



**Cyngor Gofal Cymru**  
Care Council for Wales

*Hyder mewn Gofal - Confidence in Care*



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

# Protocol for the Exchange of Information

between

The Care Council for Wales

and

Care and Social Services  
Inspectorate Wales

[www.cssiw.org.uk](http://www.cssiw.org.uk)  
[www.ccwales.org.uk](http://www.ccwales.org.uk)

**Protocol for working together:  
Care and Social Services Inspectorate Wales (CSSIW) and  
Care Council for Wales (the Care Council)**

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## 1. Revision history and approval

This document was prepared by:

Version	Date Agreed
2.0	TBC
1.1	In development
1.0	01 November 2011

Date	Document revision description	Document updated by
April 2015	Document further revised following 2 sub groups meetings on 15/01/15 & 27/02/15	Jen Noble
05/11/14	Document revised following 2 sub group meetings (CSSIW & CC)	Jen Noble
14/03/14	Significant update completed jointly by staff from both CSSIW and the Care Council	Jen Noble
06/11/13	Work begun on updating the Protocol.	Sian Edwards
21/01/13	Table 6.3 amended and updated. Revision history section amended.	Peter Kennedy
09/02/12	Additional signatory section removed, Amendment to information shared item details and frequency.	Peter Kennedy
11/01/12	Amendments following Protocol Workshop – to some contact information at 6.3, and to 2.1, 9, 13 and 14 of 6.4.	Sian Edwards
14/11/11	Amended national office data provider details at 6.3 and updated method of sharing detail for first item at 6.4	Peter Kennedy
13/10/11	Amendment to new category (no 12) in the table at 6.4 and addition of the new category in Annex 5.	Sian Edwards
13/10/11	Add new category of shared information to cover authorities under Special Measures	Chris MacDonald
5/10/11	Updated to delete template instructions and replace references to “further work required...”	Chris MacDonald
12/09/2011	Updated following discussion with Gerry Evans and Jonathan Corbett	Sian Edwards Catrin Awoyemi
05/09/2011	Minor changes following internal CSSIW and Care Council discussions	Sian Edwards Catrin Awoyemi
01/09/2011	Updated following queries at working meeting	Sian Edwards
23/08/2011	Updated during working meeting. Present: Care Council – Sian Edwards, Ruth Geuter, Becky Collier, CSSIW – Catrin Awoyemi, Chris MacDonald	Catrin Awoyemi
29/07/2011	Consideration of Care Council comments and consideration with Chris MacDonald and Jonathan Corbett	Catrin Awoyemi
05/07/11	Initial input from Care Council including amendments and suggestions	Sian Edwards

18/05/2011	Information security section only of protocol revised as initial stage to revision of entire Protocol for CSSIW / the Care Council working together. Last version of entire Protocol dated May 2010.	Catrin Awoyemi
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## **2. Introduction**

This Protocol sets out the arrangements for exchanges of information between CSSIW and the Care Council for Wales, in preparation for joint working, information sharing and use of common ICT tools between the two bodies.

## **3. Aims / purpose and scope of this Protocol**

- 3.1 The objective of this Protocol is to set out the framework that the Care Council for Wales (“the Care Council”) and Care and Social Services Inspectorate Wales (“CSSIW”) have agreed for co-operation, joint working and the exchange of information relating to each body’s respective responsibilities for regulating the social care workforce and regulating social care services.
- 3.2 This Protocol does not affect existing statutory functions or amend any other policies or agreements relating to the activities of the Care Council and CSSIW. It does not imply any transfer of responsibility from one to the other, nor does it imply any sharing of statutory responsibilities.
- 3.3 Nothing in this Protocol restricts the exercise of each body’s respective statutory responsibilities.
- 3.4 This Protocol is not enforceable by law. However, the Care Council and CSSIW agree to adhere to its principles and to show due regard for each other’s activities.
- 3.5 Situations requiring communication and co-operation may arise between CSSIW and the Care Council in the following circumstances:
  - when CSSIW wishes to bring specific concerns to the Care Council’s attention;
  - when the Care Council wishes to bring specific concerns to CSSIW’s attention;
  - through on-going exchange of information and co-ordination of activity;
  - to support further opportunities for collaborative working.

