

Regulation and Inspection of Social Care (Wales) Act 2016

Guidance on completing an Annual Return

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.

This document is also available in Welsh.

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Introduction

1. This document offers guidance for service providers on completing and submitting an annual return (AR) as required under section 10 of the Regulation and Inspection of Social Care (Wales) Act 2016 (the 2016 Act).
2. This guidance is for service providers who operate services regulated under the 2016 Act. These include:
 - care home services
 - secure accommodation services
 - residential family centre services
 - domiciliary support services
 - regulated adoption services
 - regulated fostering services
 - adult placement services
 - regulated advocacy services

Legal context

3. The 2016 Act requires registered service providers to submit an AR to the Welsh Ministers following the end of each financial year. The AR must include the information set out in section 10¹ of the 2016 Act.
4. The AR must also include the information set out in the Regulated Services (Annual Returns) Wales Regulations 2017² (“the Annual Return Regulations”), as amended by the Regulated Services (Annual Returns and Registration) (Wales) (Amendment) Regulations 2019³.
5. The 2016 Act requires Welsh Ministers to publish each AR submitted.
6. The Annual Returns Regulations also requires the AR to be in the form of an online return and be submitted to the Welsh Ministers within 56 days of the end of the financial year to which it relates (i.e. 26 May)
7. However, in recognition that service providers are under considerable pressure due to the impact of the pandemic, the Welsh Government have further amended regulations⁴ to significantly reduce the amount of content required in the annual

¹ <http://www.legislation.gov.uk/anaw/2016/2/section/10/enacted>

² <https://www.legislation.gov.uk/wsi/2017/1097/contents/made>

³ <http://www.legislation.gov.uk/wsi/2019/233/contents/made>

⁴ <https://www.legislation.gov.uk/wsi/2021/395/made> and
<https://www.legislation.gov.uk/wsi/2022/476/made>

returns and delay submission until October 2022. See section on 'Annual Returns due for submission in 2022' for further information.

Failure to submit an Annual Return

8. Under section 48⁵ of the 2016 Act, it is an offence for a service provider to fail to submit an annual return within the timescales set out by Regulations. If a service provider fails to submit an annual return within the required timescales, they could be subject to a penalty notice or other enforcement action⁶ deemed necessary by Care Inspectorate Wales (CIW).
9. Under section 52 of the 2016 Act, the Welsh Ministers may impose a penalty notice if they are satisfied that the service provider has committed a prescribed offence. This includes a failure to submit an AR.
10. The Regulated Services (Penalty Notices) (Wales) Regulations 2019⁷, sets out that the penalty to be paid is an amount corresponding to level 4 on the standard scale (this is equivalent to £2,500).

Annual Returns due for submission in 2022

11. The 2016 Act requires service providers to submit an AR following the end of each financial year during which the provider is registered.
12. Therefore, an AR is required in 2022 for each of the financial reporting periods: 2018-19, 2019-20, 2020-21 and 2021-22, depending on the service provider's year of registration. *For example, if a service provider was registered with CIW in September 2019, they are required to submit an AR for the financial reporting periods: 2019-20, 2020-21 and 2021-22.*
13. However, the AR will only require information to be submitted for each regulated service currently operated by the service provider. The service provider does not have to submit information in relation to any services it may have closed during these reporting periods.

Changes to legislation

14. To support the sector, following the impact of the pandemic, the Welsh Government have amended regulations to delay the requirement for service providers to submit the AR until **31 October 2022**.

⁵ <https://www.legislation.gov.uk/anaw/2016/2/section/48/enacted>

⁶ <https://careinspectorate.wales/providing-a-care-service/how-we-enforce>

⁷ <http://www.legislation.gov.uk/wsi/2019/887/contents/made>

15. In addition, the regulations limit the information required for the ARs due in October 2022 to that which is set out on the face of 2016 Act (RISCA). This approach will significantly reduce the amount of content required in the annual returns. The information required within the AR is limited to:

| Information required within the AR | |
|--|--|
| The regulated services the service provider is registered to provide | Prepopulated |
| The places at, from or in relation to which the provider is registered to provide those services | Prepopulated |
| The name of the responsible individual designated for each service | Prepopulated |
| The date of registration for each such regulated service and place | Prepopulated |
| Details of any other conditions on the service provider's registration | Prepopulated |
| Details of the number of people to whom the provider provided care and support during the year | To be inserted by the service provider for each regulated service operated by the provider in each of the reporting periods. |
| A statement setting out how the service provider has complied with the requirements of the regulations | A statement to be selected by the service provider (choose one of four statements) for each regulated service operated by the provider in each of the reporting periods. |

16. The majority of the AR will be prepopulated with the information CIW holds about the service provider and the regulated services they currently operate (as set out in the table above). The service provider may wish to review this information but cannot change it. The prepopulated information reflects what we held on the legal register at that time (for the stated reported period, i.e. 2018-19) and so cannot be altered.

