

# Code of Practice for Review of Local Authority Social Services

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

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# 1 Introduction

## About us

1.1 Care Inspectorate Wales (CIW) is 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.

1.2 We aim to:

- provide independent assurance about the quality and availability of social care in Wales;
- safeguard adults and children, making sure that their rights are protected;
- improve care by encouraging and promoting improvements in the safety and quality of social care services; and
- inform policy, standards and provide independent professional advice to the people developing policy, the public and social care sector.

1.3 We achieve this by:

- carrying out functions on behalf of Welsh Ministers;
- deciding who can provide services;
- inspecting and driving improvement of regulated services and local authority social services;
- undertaking thematic reviews of social care services;
- taking action to ensure services meet legislative and regulatory requirements; and
- following-up on concerns about services.

1.4 We carry out our functions on behalf of Welsh Ministers under the following legislation:

- The Care Standards Act 2000 (the 2000 Act)<sup>1</sup>, The Children Act 1989 (as amended)<sup>2</sup>, Adoption and Children Act 2002<sup>3</sup> and the Children and Families (Wales) Measure 2010<sup>4</sup> which give powers to register and inspect providers of social care services in Wales.
- In January 2016, the Regulation and Inspection of Social Care (Wales) Act 2016<sup>5</sup> (the 2016 Act) was passed. This Act changed the regulation and inspection of social care in Wales. The 2016 Act replaces the powers under the Health and Social Care Act (2003) and the 2000 Act and inserts

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2000/14/contents>

<sup>2</sup> [http://www.opsi.gov.uk/acts/acts1989/Ukpga\\_19890041\\_en\\_1.htm](http://www.opsi.gov.uk/acts/acts1989/Ukpga_19890041_en_1.htm)

<sup>3</sup> <http://www.opsi.gov.uk/legislation/wales/wsi2003/20030181e.htm>

<sup>4</sup> <http://www.legislation.gov.uk/mwa/2010/1/contents>

<sup>5</sup> <http://www.legislation.gov.uk/anaw/2016/2/contents/enacted>

provisions in the Social Services and Well-being (Wales) Act 2014<sup>6</sup> (the 2014 Act) which deal with the regulation of the exercise of local authority functions.

- Through the powers set out in section 58A and section 60 of the Government of Wales Act 2006, we also inspect services provided by CAFCASS Cymru.

1.5 The 2016 Act places service quality and improvement at the heart of regulation, strengthening protection for those who need it, and aims to ensure services deliver high-quality care and support. This supports the aims of the 2014 Act, which enshrines the rights of people using care and support services in Wales into law.

### **Our role with Local Authorities**

1.6 CIW has powers to review local authority social services functions as set out under section 149 of the 2014 Act. This includes reviewing:

- the overall exercise of local authority social services functions in Wales;
- the way in which the social services functions of a particular local authority are exercised;
- the exercise of a local authority social services function of a particular description (including the power to inspect two or more local authorities where they are working together through regional arrangements);
- the exercise of a local authority social services function by a particular person or persons.
- Schedule 2<sup>7</sup> of the 2014 Act contains a table of social services functions and the specific legislation these functions relate to.

1.7 In reviewing the performance of local authorities in Wales we also take into account the Well-being of Future Generations (Wales) Act 2015<sup>8</sup>, which sets out a unique legislative framework to improve the social, economic, environmental and cultural well-being of the people of Wales. This puts the efficacy and impact of local authorities' approach to planning and financial decision-making at the heart of our considerations.

1.8 Local government social services include social care services provided on behalf of a local authority by:

- a regional consortium or other partnership between two or more local authorities
- another local authority

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<sup>6</sup> [http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw\\_20140004\\_en.pdf](http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf)

<sup>7</sup> <https://www.legislation.gov.uk/anaw/2014/4/schedule/2>

<sup>8</sup> <http://www.legislation.gov.uk/anaw/2015/2/contents/enacted>

- another organisation commissioned by the local authority (for example, a voluntary organisation or a private company)

1.9 The Local Government (Wales) Measure (2009)<sup>9</sup> and (2011)<sup>10</sup> reinforces the duty on local authorities to secure continuous improvement and account for it. The Measure requires authorities to report achievement against its improvement objectives and compare performance with other authorities. The Measure also requires inspectorates and regulators to co-ordinate audit, inspection and regulation through their methodology. It also places an emphasis on sharing good practice.

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<sup>9</sup> <https://www.legislation.gov.uk/mwa/2009/2/contents>

<sup>10</sup> <https://www.legislation.gov.uk/mwa/2011/4/contents>

## 2 The Code of Practice

### The purpose of the Code of Practice

- 2.1 This Code of Practice (CoP) sets out CIW's approach to reviewing local authority social services functions in Wales through our performance evaluation and inspection activity. More detail about how we do this is contained in CIW's Guide to Inspection and Performance Evaluation of Local Authorities.
- 2.2 The Code is a requirement under section 161A of the 2014 Act. It describes our approach to how we will review the exercise of local authority social services functions in Wales and sets out the principles guiding our inspection and performance evaluation work. CIW is required to adhere to the code.
- 2.3 Whilst the 2014 Act and as such this code do not specifically apply to the inspection of CAF/CASS Cymru, the principles set out reflect our overall approach to the inspection of this service too.

