



Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru
Care and Social Services Inspectorate Wales

Chief Inspector's Annual Report 2016–2017

Improving social care and childcare in Wales





About CSSIW

We are Care (and Social Services) Inspectorate Wales (CSSIW), the independent regulator of social care and childcare. We register, inspect and take action to improve the quality and safety of services for the well-being of the people of Wales.

Services we regulate and inspect:

- Care homes for adults, including those providing nursing care
- Domiciliary care agencies
- Adult placement schemes
- Nurses' agencies
- Children's homes
- Childcare and play services for children up to 12 years old
- Fostering agencies
- Adoption agencies
- Boarding schools
- Residential family centres
- Residential special schools
- Further education colleges which accommodate students under 18.

We also inspect social services departments in Wales and conduct national reviews to monitor how well services are performing.

Our legal powers

We carry out functions on behalf of Welsh Ministers under the powers of the following Acts:

- Health and Social Care (Community Health and Standards) Act 2003 which gives us the authority to review how local authorities discharge their social services functions.
- Care Standards Act 2000, the Children Act 1989 (as amended), the Adoption and Children Act 2002, and the Children and Families (Wales) Measure 2010 which gives us the power to register and inspect services.

Where to get more information

- We write reports on all our inspections and reviews.
- We also publish information annually on the number of services and places that we regulate.
- More information about us is available on our website www.cssiw.org.uk.

You can also follow us on Twitter www.twitter.com/cssiw or watch us on YouTube www.youtube.com/cssiw

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Foreword from our Chief Inspector, Gillian Baranski



This has been a transformative and challenging year for CSSIW. We carried out over 2,700 inspections across adult and children's services, and childcare and play, continuing to take enforcement action where appropriate. The demanding programme of regulation and inspection was delivered during a period of significant legislative and business change. We changed the way we work with local authorities, introduced new inspection frameworks, changed how and when we carry out our inspections and started in earnest our preparation for the implementation of the Regulation and Inspection of Social Care (Wales) Act 2016.

Highlights during the year included:

- Delivering the change across childcare and play services in Wales; extending the age range of children being cared for from 8 up to 12 years.
- Introducing more outcome focused inspection frameworks for childcare and play services in April 2016 and for adult and children's care homes in October 2016.
- Piloting a new framework for inspection, engagement and performance review of local authorities.
- Intensifying preparations for the implementation of the Regulation and Inspection of Social Care (Wales) Act 2016, including extensive engagement with providers via provider events held in May, June and November 2016.
- Undertaking two Self Assessment of Service Statement (SASS) data collection exercises for childcare and play services and for services registered under the Care Standards Act.

This was not achieved in isolation but is the result of the hard work and commitment of our staff in CSSIW, colleagues in Welsh Government and partner organisations, who are all committed to improving the quality and safety of services for the people of Wales.

I would also like to thank our National Advisory Board, chaired by Professor Judith Hall, and Ein Llais members for their invaluable, constructive challenge and support which has influenced and helped shape our work greatly.

This is an opportune time to pay tribute to former Chief Inspector, Imelda Richardson. The vision and dedicated commitment she brought to the role over the past seven years, and the considerable progress made by the organisation under her leadership enabled CSSIW to make a positive difference to people's lives.

On a personal level, my first months as Chief Inspector have been both exciting and energising. It has been a great privilege to take over this role and I am looking forward to continuing to work with staff and partners to make this an even more effective organisation.



Chapter One

Involving people in our work

The people of Wales are at the heart of our work; during every inspection we talk to people who use the service and their families. We also provide questionnaires for people to complete and encourage everyone to tell us about their experience of care and support.

This year we revised our work with local authorities to engage more with people who receive care and support or their carers. This is described further in chapter four.

In addition to our well established National Advisory Board, 2016 saw the creation of three regional advisory forums 'Ein Llais' to ensure our work is informed by the views of citizens.

The Board met four times during 2016–17, with each Ein Llais Forum meeting at a minimum three times in their respective regions.

The objective and informed voice of the National Advisory Board and Ein Llais members has been invaluable and their commitment is highly valued and appreciated.

Reflections from the National Advisory Board and Ein Llais

Throughout the year we have continued to ensure the voices of people who work in and use care and social services are heard and reflected in CSSIW's work. Through consultation events, meetings and forums, we have shared our knowledge and insight and challenged CSSIW in their approach to regulation and inspection.

Our activities this year have centred on our agreed themes of ensuring the citizen voice is heard; advising and influencing policy, and challenging and supporting CSSIW in their performance and service delivery.

“ This is an exciting and challenging time for the regulation and inspection of social care in Wales and I am proud of the contributions the National Advisory Board and Ein Llais are making to improve the delivery of CSSIW's functions. This is a two-way partnership where we work collectively and constructively to ensure our 'many voices' are heard in the work CSSIW do and how they are shaping their future. ”

***Judith Hall,
Chair of the National Advisory Board***

“ Members have been truly inspirational in developing networks in their field to raise the profile of CSSIW; this will ensure that inspected services work together with inspectors to improve the lives and therefore the well-being of those they work with. Others have been determined and hopefully successful campaigners to ensure the rights of disabled people in Wales to remain living in their communities are protected, even in this difficult economic climate. ”

*Sheila Meadows,
Chair of Ein Llais North*

“ As a retired social worker and past carer, I saw poor practice, lack of integrity, loss of sight of the principles behind Care Standards and rushed care by staff who seemed weary and said they were too financially stretched to take sick leave. Managers struggled to meet basic standards and did not even consider achieving anything above that. As a result I am compelled to be part of effecting change and being a member of Ein Llais is an opportunity to contribute towards the shaping of future social care services. ”

Carol Smith, Ein Llais South East

Diagram 1: National Advisory Board and Ein Llais key achievements

<p>Domiciliary care review Providing feedback on initial findings of CSSIW’s thematic review of domiciliary care and confirming service user experiences.</p>	<p>Service user questionnaires Providing feedback on the design and development of revised feedback forms.</p>
<p>Regulation and Inspection of Social Care (Wales) Act 2016 Providing feedback on how CSSIW should implement changes in its service delivery.</p>	<p>Inspection frameworks Assisting in the development of the new domiciliary care inspection framework.</p>
<p>Inspection reports Quality assurance of CSSIW inspection reports produced using the new inspection frameworks.</p>	<p>CSSIW Strategic Plan 2017–20 Sharing our ideas on the vision for the plan including CSSIW’s core purpose and core values.</p>

Provider forums

We also recognise the importance of involving those who provide services in our work and throughout the year we have held well attended forums to ensure providers are kept up to date with the developments outlined in this report.

We took the opportunity at these events in November to ask providers to tell us about what works well when we give feedback at an inspection. We shared the feedback received from the providers with our inspectors at team meetings to help improve our practice. A summary report of the views expressed by providers can be found on our website¹.

Working with others

We recognise the value of working closely with external partners and stakeholders. We have agreed protocols, concordats and memoranda² setting out how we work with other regulators and inspectorates, and others involved in improving the quality of social care and social services in Wales. We are committed to sharing good practice. We worked closely with Care Council for Wales in the lead up to their transition to Social Care Wales in April 2017 and in particular during our domiciliary care review (see chapter four).

Inspection Wales Programme

We are a part of the Inspection Wales Programme³, which aims to improve, support and promote co-operation and collaboration between CSSIW, Wales Audit Office, Estyn and Healthcare Inspectorate Wales (HIW).

