



Care and Social Services Inspectorate Wales

Framework for local authority inspection, engagement and performance review

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Introduction

Care and Social Services Inspectorate Wales' (CSSIW) core objectives are to:

- provide assurance to Welsh Ministers and the public about the quality and effectiveness of care and support services; and
- drive improvement in the quality and effectiveness of care and support services to safeguard and to achieve people's desired outcomes.

We are committed to integrating relevant articles of the European Convention on Human Rights and the United Nations Convention on the Rights of the Child into every aspect of our work and to ensuring that people receiving care are safe, treated with fairness, dignity and respect, and that children are given the chance to develop.

Our approach is:

- person centred
- evidence based
- focused on people's well-being and the quality of the personal outcomes they are able to achieve, and
- reflects our commitment to hearing the voice of people who need care and support, and of carers who need support.

What follows describes how we will deliver against those principles and objectives through our work in local authority social services, strengthening the connections between all aspects of our activity. A renewed emphasis on engagement with people will be coupled with a rigorous analysis of performance and relevant evidence, from our inspections of both regulated and social services. This will deliver a clear line of sight on the quality of local authority commissioning arrangements and their impact on the well-being of people who need care and support, and carers who need support.

Legislative context

We will ensure that our work is aligned with the principles and objectives of current and future legislation and guidance. Currently, on behalf of the Welsh Ministers, we exercise powers found in Chapter 6 of the Health and Social Care (Community Health and Standards) Act 2003 (The 2003 Act). This sets out the Welsh Ministers' general function of encouraging improvement in the provision of Welsh local authority social services. The functions include the power to undertake studies and research; assess performance against set criteria and award performance ratings; charge fees; and promote or undertake studies with regards to economy and efficiency. The 2003 Act also provides the Welsh Ministers with significant powers associated with inspections of local authorities, including entry and access to documentation.

The context described above is in a state of transition with the implementation, drafting and development of new legislation and guidance. Our new approach to inspection, engagement and performance review has been informed and shaped by the developments described below:

The Social Services and Well-being (Wales) Act 2014 (SSWBA):

The methodology for the core programme for local authority inspection is built around the quality standards for local authority social services, issued under the code of practice, to measure social services' performance. These standards, in turn, reflect the national outcomes framework. Our approach to inspection, engagement and performance review is similarly focused on outcomes, with an emphasis on engaging with people to learn about their experiences and listen to their views.

The Regulation and Inspection of Social Care (Wales) Act 2016 (RISCA):

RISCA provides the statutory framework for the regulation and inspection of social care and the regulation of the social care workforce. This legislation establishes a regulation and inspection regime which supports the aims of the SSWBA. RISCA amends the SSWBA to require local authorities to produce an annual report about the exercise of its social services functions. When RISCA is enacted, the annual report will (unlike now) be a statutory requirement. It also establishes a requirement for a code of practice about inspection of local authorities to be developed and published. This code must set out the manner in which inspections will be carried out including the frequency of inspections. The Welsh Government intends to consult on the code of practice during the summer of 2017; the learning from our revised approach to inspection, engagement and performance review during 2016/17 will contribute to this consultation.

Other recent legislative developments include: the **Local Government (Wales) Act 2015** which promotes and enables local authority voluntary mergers from April 2018 and the **Well-being of Future Generations (Wales) Act 2015** which sets out a unique legislative architecture to improve the social, economic, environmental and cultural well-being of the people of Wales. Both these pieces of legislation are associated with Welsh Government's ambition to reform local government, as set out in its earlier white paper *Reforming Local Government: Power to Local People*. While much of the final detail is yet to be determined, it is clear that Welsh Government expects us and our partner inspectorates to work more closely together in pursuit of a shared understanding of local authority performance. In-keeping with this, our approach includes more systematic arrangements for sharing information and intelligence with partner inspectorates. The Green Paper, **Our Health Our Service** is focused on leadership and governance in health services in Wales. The paper also briefly considers the issue of the independence of the inspectorates and options for a merger between ourselves and Healthcare Inspectorate Wales (HIW). Our approach (as outlined in this document) for inspection, engagement and performance review would be readily transferrable to a merged inspectorate; for example, the focus on outcomes, engagement with people, and an analysis of how

commissioning activities affect well-being is as relevant for health as it is for social care.

Taken together, these legislative and policy developments help to bring about a renewed and strengthened focus on public service performance across health and social care. They will require all inspectorates to pay close attention to the extent to which public services help people to achieve positive outcomes. For us, this entails consideration of the efficacy and impact of local authorities' approach to commissioning and to financial decision-making at a time of intense pressure on public sector resources.

Work with other inspectorates¹

We recognise the added value that can be achieved by working together with other inspectorates. Inspection Wales is a programme of joint and 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)

We also work closely with other UK inspectorates, including jointly with the respective inspectorates of Constabulary; Prisons; and Probation, as appropriate.

The shared aim of the inspectorates is to provide assurance about the quality and effectiveness of services, and to support improvement by seeking always to report honestly and objectively on the public services that fall within their remit. By working together effectively, the inspectorates can increase positive impact for people.

A strategic agreement (2011) between the four Welsh inspectorates sets out the development of collaborative working arrangements. All the inspectorates aim to share knowledge and information, and co-ordinate the planning and delivery of their individual work programmes. Work with the other 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. Governed by clear principles and shared objectives; collaboration is visible and demonstrates the value it adds. We are a member of the National Preventative Mechanism for the United Kingdom (NPM). The NPM is the UK's mechanism for the prevention of torture and ill-treatment in detention. The NPM is made up of 20 independent bodies with powers to

¹ For ease of reference and simplicity all external review bodies are referred to as 'inspectorates' throughout this document. Further information about the remits of our fellow Inspection Wales Programme partners can be found at https://www.audit.wales/sites/default/files/download_documents/inspection-wales-remit-paper-english.pdf

inspect regularly all places of detention. Being part of the NPM reinforces our responsibility to prevent ill-treatment of anyone deprived of their liberty in the services we regulate and inspect. The NPM was established in 2009 by the UK Government to meet its UN treaty obligations regarding the treatment of anyone held in any form of custody and is coordinated by HM Inspectorate of Prisons. Through regular, independent monitoring of places of detention, conducted through thousands of visits every year, the NPM plays a key role in preventing ill-treatment in detention.

Welsh Language

The Welsh Language (Wales) Measure 2011 made the Welsh language an official language in Wales. This means that the Welsh language must not be treated less favourably than the English language. The Welsh Language Standards came into effect on 30 March 2016. The Standards have been created to give Welsh speakers' improved, enforceable rights in relation to the Welsh language by imposing standards on organisations around service provision, policy making, operations, promotion and record keeping. Local government and all the services it provides are legally bound to comply with its provisions.

"More than Just Words" the Strategic Framework for Welsh Language Services in Health Social Services and Social Care has been developed to strengthen Welsh language services among frontline health and social services. This is in order to meet the care needs of Welsh speakers and their families or carers. The concept of the "active offer" is an important part of the strategy where actively delivering services in Welsh is closely linked with meeting people's needs and contributing to their well-being.