## **4. Roles and responsibilities of each organisation**

### **4.1 CSSIW**

- 4.1.1 CSSIW is an operationally independent division of the Welsh Government. It provides a citizen-centred regulation and inspection service, encouraging the improvement of social care, early years and social services by regulating, inspecting, reviewing and providing professional advice.
- 4.1.2 As part of CSSIW’s regulatory function, it registers, inspects and where necessary, takes action to improve childcare and social care in Wales, to make sure that only people and organisations that will provide a safe and high quality service are registered.
- 4.1.3 Inspections may be either ‘focused’ which concentrate on the experiences of people receiving services, or ‘baseline’ which look in more detail at the way services are delivered. Inspections are unannounced and a report of findings is published for each service and publically available on CSSIW’s website. CSSIW also provides an annual report, which includes information on the size, shape and quality of services in Wales.
- 4.1.4 CSSIW’s approach recognises the value of providing advice to registered providers to drive improvement and the importance of meeting providers when problems are not easily resolved. It also recognises that whilst most registered providers are able to

comply with regulations, there are a small number who repeatedly fail to do this and those people using their services.

- 4.1.5 When outcomes for people are poor CSSIW takes action. The Care Standards Act 2000 and the Children and Families (Wales) Measure 2010 provide two different legal remedies for Welsh Ministers, civil and criminal action. CSSIW can take either or both simultaneously.
- 4.1.6 Civil action is related to CSSIW's ability to grant, propose to cancel or impose conditions either to the registration of providers and/or the registration of the managers. For example, CSSIW may seek to cancel the registration of a service, reduce the number of people to be cared for or put stop on further admissions.
- 4.1.7 Any criminal offence is for failing to comply with the relevant regulations under which the service operates or certain requirements of the Care Standards Act or Children and Families (Wales) Measure. For the most part CSSIW is only able to prosecute registered persons although there are some limited exceptions. For example, providing or managing services without being registered to do so.

## **4.2 The Care Council**

- 4.2.1 The Care Council was established under the Care Standards Act 2000 (CSA) and came into existence on 1 October 2001.
- 4.2.2 The Care Council was established to promote high standards of conduct and practice among social care workers and high standards in their training. Its aim is to ensure that "children and adults who are receiving social services should be able to rely on a workforce that is properly trained, appropriately qualified and effectively regulated".
- 4.2.3 The Care Council has a statutory responsibility to maintain a register of social care workers (Register). The CSA defines who can be described as a 'social care worker'<sup>1</sup>; this has been extended by Regulations to include social work students<sup>2</sup>.
- 4.2.4 Registration for social workers became compulsory from 1 April 2005 with the introduction of protection of title. Registration for social work students became compulsory in 2004 and the Register opened to social care managers and workers on a voluntary basis in 2005. Registration became mandatory for residential childcare managers from November 2007 and for residential childcare workers from March 2008. It became mandatory for adult care home managers from June 2011, and became mandatory for domiciliary care managers from February 2013. It is currently open on a voluntary basis to adult home care and domiciliary care workers, but the Welsh Government has announced in the White Paper on The Future of Regulation and Inspection of Care and Support in Wales that the voluntary register will be closed when the new legislation is enacted. On becoming registered, an individual is allocated a unique number. As an individual can leave and rejoin the Register as their employment changes, the number alone does not confirm current registration. The current register is available on the Care Council website.
- 4.2.5 The Care Council, as required under the CSA, has also produced a Code of Practice for Social Care Workers and a Code of Practice for Employers of Social Care

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<sup>1</sup> Section 55, Care Standards Act 2000

<sup>2</sup> Welsh Statutory Instrument 2004 No 711 (W.78): The Care Standards Act 2000 (Extension of Meaning of 'Social Care Worker') (Wales) Regulations 2004

Workers. The Code of Practice for Social Care Workers sets out the conduct and practice expected of social care workers. Social care workers are responsible for making sure that their conduct and practice does not fall below the standards set out in their Code. Once registered, the Care Council may take action if registered workers fail to meet the Code, and will take account of the standards set out in the Code in considering issues of impaired fitness to practise and decisions as to whether a registered worker should remain on the Register. The Code of Practice was reviewed and the refreshed version consulted on in 2014. It will be replaced by the Code of Professional Practice for Social Care from 1 July 2015. The future of the Code of Practice for Employers of Social Care Workers will be taken forward by the Care Council and CSSIW in 2015/16.

## **5. Joint working arrangements / practice**

- 5.1 CSSIW and the Care Council will share information in line with the arrangements described in annex A of this Protocol.
- 5.2 CSSIW and the Care Council will continue to hold scheduled and ad hoc meetings as needed, to discuss matters falling within and without the scope of this Protocol.
- 5.3 CSSIW and Care Council will be working together to progress joint working, information sharing and use of common ICT tools between the two bodies.

## **6. Information sharing**

### **6.1 Purpose of information sharing**

- 6.1.1 Information is shared to support each body's respective responsibilities for regulating the social care workforce and regulating social care services.
- 6.1.2 Further information on the purpose of information sharing is described alongside each requirement for information to be shared in annex A.

