

Memorandum of Understanding between Care Inspectorate Wales and Llais

for monitoring and supporting improvement in services registered under
the Regulation and Inspection of Social Care (Wales) Act 2016

Contents

Version history and approval.....	3
Introduction	4
Principles of co-operation	6
Joint priorities and areas of work.....	7
Media and publications	9
Governance	10
Duration and review of this Memorandum of Understanding.....	10
Annex A – Partnership working	12
On-going engagement	12
Quarterly bilateral	12
Joint workshops.....	12
National and local reviews.....	12
Annex B – Contact Details.....	13

Version history and approval

Version:	0.1
Date created:	24 June 2024
Authors:	CIW ([Margaret Rooney), Llais (Angela Mutlow)
Date agreed:	December 2024
Review date:	December 2025

Introduction

1. The purpose of this Memorandum of Understanding is to set out a framework to support the working relationship between Care Inspectorate Wales (CIW) and Llais.
2. This working relationship is part of the maintenance of an effective regulatory and oversight system for health and social care for people living in Wales, which promotes high quality and safe services.
3. This Memorandum of Understanding relates only to the regulation, inspection and oversight of social care for people living in Wales. It does not replace the statutory responsibilities and functions of Care Inspectorate Wales and Llais and does not create legally binding rights or obligations; its purpose is to define the joint agreement between the two organisations and to indicate a common line of action.
4. As part of the activities undertaken under this Memorandum of Understanding, other agreements (for example, information sharing agreements, or joint working protocols) may be established. Such agreements will exist separately to this Memorandum of Understanding.

Roles and responsibilities

Care Inspectorate Wales

5. CIW is the independent regulator of social care and childcare in Wales. It registers, inspects and takes action to improve the quality and safety of services for the well-being of the people of Wales. CIW:
 - carries out functions on behalf of Welsh Ministers to provide assurance on the quality and safety of services
 - decides who can provide services
 - inspects and supports improvement of regulated services and local authority social services

- undertakes national reviews of social care services
 - takes action to ensure services meet legislative and regulatory requirements
 - responds to concerns raised about social care and childcare services
6. CIW carries out regulation and inspection functions under the Regulation and Inspection of Social Care (Wales) Act 2016 for:
- care home services
 - secure accommodation services
 - residential family centre services
 - adoption services
 - fostering services
 - adult placement services
 - advocacy services
 - domiciliary support services
7. Under part 2 of the Children and Families (Wales) Measure 2010, CIW also regulate and inspects:
- child minders
 - day Care (including play) for children under twelve
8. CIW also has powers to inspect independent schools, having regard to the welfare of children accommodated in such schools (part 12 of the Children Act 1989). It can also consider whether to grant a waiver from disqualification from carrying on or being involved in children's homes under part 8 of the Act.
9. CIW reviews the operation of local authority social services departments in Wales. The Regulation and Inspection of Social Care (Wales) Act 2016 insert provisions in section 149 of the Social Services and Well-being (Wales) Act 2014 for CIW to review the exercise of local authority social services functions.

Llais

10. Llais has 3 core areas of activity:

- work with people, community representatives and groups in all parts of Wales to hear local people's views and experiences of health and social care services
- share what it hears with the NHS, local authorities and other decision makers to make sure people's views and experiences improve health and social care services for everyone
- when things go wrong, Llais will support people to make complaints

* In entering this MOU, Llais acknowledges its governance and accountability responsibilities to the Llais Board and any work outside of existing Strategic Plans may require Board approval.

Principles of co-operation

11. CIW and Llais acknowledge their respective statutory and non-statutory responsibilities and functions and will take account of these when working together. Our partnership takes account of the recommendations within a number of recent inquiries and reviews, particularly the need to optimise joint working to improve people's experience, safety and health and social care delivery.

12. In implementing this agreement, CIW and Llais intend their working relationship will be characterised by the following principles:

- the need to make decisions that promote high quality care and support for people and which protect and promote people's independence, health and well-being, safety and welfare;
- full openness between the two organisations as to when cooperation is, and is not, considered necessary or appropriate;
- respect for each other's independence;

- the need to use resources and intelligence effectively and efficiently through appropriate coordination and information sharing;
- the need to maintain public confidence in the two organisations; and
- a commitment to address any identified overlaps or gaps in the regulatory framework and responsibilities.