Whilst it is the role of the Welsh Language Commissioner to assess compliance with Welsh language standards, we have a role in assessing local authorities' leadership and direction, and progress in embedding the Welsh Government's strategic framework for Welsh language services. As such, every aspect of our approach to inspection, engagement and performance review will reflect a commitment to hearing the voices of and promoting the ability of people needing care and support and carers to exercise control. This will include recognising and responding to their language needs.

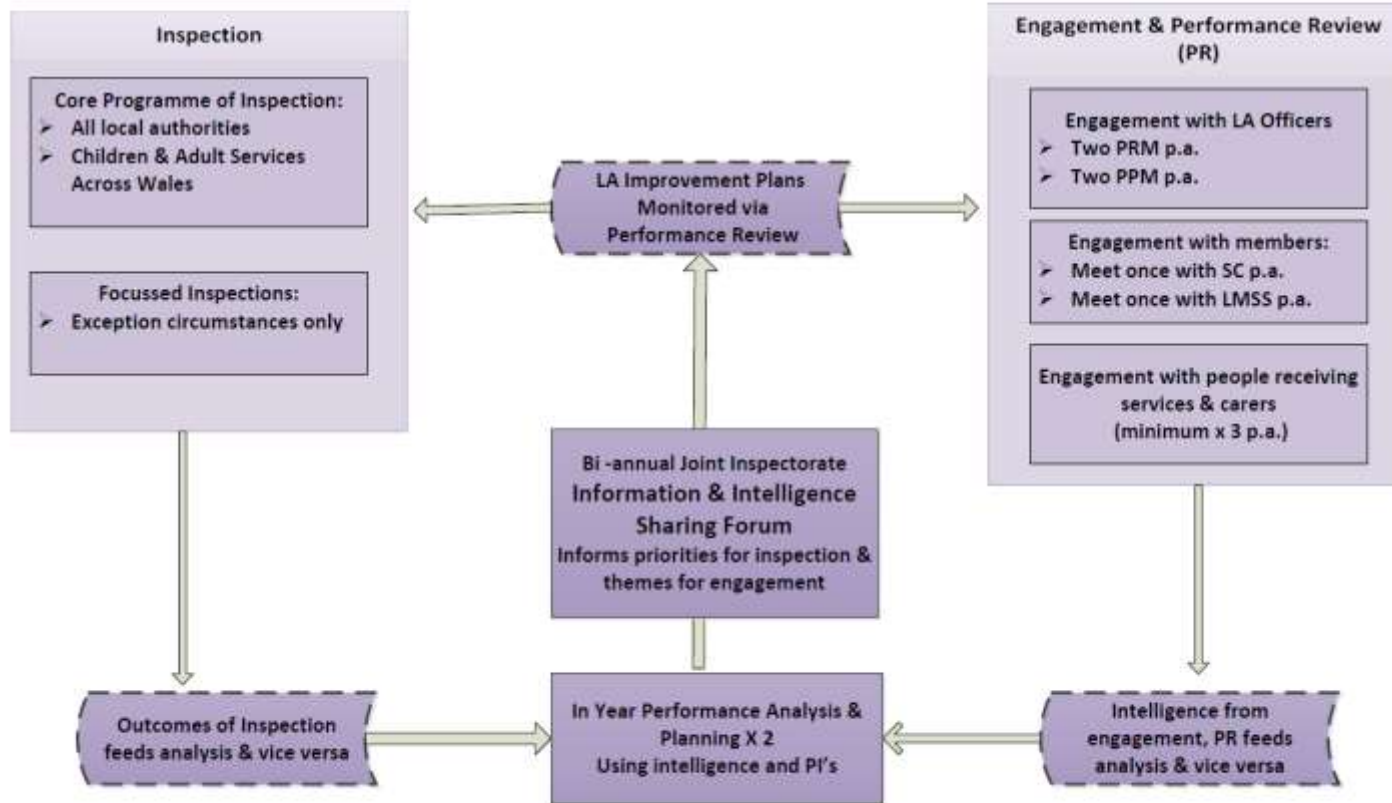
Cycle of inspection, engagement and performance review

Central to our approach to inspection, engagement and performance review is the introduction of a core inspection programme that is supported by improved arrangements for engagement and performance review, and better intelligence and information sharing, both from within CSSIW, as well as between ourselves and partner inspectorates.

- Our core inspection programme will ensure that all authorities are inspected to a common methodology, underpinned by the requirements set out in the Social Services and Well-being (Wales) Act 2014
- Eliciting the views and opinions of people who receive care and support services as well as their carers will be crucial to our engagement activity with local authorities
- Involvement of elected members, including scrutiny chairs will become more regular
- Business meetings with authorities will be delivered systematically and to a consistent standard
- Information and intelligence gathered from inspections, including inspections of regulated services, and engagement activities will be reviewed throughout the year; this will contribute to a bi-annual Joint Inspectorate Information and Intelligence Sharing Forum. The Forum will help shape the focus and timing of future inspection, engagement and performance review activity. Focused inspections will supplement the core inspection programme if required.
- Recommendations in inspection reports from the core inspection programmes will provide a focus for improvement activity.

Cycle of Local Authority, Inspection, Engagement & Performance Review

Key:
 PRM = Performance Review Meetings
 PPM = Performance & Practice Meetings
 SS – Social Services
 SC - scrutiny chair
 LMSS - lead member for social services



Engagement and performance review

As part of its overarching inspection, engagement and performance review framework, we provide a clear focus for engaging with people, staff and members and for performance review with local authority social services. The aim is to support rigorous evidence and information gathering of which both contributes to the assurance process and enhances the accountability of senior officers and elected members for the sufficiency and quality of services.

We already have a range of information and intelligence about local authority social services and the impact these have on people's lives. Whether services are provided by the local authority directly or commissioned on behalf of people, we will know something about the outcomes for people who need care and support from direct contact with those people who use regulated services. The activities described here integrate our work across both local authority and regulated services.

Engagement and performance review is cyclical, having both retrospective and prospective elements. There will always be regular activities providing opportunities for evaluation and review of performance, including engagement with people. Activities will primarily focus on engaging with people who wish to use social services as well as people receiving care and support and carers in need of support. Other activities include regular meetings with senior officers and elected members. These meetings will be used to gather information and intelligence about progress with the local authority's priorities and objectives, and the impact on improving outcomes for people. We also review the reports submitted by directors of social services annually. If, during the course of engagement and performance review, we consider it necessary to look in greater depth at an issue of concern, a focused inspection may be undertaken. Alternatively, the core inspection programme may be re-scheduled to accommodate an earlier (re)inspection than planned.

Our approach is predicated on a commitment to engagement at all levels: engaging with people; leaders and staff working in social services in the local authority; and elected members. Engagement activity will provide the context for delivering the core inspection programme and for any additional work in the local authority.

