

Response from Care Inspectorate Wales

Consultation: Health and Social Care (Quality and Engagement) (Wales) Bill

1. Care Inspectorate Wales (CIW) welcomes the opportunity to submit evidence to support the Committee's inquiry into the general principles of the Health and Social Care (Quality and Engagement) (Wales) Bill.
2. To help inform the Committee's considerations, we have set out below the context in which CIW registers, regulates and inspects social care services in Wales. We have detailed some basic information about the social care sector in Wales and our activity within it.
3. We have commented on the general principles of the Health and Social Care (Quality and Engagement) (Wales) Bill where appropriate for CIW to do so. In preparing this response CIW has worked closely with Healthcare Inspectorate Wales (HIW).

The role of CIW

4. CIW is the independent regulator of social care and childcare in Wales. We register, inspect and take action to improve the quality and safety of services for the well-being of the people of Wales.
5. We decide who can provide services; take action to ensure services meet legislative and regulatory requirements; and investigate concerns raised about regulated services.
6. We carry out our functions on behalf of Welsh Ministers. Our independence is protected through a Memorandum of Understanding between the Chief Inspector and the relevant Welsh Ministers.

The sector

Local authority social services

7. There are 22 local authorities in Wales. CIW has powers to review local authority social services functions as set out under Social Services and Well-being (Wales) Act 2014 (the 2014 Act). We undertake this function through a combination of inspection and performance evaluation activities.
8. Our work is grounded in first-hand evidence. We engage with and listen to people who have accessed and/or are in receipt of care and support services and their carers. Inspectors triangulate evidence collected through observation of practice, talking to people about their

experiences, interviewing frontline staff and holding meetings with key stakeholders. We consider if people's experience of social services is positive and they are supported to achieve positive personal outcomes.

9. We schedule each local authority to have one adult services and one children's services inspection in a four-year period.

Regulated social care services

10. CIW has powers to register, inspect and take enforcement action against regulated social care services in Wales. These powers are set out in the Regulation and Inspection of Social Care (Wales) Act 2016 (the 2016 Act).
11. Our primary concern is to ensure people using these services are supported to achieve the best possible outcomes and are not placed at risk or do not experience harm. In order to achieve this we:
 - a) have a robust registration process, so we only register service providers who have assured us they will comply with regulations,
 - b) undertake both routine and responsive inspections, and
 - c) have a clear, progressive and proportionate enforcement pathway.
12. People are at the heart of our inspections. As part of our inspections, we visit people in their own homes, whether that be their private home or a care home. Inspectors engage with and listen to people using services, along with their relatives, friends and carers, and talk to them about their experience of care.
13. We hold a considerable amount of information on services through our registration and inspection processes as well as obtaining information from other intelligence sources e.g. concerns reported to us by citizens or professionals. We use this information to determine the type and frequency of inspection and to plan and inform what we want to focus on when we visit the service.

Table 1: Adult and Children's Services regulated by CIW as at 31 March 2019

	No. of Services	No. of Places
Adult and Children's Services	1,807	26,875
Adoption Agencies	3	-
Adult Placement Schemes	8	-
Care Home Service - Adults	1080	26,035
Care Home Service - Children	178	774
Care Home Service – Adults and Children	5	31
Domiciliary Support Services	509	-
Fostering Agencies	23	-
Residential Family Centre	1	35

Table 2: Adult and Children's Services: inspections performed by CIW (1 April 2018 – 31 March 2019)*

	No. of Inspections
Adult and Children's Services	1,166
Adoption Agencies	4
Adult Placement Schemes	1
Care Home Service - Adults	805
Care Home Service - Children	142
Care Home Service – Adults and Children	2
Domiciliary Support Services	212
Fostering Agencies	0
Residential Family Centre	0

* Please note that the number of inspections does not include Registration inspections.