Inspection Wales recently published its stocktake report⁴ of its achievements. One key objective is to identify and support areas where Inspection Wales partners can work together most efficiently, sharing approaches and lessons learnt. A visual example of this was an Inspection Wales stand at the 2016 Royal Welsh

Show, which provided a valuable opportunity for all Inspection Wales partners to exhibit together and talk to show visitors about individual inspectorate work, and how we work together to improve services for people in Wales.

Keeping in touch

The work of our communications team is another important way in which we ensure all who have an interest in our work are kept up to date (see diagram 2).

Plans for the future

We will be working with members of the National Advisory Board and Ein Llais to review and further consider their role. We will continue to hold provider forums to ensure we keep people up to date on developments and changes.

We will plan joint inspections with HIW where this adds value to our work. In 2017–18 this will include a national review of community mental health teams.

We will continue to use our website and social media channels to keep people informed.

1 <http://cssiw.org.uk/docs/cssiw/general/170216/goodfeedbacken.pdf>

2 <http://cssiw.org.uk/about/working-with-partners/?lang=en>

3 <https://inspectionwales.com/>

4 https://audit.wales/sites/default/files/inspection_wales/inspection-wales-stocktake-eng-2017.pdf

Diagram 2: Communication and Engagement Activity 2016–17



We attended **52** events, conferences and workshops... compared to **80** during the previous period



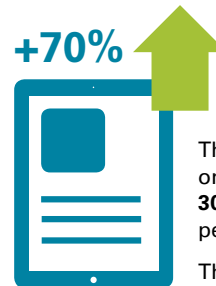
Our presence in the Welsh media amounted to **254** news items... compared to **263** during the previous period

30 media mentions in September 2016

We spoke to **408** people during the Royal Welsh Show... compared to **348** the previous year



Our bilingual monthly newsletter reached **2,480** subscribers in March 2017 ... compared to **1,296** in March 2016



There were **510,441** sessions on our website... compared to **300,500** during the previous period

This is likely due to providers reading about their SASS

It also reached **8,351** providers' email addresses in March 2017 ... compared to **5,664** in March 2016



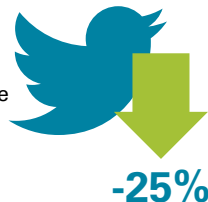
This is due to more accurate email addresses being collected during providers' self-assessments (SASS)



Our YouTube channel attracted **1,597** views... compared to **2,243** during the previous period.



Our English and Welsh Twitter channels had a combined total of **600,200** impressions... compared to **805,370** during the previous period.



Our "Choice and voice" video, published June 2016, received **264** views and **3** likes

Chapter Two

Key developments during 2016–17

Regulation and Inspection of Social Care (Wales) Act 2016

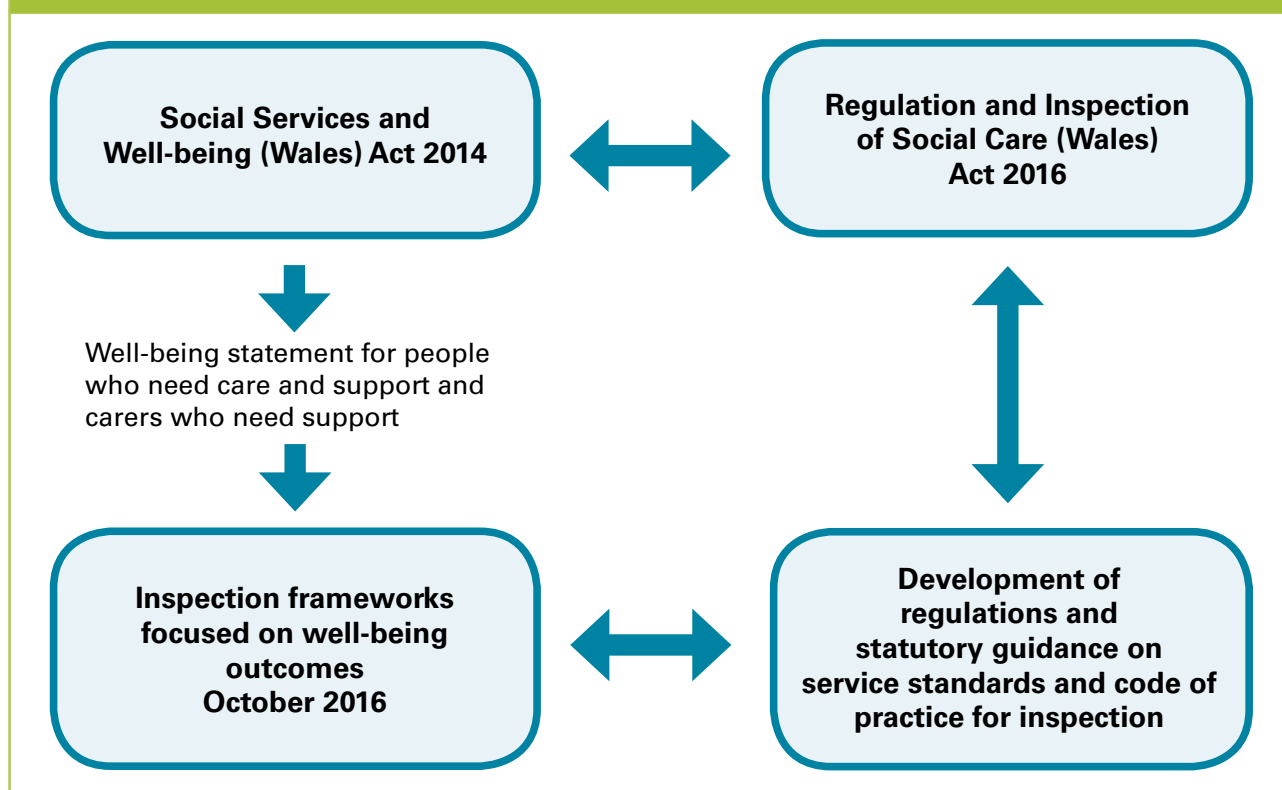
An area of significant work during 2016-17 has been preparation for the implementation of the Regulation and Inspection of Social Care (Wales) Act 2016. The Act represents a major change to the regulation of adult and children's services.

Regulation and Inspection of Social Care (Wales) Act 2016 supports the aims of the Social Services and Well-being (Wales) Act 2014, placing people firmly at the centre of regulation and focusing on their personal

outcomes and what matters to them. It brings with it an entirely new model of regulation, placing accountability for the quality of care firmly at the highest level within the provider organisation.

We have welcomed the opportunity to work with Welsh Government to inform and advise on the development of the regulations under the Regulation and Inspection of Social Care (Wales) Act 2016. We have also drafted the statutory guidance which will accompany the regulations, helping providers to understand how they can meet the requirements of the law.

Diagram 3: How it all fits together



Introduction of new inspection frameworks for regulated services

Another major project completed during this year was the introduction of new inspection frameworks for childcare and play services in April 2016 and for adult and children's care homes in October 2016.

The new inspection frameworks are outcome focused, aligned to the Social Services and Well-being (Wales) Act 2014 and Welsh Government's national well-being measures, and place a greater focus on well-being outcomes for people and child development for children up to 12 years old.