Engaging with people

We will engage directly with people at regular points during the year; this will ensure that our intelligence is fully informed directly by people's voices. We are committed to engaging not only with people and their carers who use services provided or commissioned by the local authority, but also with those people and carers who use regulated services and who access information advice and assistance services. We will make use of the local authorities' engagement plans and also consider the findings from the population surveys undertaken as part of the performance measurement framework (detailed in the code of practice in relation to measuring social services performance). We

are to promoting the voice and the ability of people who need or receive care and support to exercise control.

We will agree an annual plan with the directors of social services and heads of adult's and children's services to engage with people directly as a part of the engagement and performance review cycle. This will include a minimum of three engagement activities per year. Whilst the detail of individual local authority engagement plans will vary according to local circumstances, it will always be structured so that it explores quality criteria consistent with the core inspection programme. The plan will also be informed by wider intelligence arising from our inspections of regulated services and thematic reviews, as well as the work of other inspectorates and ministerial or community topical interest.

Engagement visits will be structured around key lines of enquiry identified in advance. They may include attending existing support groups such as those providing support for carers; adoption; dementia; or visits to day services or participation groups for looked after children. The purpose of these visits will be to meet and talk with people about their experience of accessing services, and about how the care and support they receive is supporting them to improve their well-being. Alternatively, the local authority could be asked to convene groups of service users for us to meet. We will seek advice and challenge from our regional advisory boards about our plans to engage with people in local authority areas, using their feedback to shape our plans and to influence the analysis of the intelligence we have gathered.

We have developed a routine and systematic approach to collating and analysing the information gleaned during engagement activities. Key points will be recorded by inspectors on an evaluation schedule template and subsequently shared with the director and relevant heads of service. Any issues of immediate concern identified during these meetings will be discussed immediately with the local authority so that it can take prompt action in response.

Engaging with local authority staff

We will engage with leaders and staff through regular business meetings and other activities throughout the year. The business meetings that are described below are designed to assist both the inspectorate and the local authority in coming to a view about progress with the local authority's priorities, and their impact on outcomes for people who need care and support.

Performance Review Meetings

We will schedule two Performance Review Meetings (PRM) per year with the directors of social services. These meetings will be convened and chaired by us. They will consider and review progress against the local authority's strategic priorities, including improvement objectives identified in any relevant inspection, or through the routine scrutiny of local authority performance. We

will also bring critical challenge to local authority performance in respect of their response to the performance measurement framework and the national outcomes framework. The PRM will be an opportunity for directors to share with us significant issues for social services including developments in respect of commissioning and partnership arrangements.

A PRM will be scheduled each March when we will meet with directors of social services. We expect that chair(s) of relevant scrutiny committee(s) will be invited to attend the latter part of these meetings.

A further PRM will be scheduled each September when we will meet with the director of social services and relevant (invited) elected member portfolio holders, who we will expect to be invited to all or part of the meeting.

This schedule of PRM will enable the sharing of our own and Scrutiny's respective work programmes and a consideration of the potential for collaboration and partnership.

All PRM will have a standard agenda, will be formally noted and any actions will be agreed with directors.

Performance and Practice Meetings

We will schedule a minimum of two Performance and Practice meetings (PPM) with each head of service per year. These meetings will be convened and chaired by us and will focus on operational practice, including specific cases of concern/interest and child/adult practice reviews. Additionally, the PPM will provide an opportunity to review emerging trends from our regulatory work. This will provide a further insight into the local authority's performance and the state of the market, as well as a review of relevant performance and identified improvement objectives. These meetings will enable the development of context for practice and consideration of workforce issues including an opportunity to "showcase" new and innovative practice.

All PPM will have a standard agenda and any actions agreed with relevant heads of service will be noted.

Engaging with members

We welcome engagement with elected members of the local authority, as part of our engagement and performance review activity, and will consider all options to do so during the business year. We will routinely meet with chairs of relevant scrutiny committees in March. This will enable sharing of the respective work programmes of CSSIW and scrutiny committees and to consider the potential for collaboration and partnership. We will expect the director of social services to routinely invite portfolio holders to all or part of the September PRM so that the relevant political leaders of the local authority can hear directly from the inspectorate, following receipt of the director's annual report. These arrangements are intended to support improvement in

services and outcomes for people in the local area in partnership with members.

Our inspection, engagement and performance review activity also includes an evaluation of the extent to which members fulfil their responsibilities for leadership and governance for social services in the local authority. This means that we will regularly attend relevant meetings of scrutiny committees and full council as required. Additionally, we will engage with elected members before, during and after a core inspection programme event. For example, lead members for social services and scrutiny chairs will be invited to join core programme inspection set-up meetings and inspection fieldwork will, invariably, include interviews with specific members to explore their contribution to the work of social services. Core programme inspection final reports will be presented to members.

Regional (internal) Performance Analysis Review meetings

We will hold bi-annual internal regional review meetings in September and March to consider themes and issues arising from performance data; directors of social services annual reports; engagement activity; and regulatory inspections. Other Welsh inspectorates will be invited to contribute to these meetings as relevant.

The purpose of these reviews is to:

- gain a better understanding of how well each local authority is delivering its social services functions and achieving positive outcomes for citizens; and the challenges for delivery;
- evaluate progress in relation to areas for follow-up identified in the previous year/during the course of the year;
- identify themes and issues that will inform our core inspection programme and national themes for annual engagement with individual local authorities;
- provide evidence and analysis for discussion with directors of social services and elected members at PRMs and the annual letter;
- inform the annual letter to directors of social services;
- inform the Joint Inspectorate Information & Intelligence Sharing forum
- inform the Chief Inspector's annual report.

(National) Joint Information & Intelligence Sharing Forum

We will meet bi-annually in November and July with other inspectorates to consider our review of the director's annual reports alongside significant performance information, findings from inspections and from each of our engagement work programmes in the individual local authorities. Following the November meeting themes for engagement activity with local authorities and prioritisation of the core inspection programme for the coming year will be agreed. These meetings will also provide an opportunity for the inspectorates

to consider jointly the leadership and governance dimension about which all will be expected to report on as part of the local government reforms.

It is likely that there will be regular occasions where inspections need to be undertaken jointly, especially when concerned with the broader well-being responsibilities of local authorities and their partners. Planning for all inspections in the core programme and for focused inspections will include a consideration of the scope for joint work with partner inspectorates. We will always consider whether a particular inspection should be jointly developed and/or delivered and will routinely share information, including emerging analyses, with our partner inspectorates. This approach will also include information sharing with other UK inspectorates who are not signatories to the 2011 agreement referred to previously.

Annual letter to the local authority and report of the director of social services

Directors of social services are currently expected to produce an annual report. This expectation has also been confirmed as a statutory requirement through RISCA to be enacted in 2018. While the detailed content of future directors' reports is yet to be determined, we expect that these reports will provide a wealth of information and intelligence that will help to inform the cycle of engagement activity and discussion at PRM and PPM as described. It will also be used to prioritise the local authority social services' core inspection programme. We will no longer formally respond to the director's annual report.

We will formally write to each local authority in April/early May each year. The letter will:

- provide feedback on engagement and performance review activity;
- 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 timing of our annual letter to the local authority is such that it should inform the content of the director's annual report and the forward work programme of relevant scrutiny committee(s). The letter will be produced following the March PRM and will be published on our website.