Table 3: The current frequency for inspections is set out below:

Type of regulated service	Maximum interval between inspections		
	Routine	Early	Priority
Children's homes and secure accommodation	12 months	N/A	6 months
Care homes adults	18 months	12 months	6 months
Care homes providing care for people assessed as requiring 24 hour nursing care	12 months	N/A	6 months
Domiciliary support	18 months	12 months	6 months
Adult placement	36 months	12 months	6 months
Residential family centres	48 months	12 months	6 months
Advocacy	48 months	12 months	6 months
Adoption	48 months	12 months	6 months
Fostering	48 months	12 months	6 months

CIW comments on the general principles of the Health and Social Care (Quality and Engagement) (Wales) Bill

Part 2: Quality in the provision of health services

14. CIW supports the intention to impose a new duty relating to improvement in the quality of health services on NHS bodies and the Welsh Ministers in relation to their health service functions.
15. It would be beneficial to consider how this aligns with the requirements within the 2014 Act which focuses on well-being outcomes and what matters to people. This will be important in the context of greater integration of health and social care and the increasing development of multidisciplinary service delivery.
16. The Health and Social Care (Quality and Engagement) (Wales) Bill refers to quality as including effectiveness, safety and experience of individuals. The annual report on compliance with the quality duty set out in section 2(3) must include an assessment of the extent of any improvement in outcomes achieved. It is important to be clear on what is meant by 'outcomes'. Does this refer to personal outcomes for people or broader health/well-being outcomes?

Part 3: Duty of candour

17. CIW supports the intention to impose a duty of candour on NHS organisations. This aligns with duty of candour requirements placed on regulated social care services under the 2016 Act. This duty applies to local authorities operating regulated services as well as the independent sector. It requires service providers to act in an open and transparent way with individuals receiving care and support, along with their representatives.

Part 4: The citizen voice body for health and social care

18. CIW welcomes the proposal to establish a single national Citizen Voice Body (CVB) working across health and social care to ensure people's voices are heard. We can see significant benefits in a CVB focusing its activities on reflecting the voice of people and working closely with CIW and HIW to ensure people's concerns and views are heard and acted upon. We think it is important this includes positive feedback as well as concerns, in line with the strengths based approach implicit in the 2014 Act.
19. We can see great benefits if we can ensure there is joined up planning of engagement activity with the inspectorates to enable the CVB to assist in obtaining citizens' views to feed into our work on inspection and thematic reviews.
20. We note the CVB will not have powers of inspection or entry. We strongly support this approach as it ensures there is no confusion between the role of the CVB and that of the inspectorates. In the case of social care, it is an important recognition that regulated care homes and domiciliary care services are delivered in people's own homes i.e. whether that is their private home or a care home.
21. We agree it will be important for the CVB to have a high public profile and to utilise the widest possible models and tools of engagement to maximise its effectiveness.
22. It will be important to have clarity on how the body and its remit will fit within the current social care infrastructure to engage citizens. There are a number of requirements on local authorities under the 2014 Act in relation to citizen engagement. For example, under the Part 2 Code of Practice (General Functions) local authorities must:
 - a) put in place transparent arrangements where people are equal partners in designing and operating services,
 - b) ensure these arrangements comprise of local and regional panels of commissioners, citizens and providers, working together to shape

- services that meet the needs of people who need care and support, and
- c) report on what they are doing to support co-production in the Director's Annual Report.
23. Regional citizen panels have been established to provide a citizen voice on Regional Partnership Boards. In addition, Local authorities and Local Health Boards must establish and publicise a procedure for obtaining people's views.
24. It will be vitally important for the CVB to work closely with existing third sector bodies who represent citizen's voices such as Learning Disability Wales, Age Connects, Carers Trust, Hafal and Disability Wales.
25. We support the CVB having a function to make representations to NHS bodies and local authorities about '*anything it considers relevant to the provision of a health service or provision of social services*'. In relation to representations about planning and service changes in respect of local authority functions, it will be important to be clear where the role of the CVB fits with that of democratically elected members of the local authority and its scrutiny committees. Will the role of the CVBs be to provide evidence to the latter?
26. With regard to the CVB's role in providing advocacy services in respect of complaints:
- a) We can see the CVB would be an additional resource for people to call upon when making a complaint in relation to social services but we also see the need to avoid duplication and causing confusion for complainants. It will be important for the body to provide clarity on how its role in this respect fits in with the existing infrastructure for advocacy services under the 2014 Act.
- b) It is also be important to be clear if the CVB will fulfil this role as an advocate or as a representative, and what they will do in circumstances where the complaint is on behalf of a person who lacks capacity.
- c) The role of the CVB in relation to complaints about social services where children are concerned will need to be clarified in terms of which children the CVB can represent and in what circumstances. For example, would the CVB have a role in complaints by a child living in a care home against a private provider?
27. We support the recruitment of volunteers by the CVB to assist in the performance of its functions.