

Providing feedback about care services in Wales

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

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1 Introduction

1.1 This document offers guidance to people who wish to give feedback to Care Inspectorate Wales (CIW) about:

- the quality of care and support provided by a registered service or a local authority social service, or
- a service suspected of operating without registration

We welcome feedback about any social care or childcare and play service in Wales.

1.2 This document also provides guidance to people who wish to give feedback about CIW or a member of its staff.

1.3 Feedback is an important source of information for us that informs our inspection and enforcement processes. The people who use and rely on social care or childcare and play services in Wales, as well as their relatives, visitors, staff, involved professionals or friends and neighbours often raise feedback. Feedback can be about things that are going well or what needs to get better; we want to hear both.

1.4 However, **we are not a complaints agency and thus, do not investigate individual complaints or resolve disagreements between people and their service provider or local authority social service.** There are clear and appropriate routes for making a complaint about a registered service or local authority social service; these are outlined within this document.

About us

1.5 We are the independent regulator of social care and childcare and play. 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

1.6 We regulate the following services:

- adult services: care homes services for adults, domiciliary support services, adult placement services and residential family centre services
- children's services: care homes services for children, fostering services, adoption services, advocacy services and secure accommodation services
- childcare and play services: child minders, crèches, full day care, sessional day care, out of school care and open access playwork provision

1.7 We also review the performance of local authorities in delivery of social services functions, i.e. commissioning and contracting arrangements, etc. We carry this out through a combination of inspection and performance evaluation activity.

1.8 In addition, we inspect:

- local authority fostering and adoption services
- boarding schools
- residential special schools (boarding arrangements under 295 days)
- further education colleges accommodating students under 18.

2 Sharing your experiences with us

- 2.1 It is important we hear about your experience of care and/or support. This helps us to understand whether people using services are supported to achieve the best possible outcomes and are not placed at risk or experience harm.
- 2.2 We want you to share your experiences about any of the services we regulate and/or inspect (see sections 1.6 to 1.8). If you have received care and/or support yourself; if you know of care and/or support received by a relative, friend or neighbour; or if you know of the care and/or support provided due to your job role, we want to hear from you.

What we want to know

- 2.3 We welcome any positive feedback you have about good care and/or support. This helps us to recognise good or excellent services and examples of good practice, which can be shared with the sector so all providers can improve. We also welcome any positive feedback you may have about CIW or a member of its staff.
- 2.4 We want your feedback about experiences where the care and/or support needs improving or is poor, or where the rights of people using a service are not being upheld. Where you feel people may be at risk of or have experienced harm, we want to know straight away. The earlier we know, the quicker we can respond.
- 2.5 Unfortunately, we are not able to take any action in relation to feedback that involves:
- a dispute with a registered service or local authority social service more appropriately dealt with via their local complaints procedure (see Chapter 4)
 - a complaint upheld by the registered service or local authority social service and action taken to change/improve practice, or an attempt to reopen a previously concluded complaint
 - compensation requests
 - issues involving the courts or tribunals
 - staff employment issues covered by contract, grievance and employment conditions
 - contractual issues between a person in receipt of a service and their provider
 - social work decisions for contracting or commissioning arrangements
- These types of feedback fall under the remit of other organisations and as such will be referred to the appropriate organisation if we receive them.

Safeguarding referral

- 2.6 If you are concerned that someone, a child or adult, living in your family or community may be at risk of harm, abuse or neglect, you should contact social services in your area to report a safeguarding concern. Visit the [Welsh Government](#) website for the relevant contact details.
- 2.7 If the person you are concerned about is at risk of harm, abuse or neglect **and** they receive care and/or support from a registered service you should contact social services in your area to report a safeguarding concern. If you report a safeguarding concern about a registered service, we want you to tell us as well. This helps us to know how well the service cares for and supports the people who use it.