### The principles guiding our work

- 2.4 The work of CIW is guided by the following principles.
- **Being people-focused** – we put people who use local authority social services at the centre of our work. Evaluating evidence about the perspective of people and assessing services in terms of outcomes for people's safety, well-being and rights is central to our work.
  - **Supporting improvement** – we are constructive in identifying and supporting local authorities with important areas for improvement. We use a strengths based approach to identify strengths and areas for improvement and drive improvement in care and support services.
  - **Being transparent** – we are open about the information we have used to inform our work. Our reports are clear and inform people about the strengths and areas for improvement we've found.
  - **Being fair and impartial** – we base the findings from our inspections on evidence; this includes observations, speaking to people and information we read. We provide prompt feedback to the local authority about what we have found including areas of strength and where improvements are required. We give the opportunity to question any matters that are factually inaccurate or unfair.
  - **Being robust** – we take a firm and timely approach when local authority social services are failing people

- **Being proportionate** – we keep to a minimum the burden on local authority; contributing to joint assessments and reports with other inspection, audit and regulatory bodies where possible.
- **Being consistent** – we apply the same principles to each local authority we review.



### 3 Rights-based approach

- 3.1 We ensure respect, diversity, promoting equality and upholding people's rights are embedded within our work. The Human Rights Act 1998<sup>11</sup>, The Equality Act 2010<sup>12</sup>, the United Nations Convention on the Rights of the Child (UNCRC)<sup>13</sup>, the United Nations Convention on the Rights of Persons with Disabilities<sup>14</sup> and United Nations Principles for Older Persons and Welsh Government's Action on Independent Living Framework underpin the 2014 Act and are reflected in our approach to inspection and performance evaluation.
- 3.2 Further information on our commitment to promoting and upholding the rights of people who use care and support services is set out in our Human Rights guidance document<sup>15</sup>.
- 3.3 We take account of all relevant statutory frameworks and safeguarding policies and procedures when considering whether people are safe. If during our work we see practice which demonstrates people are not safe or protected from harm, we will take action to ensure the relevant local authority fulfills its statutory responsibilities to safeguard people. Where people lack capacity, we will explore the extent to which local authorities adhere to the principles of the Mental Capacity Act 2005<sup>16</sup> and The Deprivation of Liberty Safeguards (DoLS)<sup>17</sup>.
- 3.4 The Welsh Language Standards<sup>18</sup> and the Strategic Framework for Welsh Language Services in Health, Social Services and Social Care<sup>19</sup> further support us in implementing a rights-based approach. The Standards and strategic framework support people who are Welsh speaking to have services provided in Welsh, when they need it, without them having to ask for it. We assess the local authorities' leadership, direction and progress in embedding Welsh language in front-line services.
- 3.5 CIW also makes an active offer, which includes providing Welsh speaking inspectors to engage with people where Welsh is their language of choice.

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<sup>11</sup> [www.equalityhumanrights.com/en/human-rights/human-rights-act](http://www.equalityhumanrights.com/en/human-rights/human-rights-act)

<sup>12</sup> [www.gov.uk/guidance/equality-act-2010-guidanc](http://www.gov.uk/guidance/equality-act-2010-guidanc)

<sup>13</sup> [www.gov.uk/government/publications/united-nations-convention-on-the-rights-of-the-child-uncrc-how-legislation-underpins-implementation-in-england](http://www.gov.uk/government/publications/united-nations-convention-on-the-rights-of-the-child-uncrc-how-legislation-underpins-implementation-in-england)

<sup>14</sup> <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/un-convention-rights-persons-disabilities>

<sup>15</sup> <http://careinspectorate.wales/docs/cssiw/general/170309humanrightsen.pdf>

<sup>16</sup> [www.legislation.gov.uk/ukpga/2005/9/contents](http://www.legislation.gov.uk/ukpga/2005/9/contents)

<sup>17</sup> [Due to be replaced by Liberty Protection Safeguards](https://www.legislation.gov.uk/ukpga/2005/9/contents)

<sup>18</sup> [www.legislation.gov.uk/wsi/2015/996/schedule/1/made](http://www.legislation.gov.uk/wsi/2015/996/schedule/1/made)

<sup>19</sup> The strategic framework (also known as 'More Than Just Words') published in 2017 follows on from the original "More than just words" published by the Welsh Government in 2012.

## 4 Reviewing Social Services functions: Performance evaluation and Inspection

- 4.1 We review how the local authority supports and delivers its social services functions through a combination of inspection and performance evaluation activities. This is how we support continual improvement in the social care sector and check local authorities are meeting their statutory duties. The framework of inspection and performance evaluation is set out in Annex 1.
- 4.2 We aim to work in collaboration with local authorities to support learning and improvement. Our starting point is to identify positive practice that delivers good outcomes for people. We will be unambiguous in what we find including strengths, areas for development and areas for priority action where improvement is required. We will share positive practice to support improvement across Wales.
- 4.3 Our work is grounded in first-hand evidence. Inspectors may observe practice, talk to people about their experiences, interview frontline staff and hold meetings with key stakeholders. Our findings are based on the professional judgement of experienced inspectors who have been practitioners.
- 4.4 Our work is also informed by information and intelligence about social care services and the impact they have on people's lives from our inspection of regulated services.
- 4.5 We will share the themes arising from our review of local authorities with Welsh Government policy colleagues to inform national policy. We will also examine how well policy intentions actually work in practice.