Development of the frameworks required detailed discussions with providers, policy colleagues and our own staff. We have also taken learning from other regulators. The frameworks take into account our rights based

approach,⁵ published in March 2017, which sets out our expectations and what we regard as unacceptable care.

Our inspections now have four themes as illustrated in diagram 4.

Diagram 4: Inspection themes



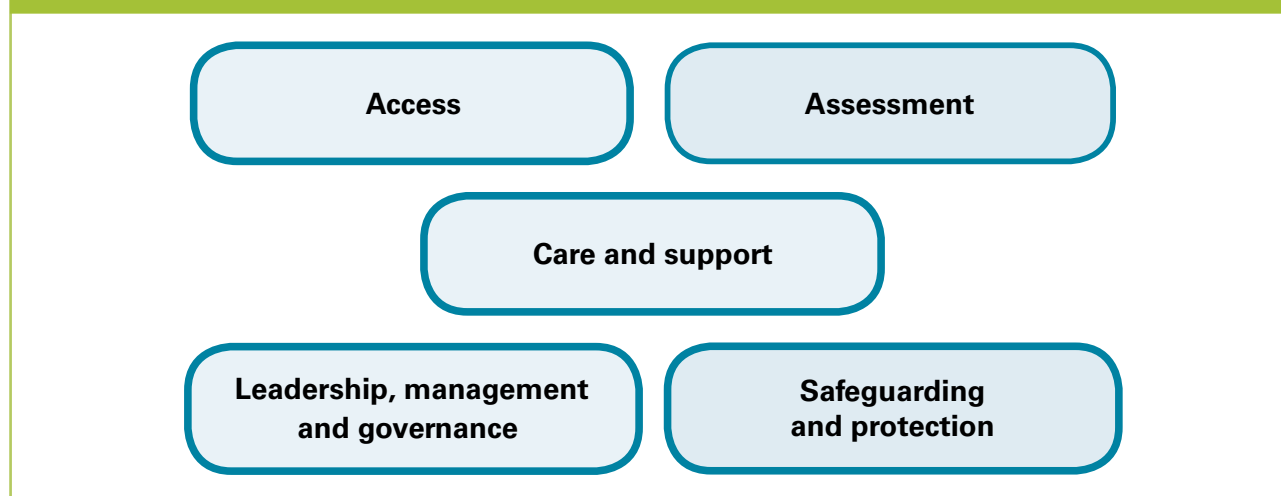
We also revised our inspection reports, making them more accessible and providing clearer conclusions about the quality of care people received.

New framework for local authority inspection, engagement and performance review

We piloted our new framework for inspection, engagement and performance review of local

authorities⁶. The framework is informed by Welsh Government’s quality standards for local authority social services⁷ and is underpinned by quality criteria. This guides inspectors in making their judgements and provides local authorities and citizens with clear information about what we expect to see.

Diagram 5: Local authority inspection framework – key dimensions



5 CSSIW Human Rights Guidance. <http://cssiw.org.uk/docs/cssiw/general/170309humanrightsen.pdf>

6 Framework for local authority inspection, engagement and performance review. <http://cssiw.org.uk/docs/cssiw/general/161202frameworken.pdf>

7 www.assembly.wales/laid%20documents/sub-ld10272/sub-ld10272-e.pdf

Changes to frequencies and types of inspections

We revised our approach to inspection, moving from a programme of baseline inspections alternating with shorter focused inspections, to one where all scheduled inspections will consider all four themes. We now use shorter 'focused' inspections to address concerns or to follow up on action taken by providers to address breaches of regulation.

To ensure we have capacity to carry out this schedule of inspections, we are moving away from inspecting within specific calendar years for every service, to an approach based on maximum intervals between inspections, and this may differ for each service. This ensures we have early inspections for services which are new, have experienced significant change or where there are concerns about the quality of care.

For childcare and play services we have moved to a maximum interval of 24 months for full day care services and 36 months for child minders, sessional day care, open access play, crèches and out of school care. For adult and children's services we will be introducing new time intervals as part of the implementation of the Regulation and Inspection of Social Care (Wales) Act 2016.

Incorporating Food Standards Agency ratings into our work

We worked closely with the Food Standards Agency (FSA) and Environmental Health because of concerns about food hygiene in care services. Any service with a zero or one food rating is a cause for serious concern and we have included consideration of food hygiene ratings in our new inspection frameworks. We have also agreed a protocol with the FSA so any food hygiene concerns are promptly reported to us to inform our inspection planning.

ICT and Digital developments

Building our digital capacity and capability has been a priority for us and our investment in digital services has received a very positive welcome from providers. We are pleased that 82% of all registered and regulated services have accounts with CSSIW Online.

The online service to date has:

- Undertaken two Self Assessment of Service Statement (SASS) data collection exercises for childcare and play services and one for services registered under the Care Standards Act.
- Enabled providers with CSSIW Online accounts to update their profile information.
- Shared our register with key stakeholders, for example HMRC can use our register to support their tax free childcare scheme. This supports the principle of 'collect once, share many' to avoid the same information being collected by different bodies.

Providing a bilingual service

We recognise people in Wales should receive their care services through the Welsh language where they need or choose to and we are committed to providing an excellent bilingual service to our customers. We are committed to complying with the Welsh Language Standards⁸ introduced in March 2016 and the More Than Just Words: Follow-on Strategic Framework⁹.

We aim to ensure all Welsh medium services are inspected by Welsh speaking inspectors. During inspection we ask about people's experiences of the quality of Welsh language provision in care and record this in our inspection reports. We pay particular attention to vulnerable groups such as children in day care services and people with dementia who may have lost the ability to communicate in English.

We continued to review our processes and embed changes and improvements, including:

- Identifying providers' language preferences for communication, inspection and publication of report via our online registration forms and annual SASS returns.
- Integrating the aims of the More than Just Words Strategic Framework into our new inspection methodologies, processes and reports.

8 www.comisiynyddygyymraeg.cymru/English/Language%20duties/Pages/What-are-standards.aspx

9 More Than Just Words: Follow-on Strategic Framework for Welsh Language Services in Health, Social Services and Social Care 2016-19, <http://gov.wales/topics/health/publications/health/guidance/words/?lang=en>

- Through the SASS returns we started to document the extent to which providers meet people's Welsh language needs.
- Updating our ICT system to enable us to collate and publish information on Welsh language provision in care so that we can monitor improvement in years to come.
- Updating our publication policy¹⁰ to ensure the inspection reports for all Welsh medium and bilingual services are automatically published bilingually on our website. For English medium services they will be published in English only unless requested otherwise.

We will continue to develop our digital services to ensure they reflect and support our business in a period of rapid legislative change. Our future plans for 2017–18 include development of:

- Online registration and variations for most services.
- Online notifications.

During 2017–18 we will introduce new inspection frameworks across all other services we inspect including fostering, adoption and domiciliary care services.

Plans for the future

Preparing for and implementing the Regulation and Inspection of Social Care (Wales) Act 2016 is a major work programme for us over the next two years.

We will develop a fully online registration system to streamline the process, with detailed transition guidance for providers to be published in October 2017, and a new online system in place in early 2018.