Focused inspections

If, during the cycle of inspection, engagement and performance review we consider it necessary to look in greater depth at an issue of concern (outside of the core inspection programme) a focused inspection may be undertaken. Criteria that would determine a decision to undertake a focused inspection would be "exceptional circumstances" such as a significant performance or practice concern; or the failure of a local authority to respond sufficiently to improvement recommendations arising from an inspection undertaken as part

of the core inspection programme. Focused inspections will draw on the local authority core inspection programme evaluation schedule, as well as the methodology and tools utilised by that programme. Focused inspections will result in a published report.

Core inspection programme

We will undertake inspections of adult and children's social services across all local authorities in Wales. The core inspection programme will be implemented from June 2016. We will use the first year as a learning and review phase; testing the efficacy of the local authority inspection, engagement and performance review framework as whole. This will include working closely with inspected local authorities to listen and learn from their experience.

Scope and focus of inspections

The primary focus of the core inspection programme is to provide assurance about the quality of experiences and outcomes achieved for people with care and support needs, and for carers who need support. This will be achieved through an evaluation of the quality of care and support services, and the leadership and management arrangements that support these, and which contribute to people's experiences and outcomes. The core inspection programme will also provide assurances about the implementation of legislation.

The core inspection programme is one element of our public assurance and improvement role and partner inspectorates. The core inspection programme will inform and be informed by:

- engagement and performance review of local authority social services;
- focussed inspections;
- findings from inspections of regulated services;
- findings from other inspectorates;
- national thematic reviews of services.

The foundation of the core inspection programme is the eight 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 (March 2016)**. Our approach builds upon the associated local authority quality standards set out in the **Code of Practice in Relation to Measuring Social Services Performance issued under section 145 of the Social Services and Well-being (Wales) Act**. In addition, all inspections will consider a local authority's capacity to improve through an analysis of the leadership and governance of

its social services functions. We have embedded this approach into our Local Authority Core Inspection Programme Evaluation Criteria which provides a set of five **key dimensions** underpinned by **quality criteria** to help guide inspectors in making their judgements, and to provide local authorities with clear information about what is expected. An evaluation against all quality criteria will not necessarily be included in every individual inspection event; this will depend on the particular focus of the inspection and will be determined by a regular review of key issues and challenges faced by local authorities in Wales. The focus of inspections will vary over time. However, every inspection will assess the extent to which the work of social services is effective in helping people who need care and support, and carers who need support, to achieve good outcomes.

All inspections will be structured around people's pathway through care and support services, or some specific element of that journey, and the contributions made by social services in partnership with other agencies to achieving good outcomes for people and (where relevant) to protecting people from harm. The pathway includes information advice and assistance; assessment; and care and support planning/review. Every inspection will also include evaluate the effectiveness of the local authority's safeguarding and leadership and governance arrangements that support the delivery of social services.

Table 1

Summary of links between national well-being outcomes, local authority quality standards and core inspection programme quality criteria*

What well-being means	National well-being outcomes	Quality Standards for Local Authorities - local authorities must:	What we expect to see
<p>Securing rights and entitlements</p> <p>Also for adults: Control over day-to-day life</p>	<p>I know and understand what care, support and opportunities are available and use these to help me achieve my well-being</p> <p>I can access the right information, when I need it, in the way I want it and use this to manage and improve my well-being</p> <p>I am treated with dignity and respect and treat others the same</p> <p>My voice is heard and listened to</p> <p>My individual circumstances are considered</p> <p>I speak for myself and contribute to the decisions that affect my life, or have someone who can do it for me</p>	<p>Work with people who need care and support to define and co-produce personal well-being outcomes that people wish to achieve and will ensure that they measure the impact of the care and support they deliver on peoples lives, as well as the achievement of personal outcomes</p>	<p>The authority works with partner organisations to understand, co-ordinate and make best use of statutory, voluntary and private sector information, assistance and advice resources available in their area</p> <p>All People have access to comprehensive information about services and get prompt advice and support, including information about their eligibility and what they can expect by way of a response. Arrangements are effective in delaying or preventing the need for care and support.</p> <p>People are aware of and can easily make use of key points of contact.</p> <p>People are listened to.</p> <p>People must feel they have reached some-one who listens to them.</p> <p>Access arrangements to statutory social services provisions are understood by partners</p> <p>People engaging with the service are operating effectively</p>

What well-being means	National well-being outcomes	Quality Standards for Local Authorities - local authorities must:	What we expect to see
<p>Physical and mental health and emotional well-being</p> <p>Also for children: Physical, intellectual, emotional, social and behavioural development</p>	<p>I am healthy and active and do things to keep myself healthy</p> <p>I am happy and do the things that make me happy</p> <p>I get the right care and support, as early as possible</p>	<p>Work with people who need care and support and carers who need support and relevant partners to protect and promote people's physical and mental health and emotional well-being</p>	<p>People are helped to do things for themselves: to maintain, recover and develop skills and capacity</p> <p>People feel that they matter; staff listen to them and talk to them in a way they understand. They are treated with kindly, compassionately and their human rights are respected. The help people receive maximises their independence, autonomy and their physical and mental health</p> <p>Carers have opportunities to describe their situation, the help that they need and where appropriate they get support in their own right.</p>
<p>Protection from abuse and neglect</p>	<p>I am safe and protected from abuse and neglect</p> <p>I am supported to protect the people that matter to me from abuse and neglect</p> <p>I am informed about how to make my concerns known</p>	<p>Take appropriate steps to protect and safeguard people who need care and support and carers who need support from abuse and neglect or any other kinds of harm.</p>	<p>Effective safeguarding strategies combine preventative and protective elements.</p> <p>Where people are experiencing/at risk of abuse, neglect or harm they receive urgent, well co-ordinated multi-agency responses. Risk management plans are successful in reducing actual/potential risk</p> <p>People are not left in unsafe environments</p> <p>Policies and procedures in relation to safeguarding and protection are well understood and embedded. They contribute to a timely and proportionate response to concerns. Local authorities and partners sponsor a learning culture where change to and improvement of professional performance and agency behaviours can be explored in an open and constructive manner</p>

What well-being means	National well-being outcomes	Quality Standards for Local Authorities - local authorities must:	What we expect to see
Education, training and recreation	I can learn and develop to my full potential I do the things that matter to me	Actively encourage and support people who need care and support and carers who need support to learn and develop and to participate in society.	People are supported to do the things that matter to them and to achieve their personal well-being outcomes People using services are supported by care and support plans which promote their independence, choice and wellbeing, keep them safe and reflect the outcomes that are important to them
Domestic, family and personal relationships	I belong I contribute to and enjoy safe and healthy relationships	Support people who need care and support and carers who need support to safely develop and maintain healthy domestic, family and personal relationships.	Assessments are an intrinsic part of intervention to support people to identify how they can do things for themselves Assessments support people to evaluate their own choices, recognise unsafe relationships and how to protect themselves and others who matter to them from abuse and neglect Care and support promotes the best possible arrangements for the individual person and as far as is reasonably practicable is consistent with promoting their wellbeing and that of their family and/or carers
Contribution made to society	I engage and make a contribution to my community I feel valued in society	Work with and support people who need care and support and carers who need support to achieve greater economic wellbeing, have a social life and live in suitable accommodation that meets their needs.	Care and support is designed and delivered in ways that encourage personal growth, fulfilment and people's positive involvement in communities People are helped to develop their abilities and overcome barriers to social inclusion Plans enable people to access services that geared to support their re-ablement and independence, reduce isolation and promote their wider participation in community life