### The focus of performance evaluation and inspection

- 4.6 The four key principles of the 2014 Act form the foundation of our inspection and performance review activity:



- 4.7 We will consider how local authority social services are delivering these principles at three key levels:
- Individual – focused on people’s experience and their personal outcomes
  - Operational – focused on frontline practice and delivery
  - Strategic – focused on leadership, planning and governance
- 4.8 Our aim is to support learning and improvement, therefore performance evaluation and inspections will also consider a local authority’s capacity to continuously improve its social services functions.
- 4.9 These principles also underpin the well-being statements and associated well-being outcomes as outlined in the Welsh Government’s [National Outcomes Framework for People who need Care and Support and for Carers who need Support](#) (issued in 2016). Our approach will also build upon any associated local authority performance measurement framework<sup>20</sup> relating to the 2014 Act.

### **Working with other audit, inspection and regulatory bodies**

- 4.10 The Well-being of Future Generations (Wales) Act 2015 and Local Government (Wales) Act 2015 supports the approach and arrangements for the inspection of local authorities either by individual inspectorates or jointly between Estyn, WAO and CIW.
- 4.11 Inspection Wales is a programme of collaborative working between ourselves and:
- The Auditor General and Wales Audit Office (WAO)
  - Her Majesty’s Inspectorate for Education and Training in Wales (Estyn)
  - Healthcare Inspectorate Wales (HIW)
- There is a strategic agreement (2011) in place for Inspection Wales partners which sets out collaborative working arrangements. All the inspectorates aim to share knowledge and information, and co-ordinate the planning and delivery of their individual work programmes.
- 4.12 Work with the Welsh inspectorates is also coordinated so that we make a full contribution to a cross-inspectorate, all-Wales perspective on the performance of local government in Wales. By working together effectively, the inspectorates can increase positive impact for people. We also work closely with other UK inspectorates, including jointly as appropriate with:
- Her Majesty’s Inspectorate of Constabulary, Fire and Rescue Services
  - Her Majesty’s Inspectorate of Prisons
  - Her Majesty’s Inspectorate of Probation

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<sup>20</sup> Quality standards are set out in the [Code of Practice in Relation to Measuring Social Services Performance](#) (issued under section 145 of the 2014 Act).

4.13 With the drive towards collaboration and integration in public services, it is increasingly likely there will be regular occasions where inspections will be most effective when undertaken jointly with other inspectorates, especially when concerned with the broader well-being responsibilities of local authorities and their partners. This may also include the inspection of statutory regional arrangements such as partnership boards and safeguarding boards.

4.14 We also work closely with Social Care Wales<sup>21</sup> to share information to support improvement in social care services.

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<sup>21</sup> As the workforce regulator, Social Care Wales can set standards for the care and support workforce, making them accountable for their work; develop the workforce so they have the knowledge and skills to protect, empower and support those who need help; work with others to improve services for areas agreed as a national priority; set priorities for research to collect evidence of what works well; and share good practice with the workforce so they can provide the best response.

## 5 Performance evaluation

- 5.1 An important component of our work is the ongoing monitoring and evaluation of local authority performance in relation to its delivery of social services functions. Our starting point is whether people are being supported to achieve positive personal outcomes. Each local authority will have a designated CIW link senior manager to monitor and challenge local authorities about performance and progress with priorities and objectives for social services. Our aim is to support local authorities to better understand their strengths and the areas they need to develop. We will maintain a constructive working relationship with the local authority and share best practice where relevant.
- 5.2 We are committed to engaging with people to ensure our intelligence is informed directly by people's voices and experiences. We engage with people at regular points during the year; this ensures our intelligence is fully informed directly by people's voices. We also welcome feedback from people who work for social services and its partners and we will consider the findings of local authorities' own engagement activity.
- 5.3 It is important to note CIW does not have powers to investigate individual complaints about social services; however will acknowledge concerns received, follow up where appropriate and keep a record of issues identified. Where a concern is raised by someone employed by the local authority, this may be deemed as whistleblowing in accordance with the Public Interest Disclosure Act 1998<sup>22</sup> and approached accordingly. CIW is a 'prescribed body' on behalf of Welsh Ministers (Prescribed Persons Order 2014).
- 5.4 Local authority social services regularly evaluate themselves as an integral part of their business improvement cycle. Honest and thorough self-evaluation, alongside diligent risk assessment, enables local authorities to sustain and further develop practice and services that deliver positive personal outcomes for people, plan for improvement where necessary and make informed decisions about the efficient use of resources. CIW will routinely ask local authorities what they know about the experience of and outcomes for people and how they know this.
- 5.5 Under the 2014 Act, local authority statutory directors of social services are required to prepare and publish an annual report<sup>23</sup> detailing how the local authority has exercised its social services functions during the financial year. These reports provide a wealth of information and intelligence that help to

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<sup>22</sup> <https://www.legislation.gov.uk/ukpga/1998/23/contents>

<sup>23</sup> The Welsh Government has produced guidance for Local Authorities to prepare their annual social services reports which can be accessed on the Social Care Information and Learning Hub - <https://socialcare.wales/hub/sswbact-factsheets>

inform our programme of inspection and performance evaluation. In addition we may request completion of a specific self assessment as part of our thematic programmes of work.