¹⁰ CSSIW Publication Policy.
<http://cssiw.org.uk/terms-and-conditions/welsh-language/?lang=en>

Chapter three

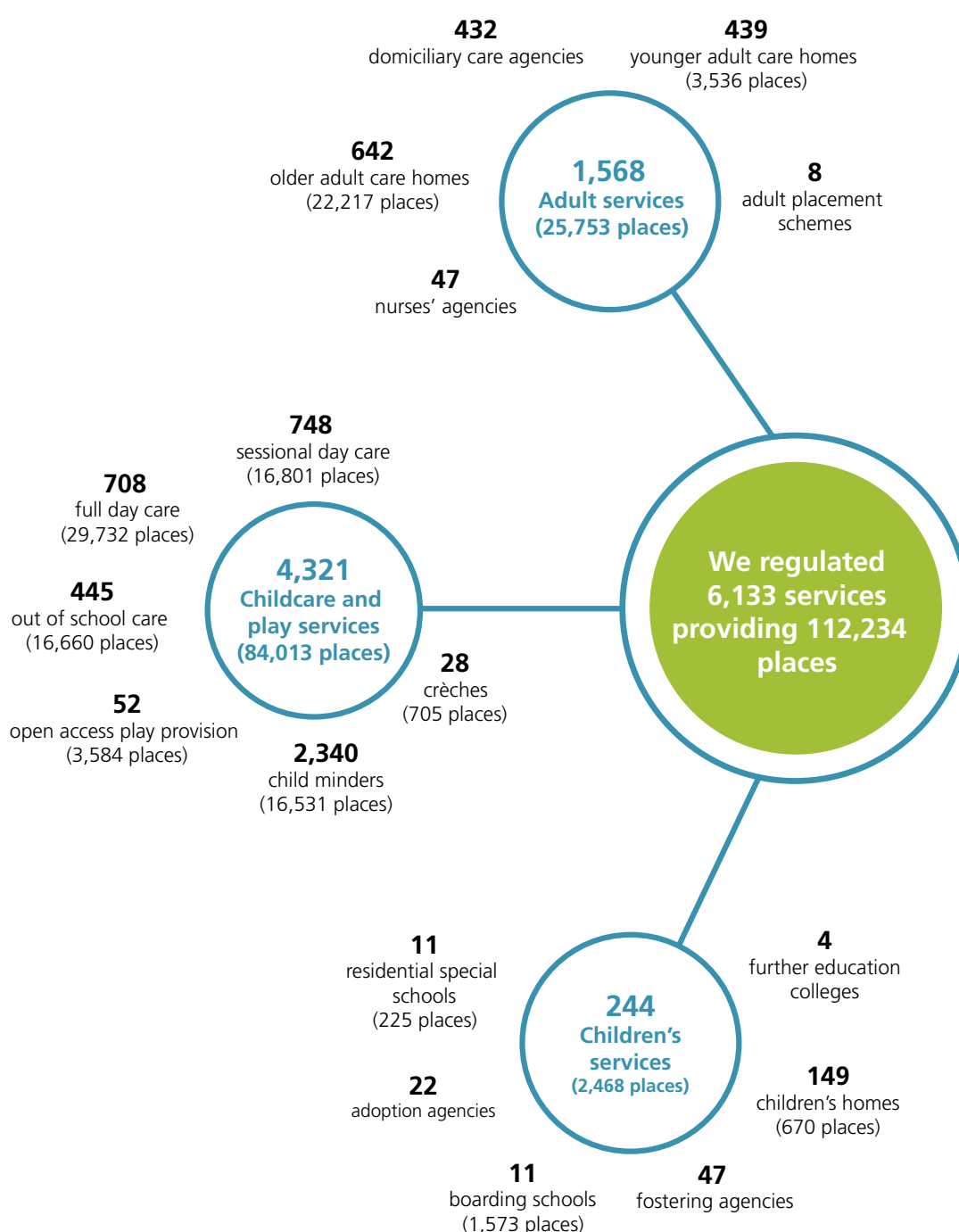
How we performed: registration, inspection and improvement of care services

Services regulated by us

There has been a small reduction in the number of care homes for older people regulated by us,

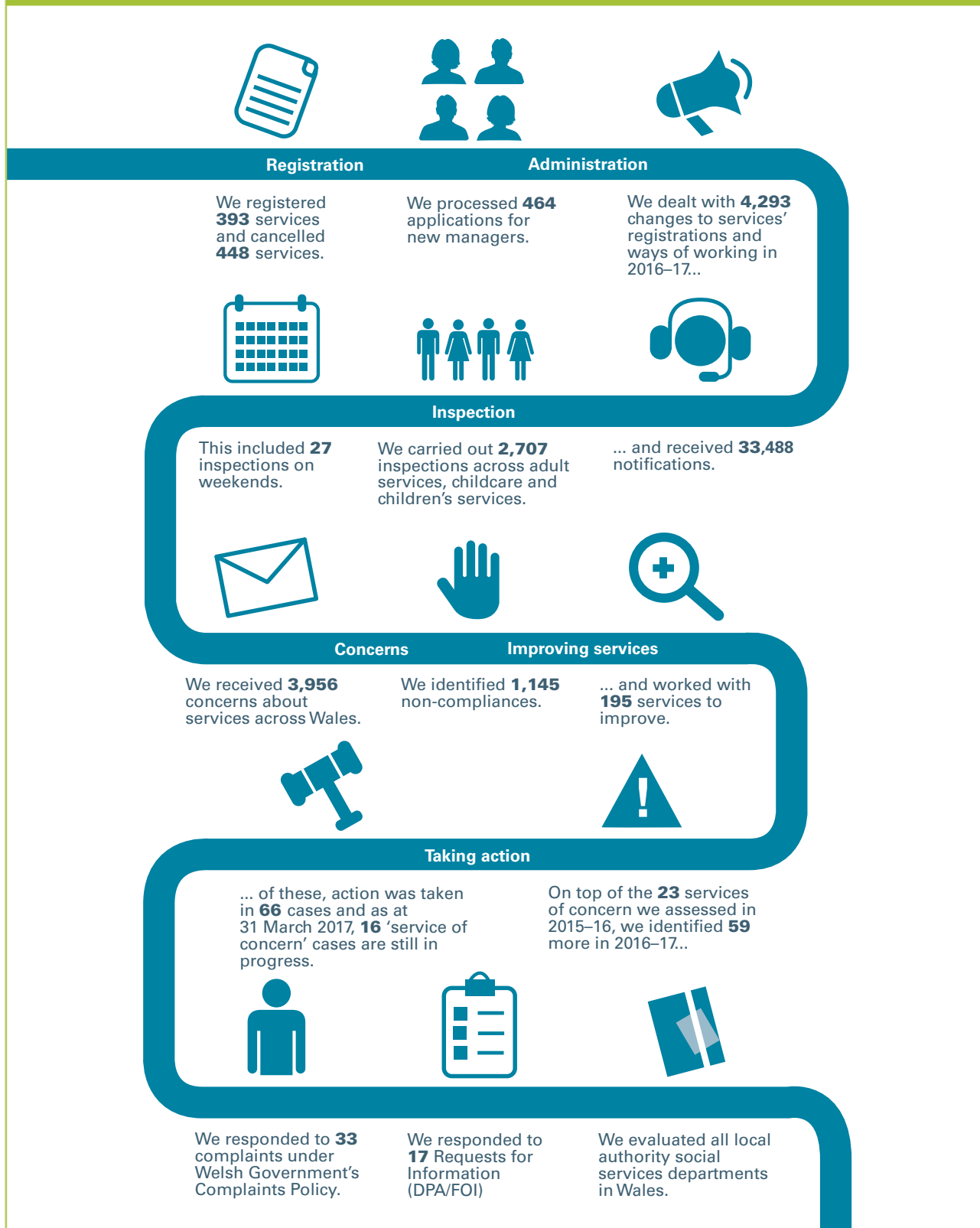
although the number of places has slightly increased. There are also an additional 3,910 places in childcare and play services, partly explained by the inclusion of 8 to 12 year olds.