What well-being means	National well-being outcomes	Quality Standards for Local Authorities - local authorities must:	What we expect to see
Social and economic well-being Also for adults: Participation in work	I contribute towards my social life and can be with the people that I choose I do not live in poverty I am supported to work I get the help I need to grow up and be independent I get care and support through the Welsh language if I want it		Access to services is provided through the medium of Welsh in line with Welsh Governments Welsh language standards and “More Than Just Words” People are involved in the design and development of services. There are increasing numbers and rates of people commissioning their own services in whole or in part through direct payments
Suitability of living accommodation	I live in a home that best supports me to achieve my well-being		People are supported to live within their own family or home. Where it is not safe or possible for peoples needs to be met within their family or at home they are supported to make choices which allow them to live in stable placements and to maintain contact with family and friends where that is in their best interests

* **Note:** The “What we expect to see” column does **not** contain a comprehensive list of our core inspection programme quality criteria. For a full list see our Evaluation Schedule.

Table 2

Summary of Leadership, Management and Governance core inspection programme quality criteria*

Leadership management and governance priorities	What we expect to see
Direction of Services	<p>Leadership, management and governance arrangements comply with statutory guidance and together establish an effective strategy for the delivery of food quality services and outcomes for people.</p> <p>Meeting peoples needs for a quality service are a clear focus for elected members, managers and staff</p> <p>Services are well-led, direction is clear and leadership of change is strong.</p> <p>Roles and responsibilities are clear and involvement of local people is effective</p> <p>The authority works with partners to develop help, care and support for people and fulfils ifs corporate parenting responsibilities.</p> <p>Leaders and managers and elected members have sufficient knowledge and understanding of practice and performance to enable them to discharge their responsibilities effectively</p>
Shaping & Commissioning Services	<p>Services are designed and commissioned to: improve outcomes for individual people, reflect community need; and address key priorities within the local population assessment</p> <p>Work with partners in shaping the pattern and delivery of services is informed by the views and experiences of people who use or may need to use services</p> <p>Strategic plans are converted into commissioning arrangements which provide safe, quality services and deliver best value</p> <p>People benefit from services which: meet their assessed needs; are quality assured against clear standards; are developed in partnership; and include choice in provision</p> <p>Peoples views on gaps in services and the effectiveness of support directly results in changes and helps inform how services are monitored and developed</p>
Workforce	<p>Services are delivered by a suitably qualified, experienced and competent workforce that is able to recognise and respond to need in a timely and effective way</p> <p>The local authority is able to ensure that staff and services meet the standards that have been set for them</p> <p>Services support improved outcomes for people</p>

* **Note:** The “What we expect to see” column does **not** contain a comprehensive list of our core inspection programme quality criteria. For a full list see our Evaluation Schedule.

Structure and overview of inspections

The overall structure for all inspections within the core programme will be consistent across all local authorities and across children’s and adult services. However, there will be some variations to accommodate differences in focus, size and context which will be built into individual inspection events. The following sections provide an overview only.

Local Authority Core Inspection Timeline

weeks	-6	-5	-4	-3	-2	-1	0	1	2	3	4	5	6	7	8	9	10	11 - 17	18	
	Announcement to council & public		Set-up Meeting	Advace info; self assess; file audit; sample selection			Fieldw ork		Fieldw ork					Report w riting				LA comment	final edits, design, translation	Publish Report

Notification and planning

Individual inspections will be announced to the local authority six weeks prior to fieldwork taking place.

At the same time our communications team will liaise with the local authority's communication team to advertise the forthcoming inspection to relevant service user and carer-led groups to seek their views about the key dimensions for the inspection. It is important that as wide a range of people as possible are able to contribute views about the quality of their local social services; we will make arrangements for people to tell us about their experience of social services if they wish to do so

The local authority core inspection programme handbook for inspectors and local authorities will be available on our website. Local authorities are encouraged to review this so as to be ready for an inspection at any time. However, after a local authority has been notified of an inspection lead inspectors will always meet with relevant staff and elected members to ensure that the necessary planning arrangements for an inspection are in place. The main purpose is to ensure that local authorities are able to maximise opportunities to provide inspectors with their best evidence within the required timeframe.

Methodology

The core inspection programme methodology is founded on the experiences of people who have accessed and/or are in receipt of care and support services. Primarily, inspectors will engage directly with people who are receiving care and support services and carers who need support. Methods for obtaining evidence will also include desk-top review of relevant policies and procedures; surveys; review of case-files; interviews with staff and their managers; direct observations of practice; and interviews/focus groups with relevant partners/professionals. Meetings will also be held with council and partner leaders and managers including elected members and senior officers.

Inspection team

Inspection teams will generally include five suitably qualified and experienced CSSIW inspectors². We will also seek to include colleagues from other inspectorates dependent on the focus of the individual inspection event.

We plan to develop arrangements for recruiting, training and deploying peer inspectors to complement the core membership of the inspection team. This aspect of the framework will not be implemented at the outset of the programme, but will be shaped in the light of the initial experience of delivering the core inspection programme.

² The team will usually include the Area Manager, who is the link inspector for the local authority being inspected.

Inspection activity

Pre-fieldwork

The inspection will draw on information available from previous inspections; engagement and performance review activity; inspections of regulated services; performance management information; population assessment reports (from 1 April 2017); and information held by other inspectorates. Additional specific advance information will also be requested by the lead inspector. This will be largely confined to information which authorities would be collecting and producing as a matter of routine business.

Local authorities will be invited to submit a self-assessment against the key dimensions for the inspection in advance of the fieldwork. Where the focus of the inspection cuts across a range of agencies' responsibilities, we will ask the Public Service Boards to submit a self-assessment.

We will liaise with local authorities to issue a staff survey to be completed prior to the end of the fieldwork phase of the inspection.

We will provide local authorities with a **case sample specification** to be used to prepare a list of cases for case tracking and review. This will be used to decide the final case sample for the inspection. We will select a minimum of 20 cases to be tracked, and local authorities will be asked to undertake a self-audit of these cases the results of which will be submitted to us prior to commencement of fieldwork. Local authorities will also be required to contact all service users/parents/carers of the selected cases to seek their permission for inspectors to interview them. We will select a further tranche of case files for review (exact number will be dependent on focus of inspection and size of local authority).

In addition, the local authority will need to work with our inspection support services to plan the inspection schedule for fieldwork activities.