### **6.2 Basis for information sharing**

- 6.2.1 Sustainable Social Services for Wales: A framework for action<sup>3</sup> sets out the expectation that information about providers – both as providers and employers – will be transparently linked to information about the registered professionals they employ.
- 6.2.2 In sharing information under this Protocol, CSSIW and the Care Council will at all times comply with their respective obligations under the Data Protection Act 1998.
- 6.2.3 Similarly, CSSIW and the Care Council will at all times comply with their respective obligations under the Human Rights Act 1998.
- 6.2.4 CSSIW and the Care Council acknowledge that they are subject to the Freedom of Information Act 2000 (FOIA) and that under the terms of FOIA they may be obliged to disclose information provided under the terms of this Protocol. They agree to consult each other in the event a request is received under FOIA for information, disclosure of which would be likely to affect each other's interests.

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<sup>3</sup> Sustainable Social Services for Wales: A framework for action published in 2011  
[wales.gov.uk/topics/health/publications/socialcare/guidance1/services/?lang=en](http://wales.gov.uk/topics/health/publications/socialcare/guidance1/services/?lang=en)

- 6.2.5 Where either the Care Council or CSSIW receive personal data under the terms of this Protocol and will be holding and using that data for its own purposes, the receiving organisation will become a “data controller” of the information for the purposes of the DPA and will handle the information in question accordingly.
- 6.2.6 Where either the Care Council or CSSIW is provided with information relating to an identifiable registered individual, so that the receiving organisation can process that information on behalf of the disclosing organisation, the receiving organisation will be a “data processor” for the purposes of the DPA and will:
- use the data only in accordance with the instructions of the disclosing party;
  - ensure that all appropriate organisational measures are in place to protect the data from unauthorised or unlawful use or accidental loss, destruction or damage;
  - ensure that all employees who may have access to the data are aware of their duties under the DPA.
- 6.2.7 CSSIW and the Care Council will always consider the need to inform each other in situations where a briefing is prepared for a Minister or the media about a case. The decision will be made by the relevant Assistant Chief Inspector for CSSIW and the Director of Regulation and Professional Standards for the Care Council.
- 6.2.8 Both CSSIW and the Care Council will comply with the requirements of the Welsh Government’s Code on Confidentiality ‘Confidentiality: Code of Practice for Health and Social Care in Wales’.
- 6.2.9 When sharing information under this Protocol, the Care Council and CSSIW will at all times act in accordance with all the relevant tiers of the Wales Accord on the Sharing of Personal Information (WASPI). CSSIW will share information with the Care Council under this Protocol.

### 6.3 Responsibilities and organisations involved

Organisation	Role with strategic responsibility for information sharing	Roles with practical responsibility for sharing information
CSSIW	Information Asset Owner Assistant Chief Inspectors	<ul style="list-style-type: none"> <li>• Deputy Information Asset Owner (National office lead)</li> <li>• Knowledge Manager (National office deputy)</li> <li>• Information Manager</li> <li>• Regional* Registration and Enforcement Managers (Regional lead)</li> <li>• Regional* Business Development Managers (Regional deputy)</li> <li>• Area Managers</li> <li>• Inspectors</li> </ul> <p>*(CSSIW regions = North Wales, South East Wales, South West Wales)</p>
Care Council	Chief Executive Director of Regulation and Professional Standards	<ul style="list-style-type: none"> <li>• Policy Officer/Committee Clerk</li> <li>• Conduct Hearings Manager</li> <li>• Fitness to Practise Manager</li> <li>• Fitness to Practise Officers</li> <li>• Registrar</li> <li>• Registration Officers</li> <li>• Communications Manager</li> </ul>

## **6.4 Safeguarding information**

- 6.4.1 Where CSSIW makes or is made aware of a safeguarding referral<sup>4</sup> about the fitness or conduct of a person registered with CSSIW or the Care Council, CSSIW will notify the Care Council of this referral.
- 6.4.2 The Care Council may choose to make a request for information relating to the referral to the relevant Local Authority representative.
- 6.4.3 Any requests for further information, made to CSSIW, should be made in accordance with the Data Protection Act.

## **6.5 Information that will not be shared**

- 6.5.1 Neither the Care Council nor CSSIW will disclose the content of medical reports received on an individual and sought in order to confirm suitability for registration, save with the consent of the individual.
- 6.5.2 Neither the Care Council nor CSSIW will disclose the content of Disclosure and Barring Service Certificates to the other body, save with the consent of the individual to whom the Certificate relates.