How to provide feedback

- 2.8 If you want to share your experiences with us, you can do so by:
- raising a specific concern about the safety and quality of a care service via our website form:
<https://careinspectorate.wales/contact-us/raise-concern>
 - providing general feedback about a care service via our feedback surveys:
<https://careinspectorate.wales/feedback-surveys>

Alternatively, you can contact us using the following methods:

- by telephone: speak to our CIW Connect team on 0300 7900 126, and choose option 2
 - by email: CIW@gov.wales
 - by post:
Care Inspectorate Wales
Welsh Government office
Sarn Mynach
Llandudno Junction
LL31 9RZ
- 2.9 We will **acknowledge** all feedback received, provided contact details have been shared. However, if you raise your feedback by telephone, rather than receiving an acknowledgement you will be provided a reference number during your call.

- 2.10 If you are raising a specific concern, we aim to **respond** within 5 working days, however, if any issues set out in your concern are complex, this may take longer.
- 2.11 You can share your feedback with us in Welsh. If you contact us by telephone and wish to talk to someone in Welsh and we cannot provide a Welsh speaker immediately, we will call you back within 24 hours. If you write to us in Welsh, we will respond in Welsh.

Maintaining confidentiality when you raise a specific concern

- 2.12 If you raise a specific concern with us, we will treat this information in confidence.
- 2.13 You have the right not to provide any personal details, such as your name and any contact details; however, it may restrict what action we take because this means we cannot contact you if we need further information.
- 2.14 If you tell us who you are but you ask us to keep your identity confidential from the registered service or local authority social service, we will respect your wishes wherever possible.
- 2.15 However, where the information relates to, for example, safeguarding or a possible criminal offence, we will pass on the information (including your details) to the relevant safeguarding authorities.
- 2.16 What we do with your personal information, who we may need to share it with, how long we hold it for and what your rights are in relation to it, are set out in our [privacy notice](#).

3 What happens when you raise a concern

- 3.1 Your feedback is very important to us. It directly informs our inspection planning and helps us to decide when to inspect and what to focus on at inspection. However, not all concerns raised with us will result in immediate action.
- 3.2 An inspector will consider the concern you raise. Where needed and where contact details have been provided, an inspector may follow up and contact you to ask for more details about the information you have shared. This will be on a case-by-case basis and will depend on the information you provide.
- 3.3 We undertake a proportionate and risk-based approach to how we respond to concerns. We will assess the risks that your concern presents and consider what else we know about the service. This will help us decide if any action is needed. This ensures we prioritise and respond quickly where people may be at risk of or have experienced harm.
- 3.4 There are a number of actions we may take in response to a concern.

a) *Frontline resolution*

We may direct you, if you have not done so already, to make a complaint to the registered service or local authority social service and follow their complaints process. This will allow them the opportunity to address any issues you may have. We may also follow up to assess their response to your complaint.

b) *Intelligence about a service*

We may use your experiences to inform our wider intelligence about the registered service or local authority social service and consider it in our inspection planning. This may result in:

- no immediate action needed and the information provided will be used to inform what we look at during the next routinely scheduled inspection for the registered service or local authority social service.
- a decision to bring forward a scheduled inspection so that any issues highlighted by the information provided can be looked at sooner.

c) *Urgent action*

In the most serious of cases, this could result in urgent enforcement action¹ against the registered service or local authority social service.

¹ Our securing improvement and enforcement policy sets out what enforcement action we can take. This can be accessed via our website - <https://careinspectorate.wales/providing-a-care-service/how-we-enforce>

d) *Share the feedback*

If we consider your concern relates to safeguarding issues or a possible criminal offence, or is relevant to the regulatory functions of other agencies or our joint working activities, we will share your information with the relevant authorities.

- 3.5 We may respond to your concern through a combination of actions set out in section 3.4. We may also coordinate our actions with those undertaken by the relevant authorities.
- 3.6 Following consideration of your specific concern, we will respond to you to set out what, if any, actions we are taking. It is for us to determine the appropriate action based on our knowledge of the service and the risk to people who use it. If you are not satisfied with the way we have handled your concern, you may raise a complaint with us; see section 4.10 for further information.