Provider section of the AR

17. The provider section of the AR will be completely prepopulated by information held by CIW. There is no specific action required of the service provider in relation to this section.

Service section of the AR

18. The service provider will only need to provide information for each of its regulated services (currently in operation) which were in operation during the reporting period, specifically:

- the number of people provided with care and support during the reporting period for that regulated service.
- selection of a predefined statement (choice of four) which sets out how the regulated service has complied with the requirements of their relevant regulations during the reporting period.

All other information (for each regulated service in operation) will be prepopulated by information held by CIW.

19. In addition, the designated RI for the regulated service will need to make a declaration that confirms the information being provided (i.e. for the 2 points above) for that reporting period is accurate to the best of their knowledge.

Access, submission, and publication of the annual returns

Accessing the AR for each reporting period

20. Service providers will access and submit their online AR via their CIW Online account. The CIW Online system will make clear which reporting periods an AR is required for submission in 2022. The online system will also identify within the AR (for the stated reporting period) the services operated by the provider for which information is required.

21. The ARs will be accessible from **01 August 2022**.

Submitting the AR for each reporting period

22. The service provider must ensure all the information within the AR for each of the reporting periods required has been completed. The online system will prevent a service provider from submitting an incomplete AR.

23. Only the Responsible Individual(s) (RI) or organisation officer(s) associated to the provider who have activated their CIW Online account can access, complete and submit the annual return. The RI is required to ensure the section of the AR relating to the service they are designated for has been completed. Online assistants cannot complete or submit the annual return.

24. Upon submitting the AR, the service provider must complete a declaration to state that the AR for the relevant reporting period is true to the best of their knowledge.

Publishing the AR for each reporting period

25. All information contained within the AR for each of the reporting periods will be published. Once the AR is completed and submitted by the service provider it will be published on the CIW website (within the service directory page).

26. The ARs will remain published on the website until they are replaced by the service provider's next AR submission, i.e. for the reporting period 2022-23.

Further advice and guidance

27. Frequently asked questions have been set out within **Annex A**.

28. If there are any queries about completing or submitting the AR, the service provider can contact CIW by telephone on 0300 7900 126 and selecting option 4, or via email: CIW@gov.wales. This service is available in both Welsh and English.

29. Further information about the AR submission for 2022/23 will be published on our website⁸ following completion of this year's submission (i.e. after 31 October).

⁸ <https://careinspectorate.wales/submitting-annual-returns>

Annex A - Frequently Asked Questions

1. How can the service provider access the CIW Online account?

You must have a user account in order to use CIW Online and access the Online Services. CIW Online is accessible via our CIW website

<https://careinspectorate.wales/online-services>

If you do not have a CIW Online user account: you can apply for a user account by selecting the “Create New Account” button on the login screen of CIW Online. You will be asked to complete the requested information including your activation PIN.

Obtaining your activation PIN: an Activation PIN has been sent to all designated RIs at the address held by CIW for each individual.

If you are a RI and have not received or have lost your activation PIN or your activation PIN has been deactivated you will need to contact CIW on 0300 7900 126 and select option 4.

If you are experiencing any difficulties in accessing the AR form online, please contact CIW on 0300 7900 126 and select option 4 in the first instance.

2. Can more than one person help complete the AR due for submission in 2022?

Only the Responsible Individual(s) or organisation officer(s) associated to the provider who have activated their CIW Online account can access, complete and submit the annual return. Online assistants cannot complete or submit the annual return.

3. Does the AR need to be completed ‘at one sitting?’

No, whoever is completing the AR will be able to navigate through the system ‘saving as they go’.

4. Does the AR need to be submitted this year if they are a newly registered provider?

If the service provider was registered during any of the reporting periods (2018-19, 2019-20, 2020-21 or 2021-22) to which the AR relates then the service provider is required to submit an AR. The service provider is required to submit an AR for each of the reporting periods they were registered.

5. What happens if the legal entity of the service provider has changed?

Where the service providers legal entity has changed, contact CIW registration team immediately to discuss. You will need to contact CIW on 0300 7900 126 and select option 1.

6. Does an AR need to be submitted if the service provider has established a newly regulated service?

If the service was approved (within the service provider's registration) and operational during the financial year to which the AR relates then the service provider is required to include information about that regulated service within the AR.

If the service was approved in 2021-22, but was not operational at any time during that reporting period, the service provider is still required to include information about that regulated service within the AR. However, in response to the question about the number of people provided with care and support by that regulated service, the service provider should enter zero.

The AR will make clear which services the service provider must provide information in relation to.

7. Does the AR need to include information about a regulated service that has been removed from the service provider's registration?