Fieldwork Week 1

Inspectors will be on site from Monday 13:00 until Thursday 17:30. The inspection team will focus on the quality of the work of social services with people in need of care and support, and carers who need support. This will start with an evaluation of the experience and outcomes for individual people, as captured in the case records and as described by the service users/carers in interviews, and the relevant staff from the local authority and other professionals who know the cases best. Wherever possible, this "case tracking" will include face-to-face interviews, although telephone interviews may be used where appropriate.

Other activity will include observation of practice and focus group interviews with the wider staff group. It will also include meetings with those partner agencies delivering care and support services and desk-top case file reviews.

The objective is to consider the extent to which the quality and effectiveness of the work reviewed in the case sample is consistent with the evidence from the wider engagement activity, both during fieldwork week 1 and in the evidence collected in the pre-fieldwork stage. Inspectors will always recognise that while the achievement of positive outcomes will be an indicator of successful practice, it is not the only factor in evaluating the effectiveness of a service. High quality practice to protect children and adults at risk or to help people who lack capacity to make a particular decision will not always be in accord with people's aspirations and expectations,

Fieldwork Week 2

Inspectors will be on site from 09:00 Tuesday to 17:30 Thursday. The inspection team will take forward the analysis of the quality of practice and outcomes achieved as evidenced in the case tracking and other activities undertaken in fieldwork week 1. Inspectors will explore the arrangements that local authorities have in place for decision making and quality assurance at key stages in people's care and support pathway, through testing people's experiences against the stated objectives and priorities of the local authority in its relevant plans and strategies. At this stage, the inspection will examine in more detail resource allocation; performance management; partnership arrangements; commissioning arrangements; and contractual and financial data relevant to the key dimensions for the inspection. Inspectors will consider the quality of the leadership and governance for local authority social services and how this supports improvement in the care and support provided. The main focus of activity during this phase will be on individual interviews and/or focus groups with senior leaders, elected members, partners and local authority staff.

Our proposed judgements

Inspectors will use the inspection of local authority social services evaluation guidance to evaluate people's experiences and to assess the contribution of a local authority's leadership and governance arrangements for social services. Inspectors will use professional judgement to determine the weight and significance of their findings.

We do not intend to implement the use of a quality judgement framework with graded and published judgements at the initiation of the core inspection programme. However, we will during the interim ensure that the narrative of the report is clear about the quality of social services including the strengths and the areas for improvement. We intend to work in partnership with local authority social services to test the efficacy of a graded judgement framework during our learning and review phase. We will use the learning and review phase of implementation to shape the judgment framework with a view to full implementation at a future date. Subject to learning and review, it is proposed that graded judgements will be applied individually to each key dimension. It is

not intended to publish a graded judgement about the overall performance of a local authority.

We propose using a four point rating scale as follows:

Excellent	There is the highest quality of care and support practice, supported by leadership that is also well above the expected quality standards. The care and support provided makes a significant and demonstrable contribution to improving outcomes for people who need care and support, and carers who need support. These are services which are committed to ongoing improvement with many strengths, including significant examples of excellent practice and innovation.
Good	Both care and support practice and leadership meets the required quality standards and contributes to improving outcomes for people who need care and support, and carers who need support. These are services with many strengths and no important areas requiring significant improvement.
Requires Improvement	Minimum expected standards of care and support and leadership are mostly met. Improvement is required to provide a good standard of care and support that consistently contributes to improving outcomes for people who need care and support, and carers who need support. These are service where strengths outweigh areas for improvement, but where significant improvements are required in some areas.
Poor	Care and support practice and leadership do not meet the minimum expected standards and make little contribution to improved outcomes for people who need care and support, and carers who need support. These are services where important areas for improvement outweigh strengths and significant improvement is required in many areas.

Quality assurance

Quality assurance will be undertaken in accordance with our quality assurance strategy for local authority inspections. Lead inspectors are responsible for ensuring a high level of quality in the work of the inspection team and in the draft and final report. They will be supported and overseen by the relevant Assistant Chief Inspector for CSSIW who will bear final accountability for the quality of the work undertaken and delivered.

Each inspection will include a formal request for feedback from the local authority in the form of a standard survey, as well as specific feedback from staff interviewed. Learning from this feedback will be used to improvements to our processes and practice.

Report

Our reports will be clear about what is working well and about the areas for improvement. The report produced by us at the end of an inspection will be structured around the key dimensions that underpin the core inspection programme described above. We will submit a report to the authority for comment on matters of factual accuracy and balance within 25 working days of the end of the fieldwork. The local authority will have up to 10 working days to respond. The report will be published to our website within 20 working days of receipt of the local authority's comments. We will ask the local authority to make arrangements at the earliest opportunity for us to present the report to elected members.

Monitoring improvement

Improvement plans

The local authority will be required to produce an improvement plan in response to the findings and recommendations of the inspection report within 20 working days of publication of the report. The plan should set out, in plain language, the way in which the local authority is going to improve arrangements to support outcomes for people, as a result of the findings of the inspection. The local authority should present the improvement plan to the relevant scrutiny committee at the earliest opportunity. We will monitor progress of the improvement plan through our engagement and performance review activities. This will include discussion at PRMs and PPMs with the authority, and may also involve a more detailed examination of the improvement plan through additional activity, including a focused inspection if merited.

Significant concerns

Where the findings from a core inspection indicate significant concerns about either the quality of the care and support provided, or the effectiveness of leadership and governance, consideration will be given to the need for a re-inspection, to review progress against the improvement plan, to take place within the subsequent 12–18 months. The decision to undertake a re-inspection will be informed by the nature of the significant concerns from the original inspection; the content of the improvement plan produced by the authority; the corporate context for care and support in the authority; and any other relevant contextual matter. We will write to the local authority within 20 working days of the production of the authority's improvement plan, with a formal notice of its intention to re-inspect. This notice letter will be followed by another letter with more detail about the arrangements, including dates, within six weeks of the planned start of the re-inspection.

Serious concerns

Serious concern arises when the severity, frequency or persistence of problems exceed that which can be dealt with by usual practice. In these circumstances we will act in accordance with the Response to Serious Concern about Local Authority Social Services Protocol. This sets out the way in which Welsh Ministers will respond to serious concerns about local authority social services.

In each case we will make a judgement about the seriousness of the problems, their 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.

Conduct and complaints

Inspectors must uphold the highest professional standards in their work, and ensure that everyone they encounter during inspections is treated fairly and with respect. The code of conduct requires inspectors to:

- evaluate objectively, be impartial and inspect without fear or favour;
- evaluate provision in line with local authority quality standards;
- base all evaluations on evidence;
- have no connection with the local authority which could undermine their objectivity;
- report honestly and clearly, ensuring that judgements are fair and reliable;
- carry out their work with integrity, treating all those they meet with courtesy, respect and sensitivity;
- endeavour to minimise the stress on those involved in the inspection;
- act in the best interests and well-being of people who need care and support and carers who need support;
- maintain purposeful and productive dialogue with those being inspected, and communicate judgements clearly and frankly;
- respect the confidentiality of information, particularly about individuals and their work;
- respond appropriately to reasonable requests;
- take prompt and appropriate action on any safeguarding or health and safety issues.