13. CIW does not routinely investigate service user complaints. When people contact CIW about complaints, CIW will make them aware of the support they can access through Llais.

14. Where a specific concern about the safety and quality of a social care service emerges, the relevant regional director of Llais will report this to CIW via its concerns process using the appropriate links on the CIW website ([Raising a concern about care services | Care Inspectorate Wales](#)). CIW will decide on the most appropriate action and advise the relevant Llais office of the outcomes from this consideration.

15. **If there are concerns someone may be at risk of harm, abuse or neglect**, Llais will contact social services in the relevant area to report a safeguarding concern.

Joint priorities and areas of work

Exchange of information

16. Co-operation between CIW and Llais will often require the exchange of information. Exchange of information will be expected, but not limited, to cases where:

- either CIW or Llais identifies concerns about the health and wellbeing of the public, particularly in relation to service user experience; and/or
- a resolution to a concern would benefit from a coordinated multi-organisation response.

17. In such cases, all exchanges of information will be lawful and proportionate and shared in confidence with the named contact in the other organisation at the earliest possible opportunity.
18. The closest interfaces between the work of CIW and Llais are in the functions of Llais' continuous engagement and representation, including visiting. The design of our work programmes will be informed by the sharing and cross referral of intelligence. This sharing and cross referral is supported by the partnership working arrangements in Annex A.
19. We are committed to sharing information on the focus of our work each year and actively considering whether there are opportunities to maximise the benefit to service users and the public by:
- raising awareness of each other's activities
 - adjusting the timing of our respective programmes where this provides an opportunity to feed into the other's work or undertaking work jointly
 - adjusting the content of our respective programmes in order to remove duplication or to explicitly co-ordinate.
20. In addition to the partnership working arrangements in Annex A, a number of mechanisms exist through which this is achieved:
- CIW and Llais programmes of activity have been published in their strategic and/or annual plans. Each body is invited to be members of any thematic stakeholder reference groups as appropriate. This enables clarity on content and timing and provides a forum through which to identify opportunities for joint working.
 - each organisation is invited as standing members of the others relevant stakeholder reference groups (where they are in place). They can use these groups to share their own work programmes with stakeholders.
 - CIW and Llais each provide links to the other from their websites to help the public to get the information and support that they need.

- CIW and Llais use their communication systems to raise awareness of relevant consultations and publications from the other body.

21. All arrangements for co-operation and exchange of information set out in this Memorandum of Understanding and any joint working protocol that may be developed will take account of and comply with the General Data Protection Regulation (GDPR), Data Protection Act 2018, Freedom of Information Act 2000, and all relevant CIW and Llais legislation relating to these matters, and respective Codes of Practice, frameworks or other policies relating to confidential personal information and information issues.

22. Both CIW and Llais are subject to the Freedom of Information Act 2000. If one organisation receives a request for information that originated from the other, the receiving organisation will discuss the request with the other before responding.

Media and publications

23. CIW and Llais will give each other adequate warning of, and sufficient information about, any planned announcements to the public on issues relevant to both organisations, including the sharing of draft proposals and publications. Discussion of emerging findings is included in the on-going engagement described in Annex A.

24. There are some specific mechanisms for handling external communications:

- to share early outline and final drafts where individual reports take account of or specifically refer to each other's work
- to make final national and thematic review reports available prior to publication under agreed 'embargo' arrangements
- to encourage specific references to each other's work and published reports within each organisation's regular communications, e.g. newsletters and on our respective websites

- to have the opportunity to comment on the factual accuracy of press releases, reports, evidence to Senedd Cymru committees etc. where these refer specifically to the work of the other organisation
- to refer to each other's work and any joint work, if relevant, when speaking at conferences or public meetings

25. CIW and Llais commit to work together, where appropriate, to produce joint statements or communications highlighting collaboration or activities relevant to both organisations.