No. If a regulated service has been removed from the service provider's registration then the AR does not need to include information about that service (in any of the reporting periods).

8. What period does the information in the AR cover?

The information contained within the AR relates to the financial year. There will be separate ARs for each of the reporting periods 2018-19, 2019-20, 2020-21 or 2021-22 financial year. The ARs that need to be completed by the service provider will depend on their year of registration. The CIW Online system will make clear which reporting periods an AR is required for submission in 2022 (see table).

A provider will be required to submit an AR for the financial year it was registered, and all subsequent years. If the provider registered part way through the financial year an AR will be required for that year.

Pa ddatganiadau blynyddol y bydd angen i chi eu cwblhau?
Which annual returns will you need to complete?



| Dyddiad cofrestru darparwr Provider registration date | Datganiad Blynyddol ar gyfer 2018/19 Annual Return for 2018/19 | Datganiad Blynyddol ar gyfer 2019/20 Annual Return for 2019/20 | Datganiad Blynyddol ar gyfer 2020/21 Annual Return for 2020/21 | Datganiad Blynyddol ar gyfer 2021/22 Annual Return for 2021/22 |
|--|---|---|---|---|
| Rhwng 1/4/18 a 31/3/19 Between 1/4/18 and 31/3/19 | ✓ | ✓ | ✓ | ✓ |
| Rhwng 1/4/19 a 31/3/20 Between 1/4/19 and 31/3/20 | ✗ | ✓ | ✓ | ✓ |
| Rhwng 1/4/20 a 31/3/21 Between 1/4/20 and 31/3/21 | ✗ | ✗ | ✓ | ✓ |
| Rhwng 1/4/21 a 31/3/22 Between 1/4/21 and 31/3/22 | ✗ | ✗ | ✗ | ✓ |

9. When will the AR be available to complete?

The AR for each reporting period will be accessible from the service provider's CIW Online account from the **01 August 2022**.

10. When will the AR need to be submitted?

The AR (for all reporting periods) must be submitted via the service provider's CIW Online account **by midnight, 31 October 2022**.

11. What language will the AR be published?

The AR will be published on CIW's website in Welsh and English.

12. There is an error with the information prepopulated in my AR for one of the reporting periods, can it be corrected?

The information contained within the AR reflects the registration data held by CIW for the stated reporting period. This registration information cannot be changed. The service provider can only update its registration details for the current financial year. It is the service provider's responsibility to ensure its registration remains up to date and accurate.

If you believe the incorrect information is due to a system error rather than an issue of registration, you will need to contact CIW on 0300 7900 126 and select option 4.

13. Once the AR has been submitted, can it be changed?

CIW expects the service provider to check and agree the content of the AR prior to submission. Once an AR has been published on CIW's website, the AR cannot be changed.

If the service provider believes the submitted AR includes an error, they should contact CIW as soon as possible on 0300 7900 126 and select option 4.

14. Can I download a copy of my Annual Return?

You can download a copy of the Annual Return in two ways:

- Prior to submission. Once you have entered all the necessary information within your Annual Return, you can select the 'Declaration' page and you will be given the option to download a copy prior to submission. You can use this option should you need to share a copy of your proposed Annual Return for approval via your internal governance processes.
- Following submission. You can access your submitted Annual Return from the Annual Return main page. Just click the download button for the relevant year and a pdf version of your Annual Return will be generated.

15. The Annual Return asks how many people we have provided support to. The number of people we support will fluctuate during the period, so at what point do we take the total from?

The question is asking how many people **in total** you provided care and support to during the year - not how many at any one time.

For example, to calculate how many people you provided care and support to during the year in a care home service, use your starting occupancy for the year, plus how many admissions there have been in the financial period; this equals the "total number of people you have provided care for".

Where you have provided care and support for an individual more than once during the year, each 'episode of care and support' is to be added to your total.

16. The declaration at the end of the Annual Return contains four statements for us to choose from. If you have had two inspections in the year, the first resulted with compliance issues arising, the second resulted with no compliance issues arising, what statement do you tick?

You should opt for the statement that best describes your situation as at the end of the financial year. In this situation (above), you would choose:

"We were inspected by Care Inspectorate Wales during the reporting period. The inspection identified we were not fully compliant with all regulations under section 27(1) of the 2016 Act. We subsequently took action(s) to improve compliance with the relevant regulations."

17. I recently became a Responsible Individual. Do I submit the Annual Return from when I took over, or when the service was registered under RISCA?

The AR is a provider return. A provider is required to submit an AR for the financial year it was registered, and all subsequent years. The AR is **not** based on when the RI was designated responsibility for a service.

If a new provider has purchased the service and registered it under a new legal entity, you will only complete an Annual Return from the period of that new registration.