Diagram 6: Number of services regulated by us, 2016–17



Inspection activity in more detail

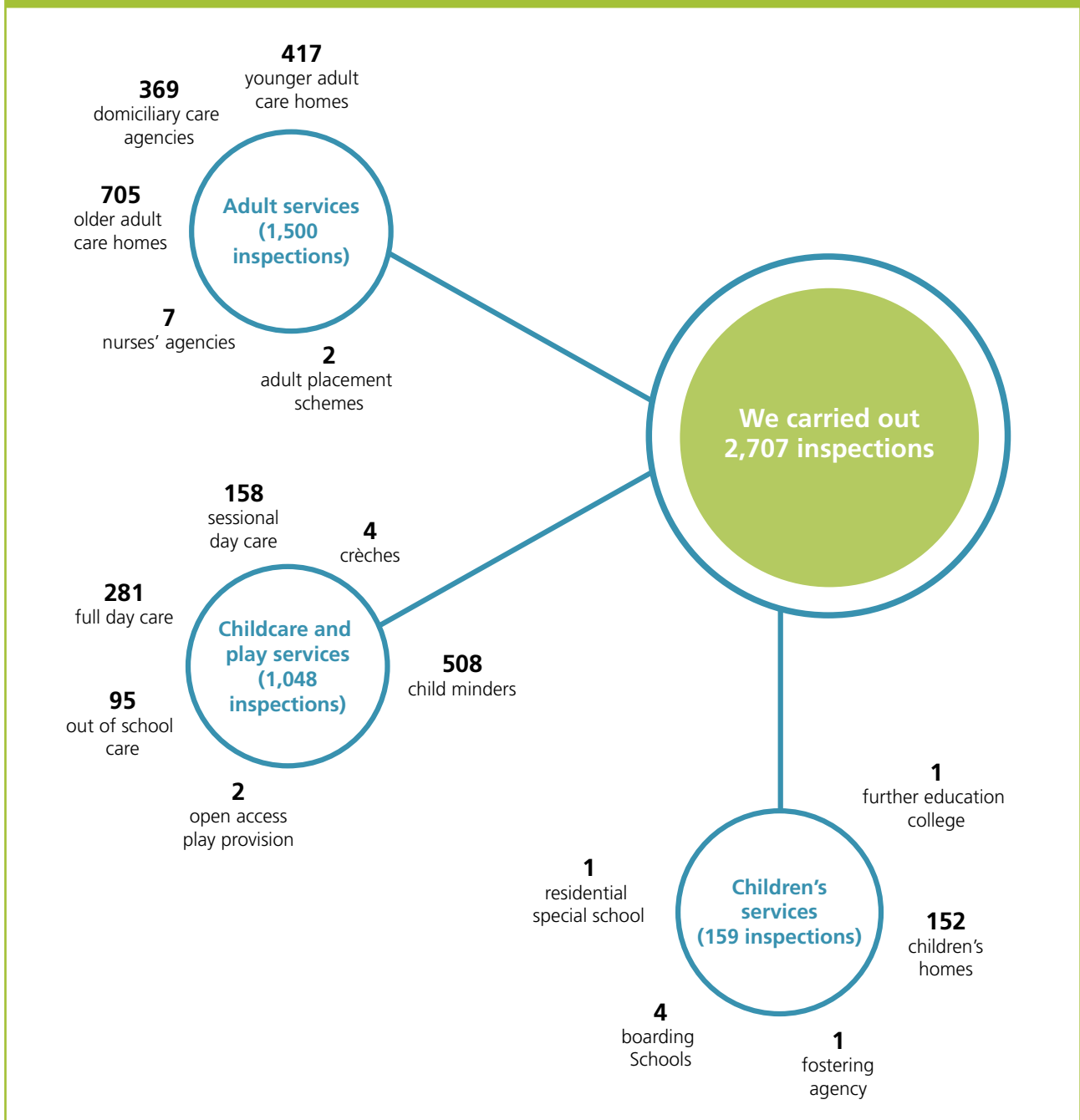
Diagram 7: How we performed in 2016–17



Sourced from CSSIW data management system

The change in the number of inspections carried out by us in 2016–17 is due to our move to ‘full’ inspections and a change to frequencies in childcare and play services (see chapter two).

Diagram 8: Number of inspections carried out by us, 2016–17



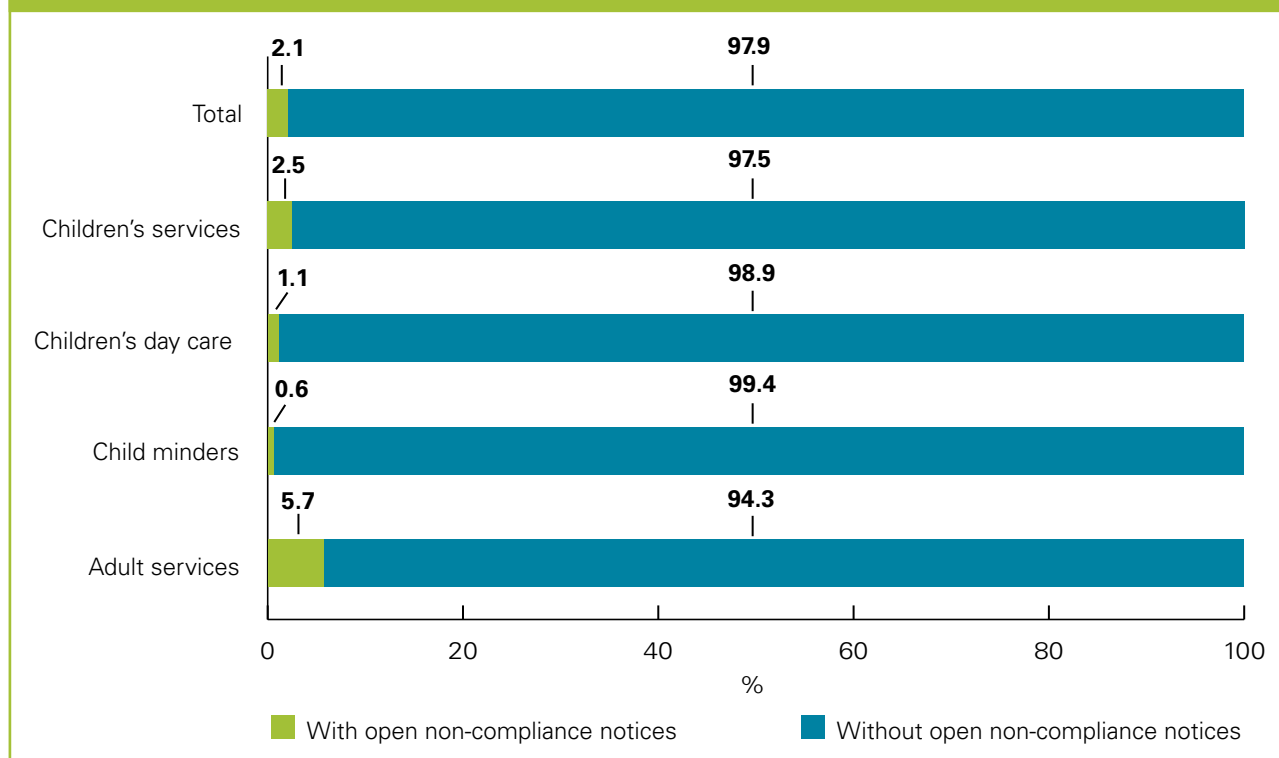
Sourced from CSSIW data management system

Patterns of non-compliance

During an inspection where we identify a care provider does not comply with legal requirements or the conditions of their registration, we will issue a non-compliance notice (NCN) if the inspector assesses there

has been or could be a significant impact on the well-being of people using the service. Notices set out what action is required with clear timescales. More detail can be found on the Stats Wales website¹¹.