Where colleagues from partner inspectorates are involved in CSSIW-led inspections they will be expected to adhere to their own organisation's code of conduct.

Any concerns which arise during the inspection should be raised with the lead inspector at the earliest opportunity for prompt resolution. Where this is not

appropriate or not successful, it should be raised directly with the Assistant Chief Inspector. Complainants will be informed of their right to complain through the Welsh Government's formal complaints procedure if they are not satisfied with the response from us.

The Welsh Ministers

RESPONSE TO SERIOUS CONCERN ABOUT LOCAL AUTHORITY SOCIAL SERVICES

1. INTRODUCTION

1.1 Preamble

This protocol describes how the Welsh Ministers will respond to serious concerns about local authority social services. It refers to the general powers and functions of the Welsh Ministers under social services legislation. Insofar as it also refers to powers of the Welsh Ministers under the Local Government Act 1999, it complements the protocol on intervention powers issued as an annex to the National Assembly for Wales Circular 14/2000 on the *Local Government Act 1999: Guidance to Local Authorities on Best Value*.

This protocol is written in the spirit of the *Framework for Partnership - Wales* signed in December 1997 by the Secretary of State for Wales on behalf of the government and the Chairman and Leader of the Welsh Local Government Association (WLGA) on behalf of local authorities. It gives expression to the shared aim of the Welsh Ministers and Welsh local government to raise standards in public service, to support and assist local authorities in improving services, to provide a clear framework for intervention by the Welsh Government in cases of failure, and an orderly process for the resumption of normal arrangements following intervention.

1.2 The role of the Care and Social Services Inspectorate Wales

CSSIW acts on behalf of the Welsh Ministers, to inspect and monitor social services provided by local authorities and others and to develop good practice, and provides professional advice to the Welsh Ministers on social services matters. As such it will have a primary role in making judgements about service performance and in dealing with local authorities in respect of whom there are serious concerns. In doing so it will work closely with the relevant policy divisions of the Welsh Government, particularly those in the Health and Social Care Group and the Local Government Group. CSSIW will also consult as appropriate with other inspectorates, regulators and the Wales Audit Office.

1.3 Role of the WLGA, SSIA and ADSS Cymru

Where evidence and experience show that a local authority is at risk of failing in its duties in respect of social services, there are several ways of achieving improvements. Councillors, officers and contracted providers of services have

the prime responsibility for delivering quality services and dealing with shortcomings and failings. The WLGA and SSIA are committed to work with authorities to support improvement where problems exist, and the WLGA encourages its member authorities to give early warning of potential problems emerging from inspections, reviews, draft reports, complaints, internal reviews or other sources so that advice and support can be offered. Support may be offered by other authorities through networks such as ADSS Cymru or the authority may be helped to identify and procure other external advice and assistance.

1.4 Principles governing intervention by the Welsh Ministers

The Welsh Ministers will exercise statutory intervention powers only where there is clear evidence that an authority is failing either to discharge its functions adequately or failing to meet its statutory obligations.

The Welsh Ministers will inform the authority of the reasons for intervention whenever it uses its statutory intervention powers.

The form and extent of the intervention will be commensurate with the type and seriousness of failure and the need for effective improvement.

Except in cases of serious failure or unless there is a need for urgent intervention, the authority will normally be given the opportunity to make the necessary improvements itself.

Local authorities will provide accurate and timely responses to requests for information, and co-operate with such action as the Welsh Ministers may direct in accordance with its powers and this protocol.

In cases where a function is exercised by the Welsh Ministers or a person acting on behalf of the Welsh Ministers, both the Welsh Ministers and its nominee will be subject to the statutory duties that the authority would normally be subject to in respect of that function.

2. ESTABLISHING CONCERN

2.1 Concerns coming to the notice of CSSIW

Concerns can come to the notice of CSSIW through:

- inspections and reviews;
- individual casework;
- routine monitoring;
- complaints and concerns from service users, staff, members of the public; and
- information from other agencies, AMs and other official figures.

2.2 Usual practice

2.2.1 Inspections and reviews

General concerns arising through inspections and reviews are dealt with through the normal process of recommendations or areas for improvement in reports and the authority's action plan. CSSIW, often in partnership with its fellow inspectorates and regulators, will monitor the implementation of the action plan. More specific concerns (for example about individual cases or incidents) are referred to the Director of Social Services and dealt with as other cases below.

2.2.2 Routine monitoring

Routine monitoring will raise questions about the performance of authorities. If these suggest that authorities are significantly under-performing, or that the pattern of services is significantly different from most other authorities, CSSIW will pursue these questions with authorities. Such enquiries may from time to time give rise to concerns that cannot be readily resolved.

If an authority's performance against a range of agreed national indicators is in the bottom quartile of authorities in Wales, or if indicators or other information about crucial service areas appear seriously adverse, this will trigger consideration of whether there are grounds for serious concern. CSSIW will then act as outlined in section 4. (In practice, it is unlikely that performance information alone will give rise to serious concern; it will usually need to be interpreted alongside other evidence, such as inspection or casework.)

2.2.3 Other cases

Most concerns are resolved by CSSIW in its routine contacts with local authorities through Directors of Social Services. Specific concerns are brought to the attention of the Director in writing, with the expectation that the matter will be investigated and resolved, with a report back to CSSIW.

If any specific concern or the authority's response to it gives rise to more serious concern, CSSIW will act as outlined in section 4.

3. DEFINING SERIOUS CONCERN

Serious concern arises when the severity, frequency or persistence of problems exceed that which can be dealt with by usual practice.

Serious concern about an authority may include the following:

Practice:

- frequent or very serious failure to meet statutory requirements or failure to follow guidance without appropriate justification;

- failure to protect vulnerable people from actual or potential harm;
- significant unfairness in dealing with individuals entitled to service; and
- persistent under-performance on key indicators.

Staffing and management:

- lack of suitable staff in key positions;
- lack of effective guidance and quality control;
- failure to respond to concerns raised by CSSIW or similar bodies, or to take corrective action following justified complaints; and
- deliberate attempts by senior managers to mislead or misinform.

Policy:

- unfair discrimination; and
- flagrant breach of guidance.

External relations:

- breakdown in working relationships with key partners; and
- serious and persistent adverse publicity, likely to undermine public confidence in the service.

In each case CSSIW will make a judgement about the seriousness of the problems, their apparent causes, and the capacity of the local authority to resolve those problems. The processes of establishing concern, through inspections, reviews or other methods will happen in an open manner in consultation with the authority. Serious concern may lead to intervention beyond normal practice.

4. NOTIFICATION OF CONCERN

4.1 Preliminary letter

The Chief Inspector of CSSIW will write to the Director of Social Services and the Chief Executive, with a copy to the WLGA. The letter will:

- state that it is written in accordance with this protocol;
- state that there appear to be grounds for serious concern;
- outline the grounds for that concern; and
- invite officers of the authority to a meeting to discuss whether the grounds for serious concern are justified and, if so, what action may be taken.

4.2 Meeting with officers

The meeting should normally take place no sooner than ten and no later than twenty working days after receipt of the letter. (In urgent cases, a meeting may be arranged sooner.)