Inspection reports

- 3.7 If we decide to undertake an inspection, we will produce an inspection report. All registered services and local authority social services must adhere to regulations, national minimum standards or statutory guidance/code of practice that relate to their type of service provision. As part of our inspection planning we will consider all the intelligence we hold about the care service, including any feedback received, identify the relevant regulations the intelligence relates to and inspect against these. Our inspection reports will therefore set out the extent to which the service is adhering to the regulations, etc.
- 3.8 It is unlikely that our inspection report will specifically highlight the feedback you may have provided to us. Whilst you may be disappointed that your specific points or examples are not highlighted in the inspection report, you should still be able to identify the broader themes that relate to your feedback.
- 3.9 We publish most reports following an inspection. These can be accessed via our [website](#). Simply search for the provider or browse our directory of registered care services, open the relevant provider record and our latest inspection report should be accessible.
- 3.10 If you need to access a report that is not available on our website, please email us at cjw@gov.wales or call 0300 7900 126 and choose option 5.

4 Making a complaint

Complaints about a registered service

- 4.1 You have the right to make a complaint directly to the registered service. Each registered service is required by law to have their own complaints procedure that they must follow. ***In the first instance, you should make complaint to the registered service directly in order to give them the chance to resolve your concerns.***
- 4.2 We cannot raise your complaint for you or take it up on your behalf. We do not investigate individual complaints or resolve disagreements between people and their service providers.
- 4.3 However, if you do make a complaint directly to the registered service about poor care and/or support, we want to know too. This may seem confusing but letting us know of the complaint will help to inform our understanding of the registered service and the quality of outcomes being achieved for people who use it.
- 4.4 If you wish to make a complaint with the registered service, you should ask to see their complaints procedure. All registered services are required by law to have an accessible complaints procedure. This will generally set out:
- who to approach to discuss a complaint;
 - how you can be supported to make a complaint;
 - how complaints will be dealt with; and
 - the stages and timescales for the process.
- 4.5 If following resolution of your complaint with the registered service you remain unhappy about the outcome, you should contact the Public Services Ombudsman for Wales (see section 4.13). You can also tell us if you remain unhappy about the outcome of a complaint with a registered service. We will review your concern and consider what appropriate actions we may take in response (see section 3.4).

Complaints about local authority social services

- 4.6 Local authority social services are responsible for providing information, advice and assistance as well as assessing people's need for care and support and arranging for care and support to be provided. They may also directly provide a range of services such as day support as well as services registered with us such as care homes.

- 4.7 If you have a complaint about the way a local authority social service operates, you should contact them directly. They have their own complaints process and information, which you can request from them.
- 4.8 We cannot raise your complaint for you or take it up on your behalf. We do not investigate individual complaints or resolve disagreements between people and their local authority. All local authorities have their own complaints procedure, which you can access.
- 4.9 However, we are interested to hear from people about their experience of the service they receive from the local authority. This will help to inform our understanding of how well the local authority social service operates and supports the people who use them.
- 4.10 The Welsh Government has issued guidance² for local authority social services on the complaints and representations process with a focus on early, local resolution and on tackling issues quickly and effectively.
- 4.11 If following resolution of your complaint with the local authority social service you remain unhappy about the outcome, you should contact the Public Services Ombudsman for Wales (see section 4.13). You can also tell us if you remain unhappy about the outcome of a complaint with a local authority social service. We will review your concern and consider what appropriate actions we may take in response (see section 3.4).

Complaints about Care Inspectorate Wales

- 4.12 If you want to make a complaint about Care Inspectorate Wales or a member of its staff please contact us via any of the methods set out in section 2.8. Further information on our complaints procedure is available via our [website](#).