- 5.6 We will carry out focused activity in each local authority each year. This may be in relation to the theme of inspections or to find out more about an area of strength identified by the local authority. This activity will include talking to people and may also include case file reviews and observing practice. We will provide formal written feedback on our findings to the local authority. We will share examples of positive practice with Social Care Wales to ensure a collaborative approach to improving social services across Wales.
- 5.7 Performance evaluation activity also includes an annual meeting with the statutory director of social services along with regular meetings with heads of adults and children's services. We may attend relevant meetings of scrutiny committees and of the full council to evaluate the extent to which local authority members fulfil their responsibilities for leadership and governance for social services in the local authority.
- 5.8 In conjunction with Wales Audit Office (WAO) and Estyn, we will seek to meet with the local authority chief executive on an annual basis. The meeting will include discussion about corporate support for, and delivery of, social services functions.
- 5.9 We will write to each local authority early in the new financial year. The letter will:
- provide feedback on inspection and performance evaluation activity completed during the year;
  - report on progress the local authority has made in implementing recommendations from inspections and/or child and adult practice reviews;
  - outline our forward work programme.
- The local authority will have an opportunity to comment on the factual accuracy of the letter before it is published on our website.
- 5.10 In addition, each regional partnership board and regional safeguarding board will have a designated CIW link manager. Working with Inspection Wales partners, we will monitor and challenge the effectiveness of the implementation of regional area and safeguarding plans and the impact on improving outcomes for people. We will also monitor the effectiveness of improvement arising from Child or Adult Practice Reviews. We will maintain a constructive working relationship with the regional boards and share best practice where relevant.

5.11 Where we identify a pattern of emerging concerns arising from our performance evaluation activity, we may hold an Improvement Conference<sup>24</sup>. This is in line with the spirit of the Well-being of Future Generations (Wales) Act 2015 for public bodies to address problems at an early stage before they escalate.

5.12 The conference considers strengths to build on, barriers to progress and explores possible resolutions to these barriers. It is a mechanism for CIW to seek assurance the local authority through its senior officers and elected members:

- recognises and thoroughly understands any concerns we have about its performance, provision or leadership;
- accepts and takes ownership of any concerns;
- has appropriate plans to accelerate improvement and swiftly address barriers to improvement;
- has the capacity, resources and capability to deliver its plans;
- has appropriate processes in place to monitor progress against its plans.

5.13 Following an improvement conference we will write to the statutory director of social services providing feedback on concerns and the actions the local authority and its partners, where relevant, have agreed to take.

5.14 An improvement conference may also be used to follow up on the impact of a local authority's improvement activity following an inspection.

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<sup>24</sup> Further information on the Improvement Conference is set out in separate CIW practice guidance.

## 6 The inspection process

- 6.1 Inspection is a core activity of CIW and helps ensure people who need information, advice and assistance, or care and support are safe, their well-being is promoted and their rights are upheld.
- 6.2 The focus of inspections will vary over time depending on the particular thematic focus of the inspection and the key issues and challenges faced by local authorities in Wales. However, every inspection will assess the extent to which the work of social services is effective in helping people to achieve positive personal outcomes.
- 6.3 We will consider if people's experience of social services is positive and they are supported to achieve positive personal outcomes. In doing this we will review whether practice and service delivery is focused on what matters to people; is timely and proportionate; gives people control and keeps people safe; is well managed and well led working in partnership with people and other agencies; and is underpinned by evidence based practice.
- 6.4 Our aim is to support learning and improvement, therefore inspections will also consider a local authority's capacity to continuously improve

### When will local authority social services be inspected?

- 6.5 We will schedule each local authority to have one adult services and one children's services inspection in a four year period. Inspections of adult social services and inspections of children's social services will not usually be scheduled to take place at the same time in the same local authority.
- 6.6 As far as possible, CIW will schedule at least one inspection in each of the regional partnership footprints during each year of the cycle. The programme will be discussed with Inspection Wales partners to help avoid duplication and take advantage of opportunities to work jointly
- 6.7 Individual **inspections will generally be announced to the local authority four weeks prior to the inspection fieldwork taking place**; this will allow for planning and preparation to be undertaken. An introductory set-up meeting will be held to discuss the scope of the inspection and agree the timetable for the fieldwork. We will be proportionate in the amount of advance information and preparation we request from the local authority.