26. CIW and Llais respect confidentiality of any documents shared in advance of publication and will not act in any way that would cause the content of those documents to be made public ahead of the planned publication date.

Governance

27. The effectiveness of the working relationship between CIW and Llais will be supported by regular contact, either formally or informally. This contact and any partnership working is described in Annex A. Contact details of relevant operational level contacts in each organisation are shown at Annex B.

28. Any disagreement between CIW and Llais will normally be resolved at working level. If this is not possible, it must be brought to the attention of the MoU managers identified at Annex B, who may then escalate it as appropriate within the two organisations to reach a mutually satisfactory resolution. Both organisations should aim to resolve disagreements in a reasonable time.

Duration and review of this Memorandum of Understanding

29. Both organisations have identified a person responsible for the management of this Memorandum of Understanding in Annex B. They will liaise as required to ensure this Memorandum of Understanding is kept up to date, identify any

emerging issues and resolve any questions that arise in the working relationship between the two organisations.

30. This Memorandum of Understanding is not time-limited and will continue to have effect unless the principles described need to be altered or cease to be relevant. This Memorandum of Understanding will be reviewed annually by the managers identified at Annex B, but may also be reviewed more urgently at any time at the request of either organisation.

Signed



Signed



Gillian Baranski

Chief Inspector

Care Inspectorate Wales

Alyson Thomas

Chief Executive

Llais

Date:

Date:

Annex A – Partnership working

While this Memorandum of Understanding sets out the guiding principle of information and incident sharing, there are also some specific activities which will facilitate the partnership between CIW and Llais:

On-going engagement

CIW nominated managers and Llais Regional Directors meet individually on a regular basis throughout the year in order to share emerging risks and issues identified through our work. In these meetings Llais will share with CIW analysis of complaints received in order to inform identification of potential clusters and patterns.

Quarterly bilateral

The Chief Executives will meet quarterly. The purpose of this will be to for a strategic discussion on on-going issues and plans and a forward look and review of joint working arrangement.

These meetings will aim to include the sharing, in broad terms, of national themes and operational plans before the start of the year and progress updates. Each is then invited to inform the scope of national themed activities.

Joint workshops

Partnership working arrangements allow CIW and Llais to run workshops (as and when necessary) to present ongoing work plans, recent findings and on-going joint work. These act as an opportunity for all relevant CIW and Llais managers to network and discuss ongoing work at a more operational level than the Chief Executive meetings.

The agenda for these meetings will vary throughout the year depending on ongoing joint work and operational planning cycles. However, as a minimum, these workshops may include:

- update on organisational planning and activities
- an update on work completed so far in the year and emerging findings
- any concerns or themes that have arisen in the last three months
- actions taken against the concerns and themes raised in the last workshop
- an update on on-going national and local review work

National and local reviews

Both CIW and Llais undertake a series of reviews throughout the year which focus on specific topics and issues highlighted through the monitoring of risks and issues. These reviews may be of a shared interest for both organisations. Where this occurs, nominated Project Leads for will meet as appropriate to discuss review plans, approaches and outputs.

Annex B – Contact Details

Care Inspectorate Wales

Welsh Government
Rhydycar Business Park
Merthyr Tydfil
CF48 1UZ

Tel: 0300 7900 126

Llais

33-35 Cathedral Road
Cardiff
CF11 9HB

Tel: 0300 062 8163

There will be named contacts between CIW and Llais as follows:

Chief Executives**Gillian Baranski**

Chief Inspector

Gillian.baranski@gov.wales

Alyson Thomas

Chief Executive

alyson.thomas@llaiscymru.org

Memorandum of Understanding managers**Margaret Rooney**

Deputy Chief Inspector

Margaret.rooney@gov.wales

Tel: 0300 7900 126

Ben Eaton

Strategic Director of Organisational
Strategy & Engagement

ben.eaton@llaiscymru.org

Tel: 02920 235558

Concerns Mailbox

<https://www.careinspectorate.wales/contact-us/raise-concern>

Tel: 0300 7900 126

concerns@llaiscymru.org

Tel: 02920 235558