The meeting will usually comprise the Chief Inspector of CSSIW and relevant Assistant Chief Inspector, the Head of the Welsh Government's Health and Social Services Group (or equivalent) (and/or Head of relevant Division), the Chief Executive, Director of Social Services and other relevant senior managers from the local authority. Others, such as a representative of the relevant inspection and review team or the Wales Audit Office, may be invited as appropriate.

Officials and officers will discuss the grounds for concern (including any representations from the authority that these are insufficient to merit serious concern), actions the authority will take to respond to the concerns, and further actions the Welsh Ministers may take to deal with the concerns and/or to monitor progress.

4.3 Confirmation letter

Following the meeting, the Chief Inspector of CSSIW will write again to the Chief Executive and the Director of Social Services, with a copy to the WLGA.

If there is no longer any cause for serious concern, the letter will say so. Relations will continue on a basis of normal business.

If there are still grounds for serious concern, the letter will confirm this, stating the grounds, confirming any actions agreed at the meeting and any further measures to be considered by the Welsh Ministers. The Chief Executive and Director should draw this letter to the attention of elected members (usually the Leader of the Council and the senior member for social services – committee chair, cabinet member or equivalent). The Chief Inspector will inform the Minister for Health and Social Services, the Deputy Minister for Social Services and the Minister for Local Government and Government Business.

5. ACTION TO DEAL WITH SERIOUS CONCERN

The choice and order of these interventions may depend on the way in which serious concern comes to light and the response of the authority.

5.1 CSSIW intervention

5.1.1 Agreeing an action plan

CSSIW will attempt to agree actions to be taken by the authority to resolve the concerns.

5.1.2 Monitoring

CSSIW will agree with the authority a series of reports or meetings or both to monitor progress in resolving the concerns.

5.1.3 Assistance

If the authority finds it difficult to resolve the concern, CSSIW will discuss with authority what advice and assistance may be available, usually through the local government organisations.

5.1.4 Additional inspection

An inspection or inspection follow-up additional to the planned programme may be undertaken to check progress.

5.2 Political intervention

5.2.1 Minister's meeting with authority

The stage at which the Minister becomes involved may depend on the way in which serious concern comes to light. When serious concern comes to light in an inspection or review report, or if the authority's response to a formal letter from CSSIW fails to deal adequately with serious concern, the Minister may request a meeting with the Leader of the Council. This meeting is likely:

- to make clear the Minister's concern;
- to seek the commitment of the Council to putting things right;
- to seek agreed arrangements for a suitable action plan;
- to set out how progress will be monitored; and
- to make clear that the Minister may consider further action if progress is not satisfactory.

5.2.2 Formal powers:

If the authority's response does not appear likely to resolve the serious concern in a reasonable time, the Welsh Ministers may use their formal powers to direct or take other action. These formal powers are seen as a last resort and will only be used if other interventions are unlikely to succeed. The Welsh Ministers will notify the local authority and the WLGA of its decision to use formal powers. Except for reasons of urgency (which would be explained in writing), the authority will be given the opportunity to make representations about the actions proposed.

5.3 Ending of intervention

In cases where a function is exercised by the Welsh Ministers or a person acting on its behalf, the Welsh Ministers will aim to return that function to the local authority as soon as is practicable. In cases where the Welsh Ministers makes a direction with continuing force, they will aim to lift that direction as soon as is practicable. In either case the Welsh Ministers will write to the local authority and to the WLGA giving notification of the decision and reasons for it.

In cases of intervention under this protocol short of formal powers, CSSIW will write to the authority, with a copy to the WLGA, when it is satisfied that there are no longer grounds for serious concern.

6. MEDIA RELATIONS AND EXCHANGE OF INFORMATION

Any announcements, publications or press releases issued in relation to any part of the procedures for intervention covered under this protocol will be subject to the agreement set out in the document *A Framework for Partnership - Wales* (paragraphs 11 and 12 *Public Announcements and Exchange of Information*). This provides that each party to the agreement will convey announcements concerning the other to the other party no later than to the media. It is the normal practice of CSSIW and its inspection and review teams to share draft press notices, for information on a confidential basis, at least a day before the embargo time.

ANNEXE

Summary of formal powers available to the Welsh Ministers

Social services powers:

Guidance

Under s 7 of the Local Authority Social Services Act 1970, local authorities “shall ... act under the general guidance of” the Welsh Ministers.

Directions

Under s 7A of the Local Authority Social Services Act 1970, every local authority “shall exercise their social services functions in accordance with such directions as may be given to them ...” by the Welsh Ministers.

Default

Under s 7D of the Local Authority Social Services Act 1970, if the Welsh Ministers are “satisfied that any local authority have failed, without reasonable excuse, to comply with any of their duties which are social services functions (other than a duty imposed by or under the Children Act 1989), [the Welsh Ministers] may make an order declaring that authority to be in default with respect to the duty in question.” Such an order “may contain ... directions for the purpose of ensuring that the duty is complied with ...”.

Under s 84 of the Children Act 1989, if the Welsh Ministers are “satisfied that any local authority has failed, without reasonable excuse, to comply with any of the duties imposed on them by or under this Act, [the Welsh Ministers] may make an order declaring that authority to be in default with respect to that duty.” Such an order “shall give the [Welsh Ministers] reasons for making it” and “may contain ... directions for the purpose of ensuring that the duty is complied with”.

There is a similar provision under section 14 of the Adoption and Children Act 2002 which permits the Welsh Ministers to make an order declaring the authority to be in default if the Welsh Ministers are “satisfied that the local authority have, without reasonable excuse, failed to comply with any of the duties imposed upon them by the Adoption and Children Act 2002 or of section 1 or 2(4) of the Adoption (Inter-country Aspects) Act 1999. Any such order must give the Welsh Ministers’ reasons for making the order and “may contain such directions as appear necessary”.

Local government (best value) powers:

Direction

Under s 15 of the Local Government Act 1999, if the National Assembly for Wales is satisfied that a best value authority is failing to comply with the best value Part of the Act, it may direct the authority

- to carry out a review of its exercise of specified functions
- to take any action considered necessary or expedient to secure its compliance with the requirements.

The Local Government Support and Intervention Protocol, drafted in 2007 and updated in 2013, reflects current law and practice and in particular the Local Government (Wales) Measure 2009. The Measure both reformed local authorities' duties as regards improvement and Ministers' powers to provide support and intervene. Section 23 of the Measure requires the major inspection and regulation bodies in Wales to coordinate their functions. While this provision applies to the normal course of business for each relevant body, the updated Local Government Support and Intervention Protocol applies to cases where there may be national level concern leading to support or intervention.

Default

The Welsh Ministers may also direct

- that a specified function of the authority shall be exercised by the Welsh Ministers or its nominee; and
- that the authority shall comply with any instructions of the Welsh Ministers or its nominee in relation to the exercise of that function and shall provide assistance required for the purpose of exercising the function.

Except in urgent cases, these direction and default powers should be used only after giving the authority an opportunity to make representations.