6.8 At the point of the inspection notification, the local authority should review the composition of the inspection team and immediately highlight any perceived or actual conflicts of interest prior to the start of the inspection.

### How we inspect

6.9 The overall approach and timescales for all inspections within the scheduled inspection programme will be consistent across all local authorities and across children's and adult services. Inspection will consist of three key stages: planning/preparation, fieldwork and reporting. Generally the inspection fieldwork will be conducted over two separate weeks. However, the size and complexity of the local authority and scope of inspection will determine this.

6.10 Each inspection will draw on information available from previous inspections; performance evaluation activity, inspections of regulated services, performance information, population needs assessment and information held by other inspectorates. We will also consider information and reports used by the local authority to plan and quality assure its delivery of social services functions.

6.11 During an inspection, we seek three broad types of evidence.

- **What we hear** – we will engage with and listen to people who have accessed and/or are in receipt of care and support services and their carers. We also talk to local authority staff, their managers and senior officers and elected members as well as partner agencies.
- **What we see** – where it is feasible and appropriate, we will observe social services practice relevant to the inspection.
- **What we read** – we will consult written records, policy documents, surveys, case files and other written material.

6.12 The inspection will focus on the experiences and personal outcomes for people as captured in case records and as described by service users/carers and staff from the local authority; and the extent to which this is consistent with the evidence from our wider engagement activity.

6.13 We also consider the quality of the leadership and governance for local authority social services and how this supports the delivery of positive outcomes and improvement in the care and support provided. This includes the local authority's resource allocation, performance management, partnership arrangements, commissioning arrangements and contractual and financial data.

6.14 Subsequent to the inspection fieldwork the inspection team's findings, supporting evidence and conclusions will be developed into an inspection

report, which will be made publicly available once the local authority has had opportunity to comment.

## **7 Types of inspection**

7.1 We carry out three main types of local authority inspection:

### **Scheduled thematic inspection**

- 7.2 Each year we identify a thematic focus for our local authority inspections, the theme will be announced in advance and highlighted through our annual letter to local authorities. This will also inform our engagement activity with service users and carers as well as possible local authority self evaluation.
- 7.3 The primary focus of the scheduled thematic inspection is to provide assurance about the quality of experiences and personal outcomes achieved for people. This involves an in-depth analysis and evaluation of practice and performance, along with identifying strengths and areas for improvement.
- 7.4 Thematic inspections may be carried out jointly with other inspectorates where this adds value.
- 7.5 A national overview report may be produced.

### **Follow-up inspection**

- 7.6 Follow-up inspections are carried out to assess progress against identified areas for improvement where an inspection has identified serious or significant concerns. Local authorities may be invited to submit a self evaluation of progress to secure improvement in advance of the inspection fieldwork.

### **Responsive inspection**

- 7.7 We may on occasion consider it necessary to respond to serious concerns outside of the scheduled inspection programme by carrying out a responsive inspection. This would likely be triggered by a lack of improvement following an improvement conference or where we have concerns of sufficient seriousness that an in depth inspection is required.
- 7.8 The frequency of performance evaluation and inspection activity of a local authority's social services functions is set out in Annex 2.

## 8 Feedback and reporting on inspections

- 8.1 The lead inspector will have met regularly with the relevant local authority head of service throughout the inspection. At the end of the fieldwork, we will provide initial, high level verbal feedback to the statutory director of social services and head of service. This will be an overview of provisional findings structured around the key principles underpinning the inspection. There should be no surprises as regular 'keep in touch' meetings will have been held throughout the inspection.
- 8.2 CIW are keen to continually improve and at the end of the fieldwork we will send a feedback questionnaire. This will be followed up with a shorter survey following publication of the report.
- 8.3 Inspection reports will identify strengths, areas for further development and areas for priority action to secure improvement. We will ensure the narrative of the inspection report is clear about the quality of local authority social services including the strengths and areas for improvement.
- 8.4 We aim to draft, finalise and **publish inspection reports within 50 working days following the completion of the inspection fieldwork**. However, in exceptional circumstances this timescale may be extended.
- 8.5 Each inspection report is expected to be written and **shared with the local authority as a draft version within 25 working days** of the completion of the inspection fieldwork.
- 8.6 All our inspection reports go through a moderation process which includes peer review by a senior manager who is not part of the original inspection team and scrutiny by the head of local authority inspection.
- 8.7 We strive to ensure our inspection reports are fair and our findings are properly based on the triangulation of evidence we gather. Therefore in the interests of fairness and transparency, we accept the right of local authorities to respond to our reports and comment on our findings where they believe them to be factually inaccurate. This gives us the opportunity to correct any errors before an inspection report becomes publicly available. A period of 10 working days is allowed for the local authority to consider and respond to the draft report. Any feedback should always specify the part(s) of the report that are contested and provide details about why it is being challenged with supporting evidence.
- 8.8 The inspection report will be published to our website within 25 working days of receipt of the local authority's comments. The local authority will be expected to

present the report to elected members and subject the report to public scrutiny through a formal and open committee meeting at the earliest opportunity. An invite should also be extended to CIW to attend the meeting.