## **6.6 Access and individuals' rights**

- 6.6.1 Information deemed to be sensitive will be shared between the individuals with strategic responsibility for information sharing via the individuals with practical responsibility for sharing as listed in the table in section 6.3.
- 6.6.2 When providing information about settings CSSIW will provide the unique operational reference number for the setting (not the certificate registration number). The Care Council may use this reference number in order to cross reference and uniquely identify settings and to link this to registrants while they are working at that setting to enable the exchange of information between CSSIW and the Care Council. It should not be used for any other purpose.
- 6.6.3 When providing information about registrants, the Care Council will provide the unique reference number for the registrant, known as the registration number.
- 6.6.4 Where an individual is registered with another professional regulatory body other than the Care Council, e.g. NMC/GMC, CSSIW will seek advice from the Care Council as to which body it is appropriate to refer to.
- 6.6.5 Information will be shared according to annex A.
- 6.6.6 CSSIW and the Care Council will maintain contact details in annex B.

## **7 Information governance**

### **7.1 Data quality**

- 7.1.1 The information provided by CSSIW is administrative information used to manage the regulatory process. Although every effort is made to keep the system up to date there may be a delay between CSSIW staff receiving

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<sup>4</sup> Protection of Children, Protection of Vulnerable Adults

information and loading this onto the system depending on the process involved.

- 7.1.2 The information provided by the Care Council from the Register has been provided by applicants, registrants, employers and other endorsers as part of the registration processes. Data is normally entered onto the electronic system within one working day of receipt. Registrants are responsible for updating their registration record and there are online services to enable them to do so. A renewal process every three years helps to refresh the data held. However, in the intervening period, the currency of the data is dependant on proactive registrants and employers.
- 7.1.3 CSSIW and the Care Council will continue to improve the sharing of data to enable greater comparability and improve accuracy of information.

## **7.2 Data handling, storage, transfer and disposal**

- 7.2.1 CSSIW and the Care Council will use CSSIW's unique operational reference number for settings to ensure both organisations' systems can be updated easily. It is understood that changes to this reference number can cause matching problems for the Care Council. A method for identifying settings following changes to reference numbers is required.
- 7.2.2 Where information is made available by one organisation, the other organisation will acknowledge receipt within 3 working days.
- 7.2.3 Both CSSIW and the Care Council aim to advise the other as to what action has been taken, if any, within 10 working days. If these timescales cannot be met the relevant contact will be advised.
- 7.2.4 Welsh Government policy with regard to document retention and disposal will be applied to CSSIW records.
- 7.2.5 Information held by the Care Council pertaining to an individual for registration, investigation and committee management purposes will be held according to the Care Council's Workforce Regulation Retention Policy and Schedule.
- 7.2.6 Information shared about individuals will be logged and will include the information listed in annex A.

## **7.3 Organisations security arrangements**

- 7.3.1 Information to be shared will be done so by approved secure channels. In practice this means:
- Care Council to CSSIW from CJSM to GSI
  - CSSIW to Care Council from GSI to CJSM.
- 7.3.2 The Care Council and CSSIW will store information in line with each organisation's respective policies regarding information management and security.
- 7.3.3 In the case of a breach of security, CSSIW's Information Asset Owner and the Care Council's Director of Professional Standards and Regulation (see annex B for contact details) will be informed.

## 8. Resources

- 8.1 Resources will be made available by both organisations to enable this protocol to be implemented.
- 8.2 The Care Council and CSSIW will regularly discuss this protocol and the implementation of the arrangements within it.

## 9. Review of Protocol

- 9.1 It is the responsibility of the information sharing sub group to keep this document up to date. This Protocol will be reviewed every year.
- 9.2 This Protocol will need to be considered as part of CSSIW's Change Programme. The Change Programme will aim to make information available in an automated, accessible way and the requirements in this Protocol will need to be considered.
- 9.3 This Protocol will also need to be considered in the context of the expectation for closer joint working between the two bodies as described in Sustainable Social Services for Wales: A Framework for Action, and in light of the changes arising from the White Paper on The Future of Regulation and Inspection of Care and Support in Wales and subsequent legislation.
- 9.4 The organisations will contact each other if any concerns arise over this Protocol to seek to resolve any disagreements amicably at a working level. If a disagreement cannot be resolved at a working level, senior managers from both organisations should seek to settle the issue. The two Chief Executives are jointly responsible for securing a solution acceptable to both organisations.

## 10. Signatures

<b>Imelda Richardson</b>  Chief Inspector, Care and Social Services Inspectorate Wales  Signed.....  Date.....	<b>Rhian Huws Williams</b>  Chief Executive, Care Council for Wales  Signed.....  Date.....
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