Public Services Ombudsman for Wales

- 4.13 If you remain unhappy about the outcome of your complaint with a registered service, the local authority or us, you should contact the Public Services Ombudsman for Wales who have legal powers to look into complaints public services and care providers in Wales.. Visit the [Ombudsman's website](#) for further details.

² A guide to handling complaints and representations by local authority social services can be accessed via <https://gov.wales/sites/default/files/publications/2019-05/a-guide-to-handling-complaints-and-representations-by-local-authority-social-services.pdf>

5 Making a disclosure about an employer

5.1 If you are employed by a registered service or a local authority social service and you have experience of or know of poor practice or wrongdoing in your workplace, we want you to tell us. This helps us to know how well the service you work for cares for and supports the people who use it and to understand its leadership and management practices. You can tell us by raising a specific concern (see section 2.8).

The law

5.2 The [Public Interest Disclosure Act 1998](#), which amended the Employment Rights Act 1996, was introduced to protect workers who are concerned about poor practice or wrongdoing in their workplace and want to 'blow the whistle'. This is also called making a 'disclosure'.

5.3 If you work for a registered service or local authority social service and make a disclosure to us in accordance with the criteria set out below, this may be considered as making a 'protected disclosure' and you have the right not to be dismissed or suffer a detriment to your employment as a result. If you do suffer a detriment as a result of making a disclosure e.g. being denied a promotion or being dismissed, you have the right to take your employer to an employment tribunal.

5.4 Welsh Ministers are the prescribed body for the purposes of making a protected disclosure. On their behalf, we are the appropriate point of contact for workers whose employers are regulated or inspected by us.

Definition of whistleblowing

5.5 When you feedback or disclose information concerning wrongdoing at your place of work, this is called 'whistleblowing'. An employment tribunal may class the disclosure as protected if you reasonably believe the information is true and in the public interest to be known. You must believe the information tends to show one or more of the following has occurred, is occurring or is likely to occur:

- a criminal offence, a miscarriage of justice or breach of legal obligation
- danger to the health or safety of any individual
- damage to the environment
- the deliberate covering up of wrongdoing in the above categories.

Definition of 'worker'

- 5.6 A worker is a current, or former, employee who has/had a contract of employment. It also includes
- agency workers
 - non-employees undergoing training or work experience e.g. student nurses
 - doctors, nurses, dentists, pharmacists, police officers etc involved with the service.

Confidentiality

- 5.7 You may wish not to provide any personal contact details to us. This is fine but making a disclosure anonymously means it can be more difficult for you to qualify for legal protections as a whistleblower.
- 5.8 We will always try to maintain your confidentiality if you want us to. However, we may be required by law to disclose your identity and/or the information you provide to the Police where serious allegations are made; or in speaking to your employer and others to address the issues you have disclosed, your identity may become apparent.

Our role

- 5.9 Our role is to hear disclosures that would be considered to be in the public interest, where you don't feel able to disclose directly to your employer, or have done so but you do not believe you were taken seriously.
- 5.10 If you make a disclosure to us, we are not responsible for deciding if you qualify for protection under the Employment Rights Act 1996, i.e. deciding if you have made a 'protected disclosure'. The employment tribunal will decide this, if unfair dismissal or detriment is alleged. You must seek your own information and/or legal advice.
- 5.11 We understand it can be a very difficult decision to make a disclosure. You may wish to contact [ACAS³](http://www.acas.org.uk) who have a helpline (telephone 0300 1231100) where you can discuss a workplace problem and the options available to you. We cannot become involved in personal grievances (for example bullying, harassment, discrimination, etc) between workers and employers, other than to confirm a disclosure has been made to us.