## **9 Securing and monitoring improvement**

- 9.1 The local authority is required to detail the actions it will take in response to findings identified in our inspection report and inform CIW within 20 working days of the publication of the report. The local authority may wish to integrate this into existing improvement / operational plans and does not necessarily need to produce a separate improvement plan for CIW.
- 9.2 The plan should set out, in plain language, the way in which the local authority is going to improve arrangements to support positive personal outcomes for people, as a result of the findings of the inspection. CIW may offer feedback on proposed plans for improvement but it is not our role to formally approve or endorse these.
- 9.3 Under normal circumstances, we will monitor progress through our performance evaluation activities. However, where we have identified poor practice and have significant concerns (see section 10) we will carry out a follow up inspection.
- 9.4 Where we have identified serious concerns we may carry out a follow up inspection. In this case, the decision to undertake a follow up inspection will be informed by the nature of the concerns from the original inspection; progress in implementation of improvement plans; and the outcome of monitoring activity. We will inform the local authority in advance of a follow up inspection.

## 10 Identifying Serious or Significant Concerns

- 10.1 On occasion, the findings of an inspection may lead to a judgment that the local authority is inadequate or poor. We have two levels of concern – serious and significant with associated action.
- 10.2 In each case we will make a judgment about the seriousness and significance of the problems, their impact on people, apparent causes and the capacity of the local authority to resolve those problems. The processes of establishing concerns and the subsequent response will happen in an open and transparent manner in consultation with the local authority.
- 10.3 We will have **serious** concerns where personal outcomes for people, operational practice and strategic leadership are inadequate. Serious concerns arises when the severity, frequency or persistence of problems exceed that which can be dealt with by usual practice.
- 10.4 Where we have serious concerns, we will develop a schedule of formal monitoring of improvement and will help to signpost the local authority to sources of support and positive practice. Depending on the outcome of our monitoring we may hold an improvement conference within 12-18 months of the inspection or carry out a follow-up inspection.
- 10.5 We will have **significant** concerns where we find personal outcomes for people, operational practice and leadership are poor. Significant concerns are where the breadth and depth of areas of concern are such that there is a significant impact on people's well-being with people not being adequately safeguarded or are experiencing poor personal outcomes.
- 10.6 Where we have identified significant concerns, CIW will meet with local authority officers to discuss the grounds for this judgement. Where possible, this meeting will be held ahead of formal publication of the inspection report.
- 10.7 The meeting will comprise CIW's Chief Inspector (or Deputy Chief Inspector), Head of Local Authority Inspection, Welsh Government Director of Social Services (or deputy director) and the local authority chief executive and director of social services. Others, such as a representative of the inspection team or Wales Audit Office may be invited as appropriate.
- 10.8 Officials and officers will discuss the grounds for concerns (including any representations from the local authority), actions the local authority will take to respond to the concerns and further actions Welsh Ministers may take to deal with the concerns and/or monitor progress.

- 10.9 Where the extent of concern is significant, under section 151 of the Social Services and Well-being (Wales) Act 2014, Welsh Ministers may give a warning notice to a local authority if:
- the local authority has failed, or is likely to fail, to comply with a duty that is a social services function;
  - the local authority has acted, or is proposing to act, unreasonably in the exercise of a social services function;
  - the local authority is failing, or is likely to fail, to perform a social services function to an adequate standard.
- 10.10 The decision to issue a warning notice is taken by Welsh Ministers, informed by the outcome of inspection. Where a warning notice is given it will set out the grounds and reasons for intervention, the action required by the local authority and the period within which the action is to be taken; as well as the action the Welsh Ministers may take if the local authority fails to take the required action.
- 10.11 The warning notice will be reviewed after 90 days and Welsh Ministers will decide whether to issue a further notice.
- 10.12 Where significant concerns have been identified CIW will carry out a programme of formal monitoring of improvement and will undertake a follow up inspection within 12-18 months of the inspection report being published to seek assurance of adequate improvement.
- 10.13 We will help to signpost the local authority to sources of support and positive practice. The Local Government Support and Intervention Protocol sets out what improvement support may be available to local authorities including from Welsh Government, Welsh Local Government Association and Social Care Wales.



## 11 Conduct during inspection and performance evaluation activities

11.1 Inspectors employed by CIW have come from a variety of professional backgrounds within health and social care. All inspectors are civil servants and must meet the professional standards set out in the Civil Service Code<sup>25</sup>. As with social care workers, inspectors also act in accordance with the Code of Professional Practice for Social Care<sup>26</sup>. This brings the expectation we will:

- carry out our work with care, integrity, courtesy, sensitivity and professionalism;
- evaluate the provision of services objectively ensuring evidence is both triangulated and weighted appropriately;
- report on the inspection honestly, fairly and impartially;
- communicate clearly and openly to promote the health, safety and well-being of people who use care services;
- act in the best interests of people using services;
- respect confidentiality of information;
- be accountable and take responsibility for the quality of our work; and
- promote, uphold and respect the privacy, dignity, rights, health and well-being of people who both use or are employed by care services.