Diagram 9: Annual performance of services inspected as at 31 March 2017



Responding to concerns

In addition to our inspections, we rely on concerns being reported to us by members of the public, if they see anything in a care service they are worried about. We take concerns seriously and use a range of information to inform our inspection planning. It is important people know how they can report a concern to us, either over the phone, via email or directly to inspectors while they are out and about.

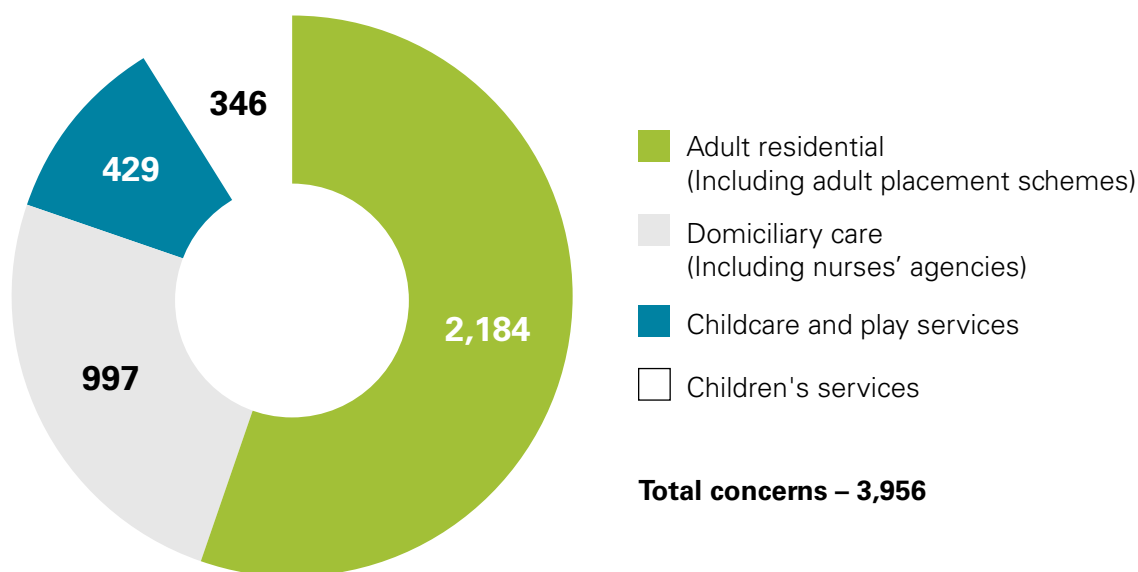
There was a 38.8% increase in concerns about services in 2016–17 (diagram 10). We consider this as resulting partly from an increasing awareness of our role. 41% of the concerns were raised by members of the public, 11%

were raised by whistle blowers (i.e. member of staff), and the remainder were raised by providers and other agencies.

The majority of concerns raised were about possible neglect or abuse and we worked closely with local authority safeguarding teams about these. In response to half of the concerns we carried out an inspection, either immediately or by bringing forward scheduled inspections. Other concerns were considered and informed the next scheduled inspection.

11 <https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Services-for-Social-Care-and-Childrens-Day-Care>

Diagram 10: Concerns received about services in 2016–17



Enforcement activity

The quality of care provided affects people and their families directly. Where we identify poor care in a service, we work with the provider to secure improvement where possible and ensure good outcomes for people using the service. However, when things do not improve or where we have real concerns about safety or quality of care, we act.

A 'service of concern' is a service where we have decided formal enforcement action is necessary. The action we take ranges from increased inspection to cancelling the service's registration. We are proportionate in our approach and only take formal action when a service fails to improve and/or where there are serious concerns about the well-being of risks to those using the service.

We completed enforcement action on 66 services of concern: 28 were adult services, 34 childcare and play services and 4 were children's services. As a result of our action, 23 services were cancelled and 12 achieved compliance. Other action included suspending or imposing a condition on a service's registration. Ten services had their suspensions lifted after improvements had been made. During this period urgent action was taken in three quarters of the cases referred to 'service of concern' meetings.

Local authority inspection

We carried out 12 inspections of local authorities, explored in more detail in the next chapter.



Chapter Four

Our work with local authorities and our thematic reviews

Engaging with people

We took a new approach to evaluating the performance of local authorities to ensure we had more direct engagement with people with care and support needs and their carers. As part of this approach, each year we identify themes for our engagement activity across Wales and our focus for 2016–17 was carers and adult safeguarding.

In support of carers – Carers engagement overview report

We spoke to 400 carers and carers' voluntary organisations in all 22 local authority areas to gather their views. We were interested in what impact the introduction of the Social Services and Well-being (Wales) Act 2014 has had on the support they received. We published our findings in our overview report¹² in June 2017.

What we found

- In transforming services in line with the Social Services and Well-being (Wales) Act 2014, support for carers has not been at the forefront of planning and delivery for local authorities and their partners.
- Most local authorities have carers' strategies in place but some of these have not been reviewed to reflect changes under the Social Services and Well-being (Wales) Act 2014.
- There are examples of positive and innovative practice across Wales which would benefit from spreading more widely.
- Funding for carer support services remains largely short term.
- Carers are not routinely being offered an assessment of their needs nor provided with information, advice or support.

- There is a wide range of information available but carers sometimes have to go to several places to obtain this and it is not always easily accessible, especially at times of crisis.
- We identified two types of carers where support was most limited. These were parent carers for children with complex needs and carers of adults with mental health needs.

We will continue to engage with carers as part of our inspection and performance review programme to follow up with each local authority on its plans to improve support for carers.

Safeguarding

In considering the effectiveness of local authorities' safeguarding arrangements for adults at risk, we were particularly interested in how people at risk and their families were involved in the process. As a result of this year-long work we discussed our findings with individual local authorities, highlighting positive practice and areas for improvement.

What we found

- Front line staff were open and honest about their successes and challenges. We found people were balancing priorities with tight timescales and were highly committed to making a positive difference for adults at risk.
- Inconsistent practices in ensuring people are kept fully involved; for most this is an area for improvement.
- The need for greater consistency in the application of eligibility, timeliness of response, reviews and completion of cases.
- The need for strengthened quality assurance approaches.

¹² In support of carers – carers engagement overview report, <http://cssiw.org.uk/docs/cssiw/report/170615carersen.pdf>

We also wrote to regional safeguarding boards setting out our findings and encouraging them to consider the learning from the review to inform their future development plans.