³ <http://www.acas.org.uk/index.aspx?articleid=2042>

- 5.12 You can make a disclosure using any of our contact methods set out in section 2.8. We will take your details and an inspector will contact you via telephone or email at a time convenient for you.
- 5.13 We will firstly consider if we have the powers to respond to what you have told us and if it appears to fall under our whistleblowing policy. We may require further information to determine this. We will ask if you wish us to regard what you are telling us as a protected disclosure.
- 5.14 We will consider what you tell us and, in so much as this is possible, we will let you know how we are going to respond. Sometimes we may not be able to tell you this straight away or in detail, due to reasons of confidentiality. We will do this within five working days of you first contacting us.
- 5.15 We may need to speak to you more than once and it may be helpful to meet with you face to face, such as through a video call. We may decide to speak directly to senior managers in the registered service or the local authority social service about which you are raising concerns. We may undertake some focused activity with the registered service or the local authority social service. In some cases, it may be more appropriate for us to pass the information to the police or other agency/regulator or take some other form of action.
- 5.16 If the information you tell us indicates an immediate safeguarding risk, we will pass this onto the relevant local authority immediately. We will do this if there is a high risk to the health and/or safety of the person or others receiving the service. This will not detract from your own professional responsibilities to report suspected abuse. We may also decide there is no further action for us to take. We will always record the information provided and the rationale for decision-making.

If you are not satisfied with our response

- 5.17 You may raise a complaint about us if you do not believe we have acted properly within our role (see section 4.11 for further information).

6 Tell us about a suspected unregistered service

- 6.1 The Children and Families (Wales) Measure 2010 and the Regulation and Inspection of Social Care (Wales) Act 2016 set out a range of social care and childcare and play services, which must be regulated by us. Any provider who operates such a service must register with us. A list of regulated services are set out in section 1.6. It is unlawful for a provider to operate a regulated service without being registered to do so.
- 6.2 There may be valid reasons why the service is not registered with us, such as being exempt from the requirement to register. The legislation sets out a number of exemptions. However, we need to know about the service in order to make a determination of whether the service meets the threshold for registration or if it falls into the list of exemptions.
- 6.3 Therefore, it is important that you tell us if you believe or suspect a service, known to you or others, is operating without being registered to do so.
- 6.4 You can tell us about a suspected unregistered service using the methods set out in section 2.8. When sharing your feedback please provide as much detail as possible, including:
- name of service/provider
 - any contact details for the provider, such as address, email, telephone number or website
 - the type of service it operates
 - the hours they operate
 - any safeguarding issues.
- 6.5 If you share your concern with us, we will always acknowledge we have received it.
- 6.6 We will review your information and assess whether the service falls within the definition of a regulated service. If it does, we will make further enquires with the service and if necessary take action.
- 6.7 Following consideration of your information and any further enquiries, we undertake, we will respond to you to set out our general conclusions.

7 Useful contacts

7.1 The following table lists some organisations that may be able to provide helpful advice and support about making a complaint about social care and childcare and play services. Specific contact details for each organisation is set out in the website links provided.

Public Services Ombudsman for Wales	https://www.ombudsman.wales/contactus/
Citizen's Advice Bureau	https://www.citizensadvice.org.uk/about-us/contact-us/contact-us/contact-us/
Alzheimer's Society Wales	https://www.alzheimers.org.uk/about-us/contact-us
Older People's Commissioner for Wales	https://www.olderpeoplewales.com/en/about/contact
Children's Commissioner for Wales	https://www.childcomwales.org.uk/contact-us/
ACAS	https://www.acas.org.uk/contact
Professional Association for Childcare & Early Years	https://www.pacey.org.uk/top-links/contact-us/
Children in Wales	https://www.childreninwales.org.uk/contact/
Play Wales	https://www.playwales.org.uk/eng/contactus
Mudiad Meithrin National Office	https://www.meithrin.cymru/head-office/
Early Years Wales	https://www.earlyyears.wales/en
Clybiau Plant Cymru Kids Clubs	https://www.clybiauplantcymru.org/contact-us.asp
National Day Nurseries Association	https://www.ndna.org.uk/NDNA/Contact_us/
Boarding Schools Association	https://www.boarding.org.uk/contact