### How local authority social services staff can support our work

11.2 We will always seek to minimise the impact inspection or performance evaluation activity can have on the local authority, its staff and the people using social services. To help us achieve this aim, local authorities and their staff can assist in the following ways:

- provide evidence that will enable inspectors to report honestly, fairly and reliably about the local authority;
- maintain a purposeful dialogue with CIW
- recognise we need to talk to elected members, officers and other stakeholders without the presence of a manager or senior leaders;
- draw any concerns about the inspection to the attention of inspectors in a timely and suitable manner through the lead inspector, preferably while the inspection team is on site;
- work with us to minimise disruption and pressure throughout the inspection or performance evaluation activity;
- advise us about health and safety matters while on local authority premises;

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<sup>25</sup> <https://www.gov.uk/government/publications/civil-service-code/the-civil-service-code#standards-of-behaviour>

<sup>26</sup> [https://socialcare.wales/cms\\_assets/file-uploads/Code-of-Professional-Practice-for-Social-Care.pdf](https://socialcare.wales/cms_assets/file-uploads/Code-of-Professional-Practice-for-Social-Care.pdf)

- if during feedback you disagree with anything the inspector tells you, please tell them and be clear about the reasons why;
- maintain the confidentiality of meetings and inspection findings until the final publication of the report; and
- report any concerns about an inspectors conduct during inspection to the lead inspector or head of local authority inspection as soon as possible.

### **Raising a complaint about CIW**

11.3 If the local authority, a person accessing social services or a member of the public has a complaint about the work CIW or a member of CIW staff, we have a complaints policy that should be followed. A complaint made against the conduct of an inspector will not normally delay the publication of an inspection report.

## 12 Information

- 12.1 The knowledge and information we hold is one of our most important assets. It ensures that the decisions we make and the advice we give is underpinned by a robust evidence base.
- 12.2 Through our inspection and performance evaluation processes we gather and hold a considerable amount of information on local authority social services, as well as information obtained from other intelligence sources. This valuable information helps us to assess how a local authority social services department is performing with their legislative responsibilities.
- 12.3 On occasion we may receive a request to release information relating to an individual case or service. Any individual has the right to request recorded information that we hold, and subject to the statutory requirements of legislation around information handling, to be given a copy of this information.
- 12.4 To ensure that the right information is available at the right time, and that we uphold the statutory requirements that are required of us, we:
- Safeguard the information we hold, in line with Welsh Government procedures, to ensure high standards of information security and data protection.
  - Store our information in the correct way, adhering to the Welsh Government's records management<sup>27</sup> principles.
  - Respond to requests for information within the established processes and timeframes required by law<sup>28</sup>.
  - Share information appropriately and lawfully, to enhance and re-use our knowledge, work collaboratively and reduce duplication.
- 12.5 Our Privacy Notice<sup>29</sup>, in compliance with the latest data protection legislation, summarises how we handle all the types of personal information we collect. This includes the legal basis for collecting the information, how the information is processed, how long it is kept for, who it might be shared with, what your rights are in relation to it and the relevant contacts that you might need
- 12.6 In certain cases CIW may participate in or undertake an inspection jointly with other regulatory bodies or agencies, such as the Police or Health and Safety Executive. Sharing information with these regulatory bodies or agencies is

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<sup>27</sup> <http://gov.wales/about/foi/policies/recordsmanagement/?lang=en>

<sup>28</sup> There are four laws governing our handling of requests for information, these are the Data Protection Act (DPA) 1998, General Data Protection Regulation (GDPR) 2016, Freedom of Information Act (FOIA) 2000 and Environmental Information Regulations (EIR) 2004.

<sup>29</sup> <https://careinspectorate.wales/how-we-use-your-information>

crucial in ensuring an effective use of information and resource. In these situations we share information in line with the statutory requirements placed upon us.

## **13 Terminology used in this Code**

### **Care and support**

Care addresses the physical and mental tasks and needs of the person cared for, while support refers to counselling, advice or other help provided as part of a plan prepared for the person receiving support.

### **Care Inspectorate Wales (CIW)**

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.

### **Code of Practice**

High-level description of the manner in which the review of local authority social services is to be carried out, in accordance with the requirements of the 2014 Act.

### **Regulator**

Organisation established by government to supervise, by means of rules and regulations, an area of commercial or social activity.

### **Safeguarding**

General term for actions taken to promote the welfare of children and vulnerable adults and protect them from neglect, abuse and exploitation.

### **Well-being**

Broadly refers to the state of a person being healthy, happy, safe and comfortable with their life.

### **Whistleblower**

Someone who raises an issue of public concern about wrongdoing, risk or malpractice they are aware of through their work. Whistleblowers are protected by law, from being mistreated or dismissed from their jobs.