Core inspection programme

This year we implemented our new framework with inspections focusing on how well people were able to access care and support, including the provision of information, advice and assistance. The inspections provided an opportunity to explore early implementation of the Social Services and Well-being (Wales) Act 2014 and the developing relationship between preventative and statutory services.

We carried out inspections of adult services in Ceredigion and of children's services in Wrexham, Anglesey, Bridgend and Carmarthenshire. The five local authorities inspected were operating in a significant context of change and the timing of the inspections meant that the authorities were at very different stages of implementing the Social Services and Well-being (Wales) Act 2014.

What we found

- We were pleased to note the commitment of senior managers, staff and partners to achieving improvement in the provision of help, support and protection for people and their families.
- Remodelling of services was being undertaken within an extremely challenging environment, the impact of which cannot be underestimated. The local authorities visited all had to make substantial financial savings and social services, both children's and adults, were required to contribute to this corporate priority.
- Children's services were all facing extreme pressure in responding effectively to increasing volumes of demand, complexity of casework and rising levels of expectation.
- All were working hard to manage the imperative of promoting independence and proportionality of response, whilst also maintaining the necessary vigilance and professional curiosity needed to effectively safeguard people and meet their statutory responsibilities.

We also carried out a follow up inspection in Pembrokeshire¹³ to assess progress made in improving services for people with learning disabilities.

National and thematic inspections

These inspections examine a specific theme across Wales. They focus on performance and identifying good practice or deficiencies at representative local authorities, and help identify solutions for moving forward services at local and national level. We undertook a national review of care planning for children and young people subject to Public Law Outline (PLO) pre-proceedings and published our review of domiciliary care in Wales.

National review of care planning for children and young people subject to Public Law Outline (PLO) pre-proceedings

In December 2016 we published our report¹⁴ which reflects the findings arising from a self assessment completed by all local authorities, and field work carried out in six local authorities between May and August 2016.

What we found

- Work carried out under the PLO was outcome focused.
- We were able to see children were settled in permanent placements, and in most cases their needs were being addressed through direct work or therapy.
- Family support services were well developed and in most areas had been tailored to meet the presenting needs.
- There was a lack of primary mental health services for parents, and specialist children's services were mainly funded by social services.
- The interface between intensive and preventative services was an area for improvement.

13 Follow up inspection of learning disability services: Pembrokeshire County Council – <http://cssiw.org.uk/docs/cssiw/report/170621pembrokeshire2en.pdf>

14 <http://cssiw.org.uk/docs/cssiw/report/161221careplanen.pdf>

What we recommended

- There should be a systematic approach to ensuring the threshold for PLO pre-proceedings has been reached.
- There should be effective arrangements in place to inform parents and carers about the PLO arrangements and what this process means.
- Care planning arrangements should support timely permanence for children and young people to achieve good outcomes.

“Above and Beyond”: National review of domiciliary care in Wales 2016

In September 2016 we published our thematic review of domiciliary care in Wales “Above and Beyond”¹⁵. This national review integrated the findings from inspections of local authorities and domiciliary care services. Our interest was how services were both commissioned and delivered. The findings of the report have informed the *Five year strategic plan for care and support at home in Wales*¹⁶, the implementation of which is being led by Social Care Wales. The findings have also informed the development of regulations and guidance under the Regulation and Inspection of Social Care (Wales) Act 2016.

What we found

- The sector is very fragile. There is a fundamental lack of workforce capacity especially at certain times of the day. Although care workers are very dedicated, the pay, conditions of work and the emotional demands seriously impact on the potential to create a sustainable workforce.
- People who need care and support become overlooked in the “system” of assessment and brokerage. Rigid and cumbersome approaches to time and task procurement result in a lack of flexibility to respond

to people’s needs on the day. People in need of care and support seek and value relationships with their care workers.

- Commissioning and procurement practice is highly varied and adds unnecessary burdens, cost and complexity. It drives provider behaviour which in turn impacts on how staff are organised and paid. The prices paid by some authorities are irrational and do not meet basic costs. It is not surprising that calls are sometimes shortened.

The overriding conclusion of the review is the way local authorities purchase care directly affects workforce sustainability and is driving the fragility of the market.

The report however does point to good practice and highlights the importance of strong collaborative relationships between providers and commissioners, the value of listening to each other, and contracting on the basis of mutual interest, benefits and risk sharing. The report signals the urgency with which this needs to be addressed and the strong leadership which is required to drive consistency across Wales. It highlights the opportunities of developing a Welsh franchise and the advantages of supporting ICT, neither of which have received attention.

Since the publication of the report we have continued to promote our findings at a series of conferences and workshops and through our representation at the National Commissioning Board. We are now developing a new inspection framework for domiciliary care based on the findings of the report and the success of the framework used to inform the national review.

15 <http://cssiw.org.uk/our-reports/national-thematic-report/2016/160626-national-review-of-domiciliary-care/?lang=en>

16 <https://socialcare.wales/resources/care-and-support-at-home-in-wales-five-year-strategic-plan-2017-2022?record-language-choice=en-cy>

Deprivation of Liberty Safeguards (DoLS) 2015–16

Welsh Ministers are responsible for monitoring the operation of DoLS in Wales. The safeguards exist to empower and protect any individual with mental disorder, where there is doubt about their mental capacity, to make informed decisions about their care when they are hospital patients, or residents in a care home.

Monitoring of DoLS is carried out jointly by ourselves and Healthcare Inspectorate Wales (HIW) and we reported the key findings and analysis of the 2015–16 data¹⁷. The data is collected from the supervisory bodies, comprising 22 local authorities and 7 health boards, which carry out the independent assessments of capacity.

What we found

- We found a continued increase in the total number of DoLS applications received by supervisory bodies across Wales, rising by over 15% from 2014/15 to 12,298 applications from 10,681.
- Of the 12,298 applications received, 8,792 were to local authorities, which is an increase of 7.3% since 2014/15.

- There were large variations in the rate of increase between the different local authorities, with some seeing a decrease in applications received. Local authorities in the south west had a substantially higher number of applications than the rest of Wales, with an average of 551 compared to a national average of 400.

Plans for the future

Our themes for inspection, engagement and performance review in 2017-18 are support for people with mental health needs, and placement decision-making for children who are looked after.

We will be working jointly with HIW on a review of Community Mental Health Teams; we also plan to organise a joint workshop about DoLS to discuss key issues with local authorities and health boards in Wales.



¹⁷ <http://cssiw.org.uk/docs/cssiw/report/170504dols1516en.pdf>

Chapter Five

A closer look at childcare and play services

Childcare and play is a significant priority for Welsh Government. The childcare offer will provide increased funding for families to access free childcare and the Well-being of Future Generations (Wales) Act 2015¹⁸ places importance on early childhood development. Our role as an inspectorate is pivotal in ensuring childcare provision is safe and provides high quality care which nurtures children and supports their development.

This was a very busy year for our childcare and play teams. In addition to introducing new inspection frameworks (as set out in chapter two) we also re-registered 4,353 childcare and play services, completed a pilot study of joint inspections with Estyn and introduced ratings to our inspections.

