing and completing registration forms are being simplified, although full on-line services are no longer an ambition in the short-term. CSSIW is awaiting the outcomes from consultation on the Social Services (Wales) Bill before finalising its remodelling of registration processes.
- Alongside the development of new registration, inspection and enforcement processes, CSSIW has also been consulting on a new engagement strategy, to support its intention of putting users and carers at the heart of what it does. CSSIW plans to establish a national and three regional stakeholder boards to engage with service users, providers, commissioners and other third sector organisations. CSSIW intends that members of these groups will support the lay inspection function and participate in quality assurance of CSSIW's inspection reports.
- CSSIW has also been trialling new processes for handling complaints and for adult protection that are consistent with proposals set out in the consultation on the Social Services (Wales) Bill. These new processes will be implemented in full from 1 April 2012.

The challenge, in terms of CSSIW's capacity to develop and implement new processes and structures while, at the same time, managing its day to day business, remains

27. Even if CSSIW had been able to commit more resources to speed up the development and delivery of the Review of Regulation and the Modernisation Programme, senior managers have raised concerns about the business-continuity risks of trying to deliver change too quickly. Well-publicised concerns about financial resilience in the care home sector, specifically in respect of Southern Cross, and CSSIW's own response to the issues raised by the BBC Panorama programme on the Winterbourne View Care Home in Bristol in May 2011, have also diverted attention and resources away from planned work. However, these events have, as in the case of CSSIW's response to the Week In Week Out programme in November 2009, also informed the plans for change. For example:

- CSSIW is intending to build in financial expertise within its registration and enforcement teams to ensure providers have sustainable and responsibly structured businesses; and
- CSSIW responded to the events highlighted by the Panorama programme by undertaking, in July 2011, focused inspections of 13 care homes owned by the same company in North Wales. That work provided an opportunity to test out new inspection methodologies,

drawing together a team of inspectors from across Wales, and highlighted the benefits of undertaking coordinated inspection work focusing on individual providers rather than individual settings, for example in highlighting common areas of weakness. One key finding from the inspections was that the service provider was not carrying out its own quality monitoring visits in an effective way.

- 28.** CSSIW has also had to deal with the loss of staff because of the Welsh Government's wider location strategy and voluntary severance initiatives, as well as its response to the planned reduction in its budget. While these developments reinforce the case for change, they have presented particular challenges in terms of maintaining day to day operations.
- In cash terms, CSSIW's annual budget is expected to reduce steadily from £16.5 million in 2010-11 to just under £14.5 million in 2013-14 (a 12.5 per cent reduction in cash terms, but a 19 per cent reduction in real terms).
 - Figures supplied to us by CSSIW in mid-2011 indicate that, commensurate with these budget reductions, staff numbers need to reduce from 309 posts in 2010-11 to around 270 posts in 2013-14. These projections were dependent on final decisions on organisational restructuring and the pace of change in terms of streamlining regulatory processes and introducing new information systems.
 - While the Welsh Government's voluntary severance and location strategy plans potentially support the direction of travel in terms of staff numbers, their impact has been largely outside of CSSIW's direct control. Twenty CSSIW staff left the organisation under voluntary severance in Autumn 2010, and a further 31 staff left in summer 2011. CSSIW told us that it would have preferred not to have lost some of the staff who have left the organisation.
 - In accordance with the Welsh Government's location strategy, CSSIW has reduced its number of offices from 13 to just three. The process of office closures was completed in December 2011. Some staff have chosen to pursue opportunities in other parts of the Welsh Government rather than relocating with CSSIW. Regional managers have noted a particular impact in terms of the loss of experienced business support staff. While CSSIW has been recruiting back into some posts, CSSIW managers have expressed frustration at the slow pace of the Welsh Government's recruitment processes.
- 29.** Given these workforce challenges, the caseloads for individual inspectors have inevitably increased. However, the changes CSSIW has been introducing to its regulatory processes are designed to help deliver this work more efficiently and effectively, and manage workloads responsibly. CSSIW is, therefore, confident that it is delivering its work to a better professional standard than was previously the case.

- 30.** CSSIW reported that in 2010-11 it had completed 98 per cent of planned inspections across all settings, up from 92 per cent in 2008-09 and 97 per cent in 2009-10¹³. The main shortfall in 2010-11 was in the Mid and South Wales region which achieved 93 per cent completion. Reported figures for care homes for adults aged over 65 show 100 per cent completion. For 2011-12, CSSIW expects to be able to report 100 per cent completion of its planned inspection programme, with most inspectors having completed their inspection caseload by the end of February 2012.
- 31.** In 2010-11, 91 per cent of inspection reports were made public within 63 days (only 80 per cent in the Mid and South Wales region), against a target of 100 per cent. In 2009-10 90 per cent of inspection reports were made public within 63 days. Only 30 per cent of investigations into complaints were completed and reported on within 42 days, down from 48 per cent in 2009-10 and against a target of 100 per cent. Figures for investigations into complaints at older adult care homes that were completed and reported on within 42 days fell from 53 per cent in 2009-10 to 38 per cent in 2010-11. Despite reporting these key performance indicators for complaints, CSSIW told us that many of the complaints it receives do not relate directly to concerns about standards of care and that it does not, therefore, have any real locus to investigate such matters. The new processes that CSSIW is introducing from 1 April 2012 (paragraph 26, final bullet) will clarify CSSIW's role and remit for handling complaints.

ENDS

¹³ These figures relate only to planned inspection visits and not to other visits that can take place between formal inspections, for example to follow-up on inspection findings. CSSIW's information systems cannot provide details of the total number of visits undertaken across all settings.