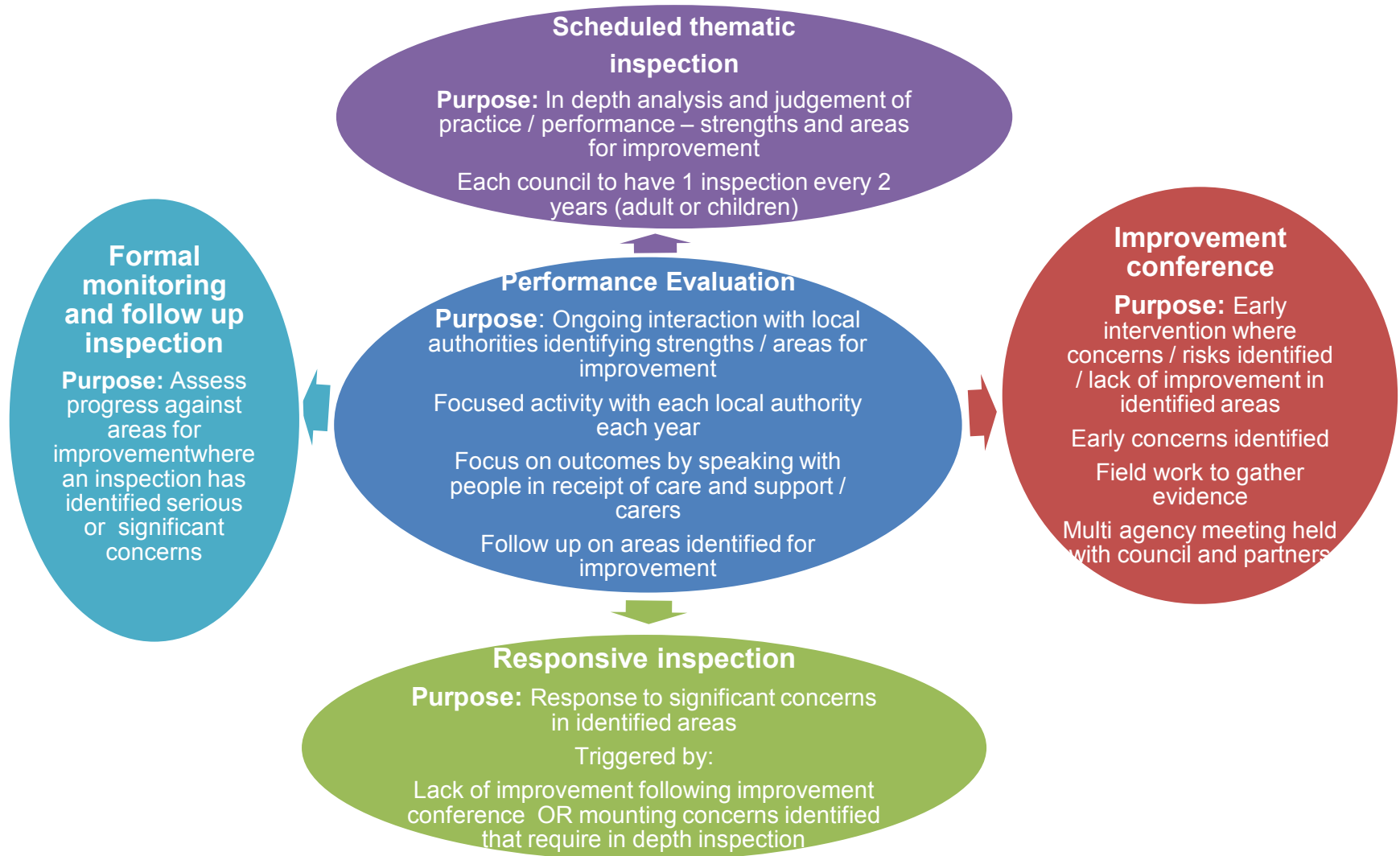
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Care Inspectorate Wales (CIW)	<a href="http://careinspectorate.wales/?lang=en">http://careinspectorate.wales/?lang=en</a>
Care Standards Act 2000	<a href="http://www.legislation.gov.uk/ukpga/2000/14/contents">http://www.legislation.gov.uk/ukpga/2000/14/contents</a>
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Regulation and Inspection of Social Care (Wales) Act 2016	<a href="https://www.legislation.gov.uk/anaw/2016/2/contents/enacted">https://www.legislation.gov.uk/anaw/2016/2/contents/enacted</a>
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United Nations Convention on the Rights of the Child (UNCRC)	<a href="https://www.unicef.org.uk/what-we-do/un-convention-child-rights/">https://www.unicef.org.uk/what-we-do/un-convention-child-rights/</a>
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**Annex 1.**

**Framework of inspection and performance evaluation**





## Annex 2.

### Schedule of performance evaluation and inspection activity

<b>Performance Evaluation Activity</b>	<b>Frequency</b>
Local Authority Head of Service meeting	Twice a year
Local Authority Director of Social Services meeting	Annual
Local Authority Chief Executive meeting	Annual
Focussed activity (see paragraph 5.6)	Minimum of 2 activities per year
Improvement Conference	As and when required

<b>Inspection Activity</b>	<b>Frequency</b>
Scheduled thematic inspection – adult services	Approximately every four years
Scheduled thematic inspection – children services	Approximately every four years
Follow-up inspection (where required)	Within 12-18 months of the scheduled thematic inspection.
Responsive inspection	As and when required