Registration change for childcare and play services: increased age range

By August 2016 we implemented the changes to registration for childcare and play services in Wales, extending the age range of children being cared for to 12 years and taking account of revised National Minimum Standards. We took the opportunity to simplify the registration conditions of services to create greater flexibility for those providing care, and to reduce the administrative burden on both childcare and play providers and ourselves. The task was complex and we are very grateful for the support of provider associations in achieving this.

Joint programme with Estyn

In 2016 we completed a pilot to explore the feasibility and benefits of undertaking joint inspections of foundation phase settings with Estyn. Following the pilot we commissioned an independent evaluation which identified that although the two inspectorates have different

remits, it was evident that inspecting together was possible and added value. The settings involved welcomed the reduction in duplication and reported they felt inspectors worked well together. We also identified challenges to a further roll-out, not least the different ICT systems and equipment our inspectors use. We are planning to introduce routine joint inspections for these services from September 2018.

Introduction of ratings

We also changed the way we collect evidence and present it in our reports and have introduced inspection ratings for each of the inspection themes. There are four ratings: Excellent, Good, Adequate and Poor. At this stage ratings are only shared with the provider and do not appear on our reports.

Enforcement activity

The childcare and play sector is generally compliant; however, we have undertaken a significant level of enforcement action in relation to 34 childcare and play services. This primarily relates to safeguarding concerns that have been raised with us by members of the public. We have had particular challenges in relation to multiple child minding arrangements where a group of child minders collaborate to care for children. It can be difficult to determine where accountability lies and who is responsible for which child. Our view is such arrangements fall outside traditional child minding and should be registered and dealt with as day care services. We will be discussing with Welsh Government how the current law can be revised to overcome this anomaly.

Annual self-assessments

The introduction of online Self Assessment of Service Statements (SASS) was technically challenging, requiring every service to set up a secure online account and to complete

¹⁸ <http://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>

electronic returns. 76% of services achieved this and we are grateful for the support of provider associations in assisting providers to complete their returns. The information contained in the SASS helps our inspectors plan for inspections.

Collecting data nationally and electronically also means the information can be analysed to provide intelligence on trends; for example in capacity, use of Welsh language, take up of foundation phase and flying start placements and workforce qualifications. We have shared the data we have gathered and analysed with national and local government officials and with Social Care Wales. This has been invaluable to inform planning for the introduction of the new childcare offer.

What we found – key findings from the SASS

- The majority of children attending childcare were aged three years or younger reflecting the higher demand for pre-school care.
- There is high variance in the provision of Welsh language with relatively few child minders offering a Welsh language service – only 6% provided a service in Welsh and 12% a bilingual service.

- Nearly all services are meeting the qualification requirements set out in the National Minimum Standards, but there are still a minority (3%) of childcare practitioners without any relevant qualifications.

Plans for the future

In 2017–18 we aim to ensure all services complete their SASS returns electronically introducing an additional component to capture the quality of care reviews undertaken by services.

In 2018 we will recommence joint inspection with Estyn and publish ratings in our reports.



Chapter Six

A closer look at adult and children's services

Using care staff to support registered nurses in nursing homes

In our last annual report we reported on the critical issue of the lack of nurses in health and social care and the impact this is having on the quality and continuity of care. We have seen a small number of care homes close in the past year and these have been mainly due to a combination of quality issues and financial sustainability; but some of these closures were specifically related to providers' inability to recruit registered nurses.

In response to this and requests from a number of providers who wanted to use nurse "assistants", we published guidance on our approach to the delegation of nursing tasks within nursing homes¹⁹. This was based on the requirements of current legislation. We believe that effective, responsible delegation to senior carers has a number of benefits, including improved continuity of care and releasing nursing capacity to provide clinical evaluation and oversight. This is borne out by research undertaken by the Social Care Institute for Excellence (SCIE)²⁰ as part of the evaluation of the pilot. Delegation also provides the basis for a more sustainable workforce and creates positive opportunities for career progression. Many providers have welcomed our approach and have responded responsibly.

Enforcement activity

We pursued civil enforcement action in relation to 32 adult and children's services, mostly older people's care homes but also a small number of care homes for people with learning disabilities and children's homes. As a result some services improved whilst others closed or were sold to new providers. We worked

closely with commissioners when closures were considered to ensure contingency plans could be made for those who may have to move home. Local authorities and health boards often put in place improvement teams to assist the provider and safeguarding care home residents; however, this can have the effect of masking poor leadership and management. The result can be services come to depend on the support they receive and cannot sustain improvement when support is withdrawn.

The dilemma facing us is to balance the need for prompt action to protect people, while allowing reasonable time to see if services can improve. We are also aware that relatives and residents can find it hard to understand why we are taking action if their personal experiences of care are not bad and they face the prospect of having to move, perhaps miles away. We assure people we only take action to close services when we have serious concerns and clear evidence of risk to people's well-being.

We have also taken enforcement action in relation to a small number (14) of domiciliary care agencies. Problems commonly relate to poor organisation and management and the inability to provide continuity of staff and reliable visits.

Safeguarding issues in children's services

We became increasingly concerned about children going missing from children's homes and being at risk. We have worked closely with the police to identify solutions and as a result we planned a joint summit with South Wales Police²¹ to raise the profile of this issue and provide recommendations for improvement in multi agency working and practice.

19 http://cssiw.org.uk/docs/cssiw/general/160919_nursingguidanceen.pdf

20 <http://www.scie.org.uk/care-providers/hc-one>

21 *Child exploitation Summit: multi-agency working where children are placed out of county, go missing and are at risk of child sexual exploitation*
<http://cssiw.org.uk/our-reports/national-thematic-report/2017/170818-joint-police-summit-report/?lang=en>

We have also been reviewing the findings from our children's home inspections. Common themes have been the inability of homes to ensure continuity of staff, compliance with the qualification levels required by regulation (80%) and inconsistent management.

Annual self-assessments

In October 2016 providers of registered adult care homes and children's homes completed their Self Assessment of Service Statement (SASS) for the first time using CSSIW Online. The SASS data collected helped us and providers prepare for the implementation of the Regulation and Inspection of Social Care (Wales) Act 2016. By April 2017, 1,007 providers of adult care homes and 141 providers of children's homes had completed the SASS representing a 92% and 95% response rate respectively.

What we found – key findings from the SASS

- The majority of care homes have very few vacant places, with approximately 90% of all registered places being filled.
- 47% of children's homes reported having no vacant places at the time of the SASS collection.
- The majority of care homes in Wales do not operate in the Welsh language, with only 16% of older, 7% of younger adult and 12% of children's homes reporting Welsh as their main language.

- Around 3% of care homes are not meeting the minimum size requirements for their bedrooms and nearly a quarter of older adult care homes are not providing sufficient communal space.
- Approximately half of all buildings used as adult care homes are over 50 years old whilst just over half of buildings used as children's homes were purpose built for care, but are likely to be 50 years old or more.

Plans for the future

With HIW we will be carrying out a review of healthcare support for older people living in care homes in north Wales in response to recommendations made by the Older People's Commissioner for Wales²².

We will be taking forward the relevant recommendations from our summit on multi-agency working for children who are placed out of county, go missing and are at risk of child sexual exploitation.

The transition of services to being registered under the Regulation and Inspection of Social Care (Wales) Act 2016 as described earlier will be a major focus of our work in 2017–18.

²² www.olderpeoplewales.com/en/Reviews/Residential_Care_Review/ReviewReport.aspx

