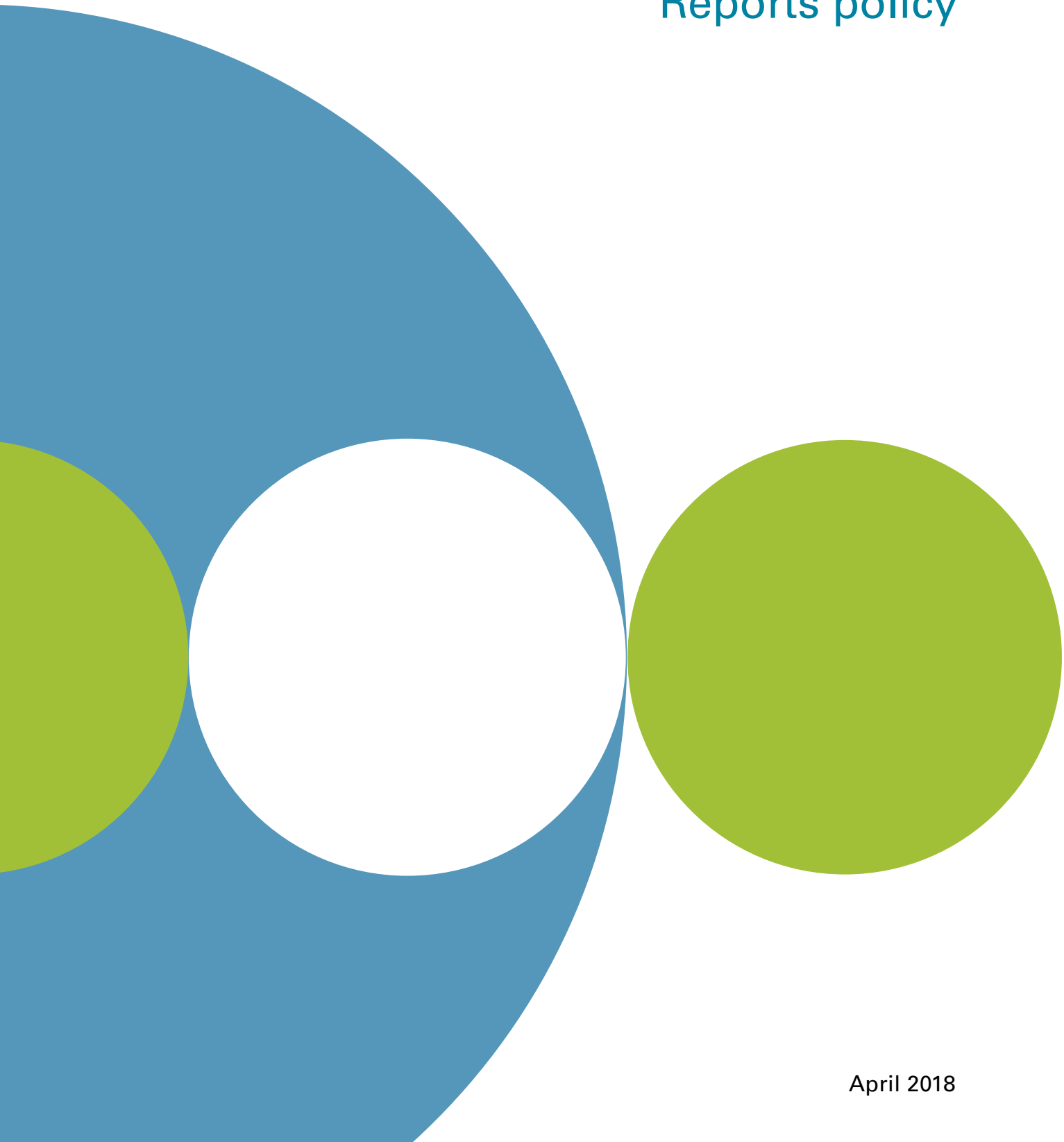


# Responding to Inspection Reports policy



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

## **Contents**

<b>1. Introduction .....</b>	<b>2</b>
<b>2. Providing post-inspection feedback .....</b>	<b>3</b>
<b>3. Provider comments/challenges about inspection reports .....</b>	<b>3</b>
<b>4. Complaints about the conduct of the inspector.....</b>	<b>5</b>
<b>5. Timeline for responding to your inspection report.....</b>	<b>5</b>
<b>6. Responding to your comments or challenges (Stage 1) .....</b>	<b>6</b>
<b>7. Responding to further comments/challenges to reports (Stage 2) .....</b>	<b>7</b>
<b>8. Requests for information .....</b>	<b>8</b>
<b>Annex – flow chart of process for responding to inspection reports .....</b>	<b>9</b>

# 1. Introduction

- 1.1. CIW inspects social care providers and childcare services. Our findings are set out in our reports. We apply similar principles and processes for responding to concerns about accuracy and judgements across our inspections. As an inspectorate we publish our reports in order that the public can have assurance or otherwise about the care people receive unless doing so would place vulnerable children or adults at risk of being identified. We strive to ensure our reports are fair and findings and judgements are based on the triangulation of evidence we gather prior to, during and following the inspection visit.
- 1.2. In the interests of fairness and transparency, we accept the right of service providers, Registered Persons<sup>1</sup>, Responsible Individuals<sup>2</sup> or relevant persons<sup>3</sup> to question our reports through our responding to inspection reports policy where they believe them to be inaccurate or unfair. This gives us the opportunity to correct any errors and consider additional information before an inspection report becomes publicly available.

---

<sup>1</sup> A Registered Person is:

- The registered manager for voluntary adoption agencies, adoption support agencies, independent fostering agencies and adult placement schemes, inspected under the Care Standards Act 2000.
- The registered child minder, for child minders inspected under the Children and Families (Wales) Measure 2010;

<sup>2</sup> A Responsible Individual is the individual designated under the Regulation and Inspection of Social Care (Wales) Act 2016 (this applies to care home services, secure accommodation services, residential family centre services and domiciliary support services registered under the 2016 Act).

<sup>3</sup> A relevant person is:

- The designated manager, the Director of Social Services and the Chief Executive for local authority adoption and fostering services, inspected under the Health and Social Care (Community Health and Standards) Act 2003;
- The designated individual for regulated day care i.e. full day care, out of school care, sessional day care, crèches and open access play provision, inspected under the Children and Families (Wales) Measure 2010.
- The principal and chair of the management board for independent boarding schools, residential special schools and further education colleges, inspected under the Children Act 1989
- The principal for local authority boarding schools, residential special schools and further education colleges, inspected under the Children Act 1989

## **2. Providing post-inspection feedback**

- 2.1. The inspector will provide feedback following an inspection visit. This will be an overview of findings at the end of the inspection visit as further analysis may be required before judgements or ratings can be made. Feedback will be structured around the assessment themes and should focus on areas of compliance and non-compliance<sup>4</sup>. Where it is not possible to provide feedback to the Registered Person, Responsible Individual or relevant person at the end of the inspection visit, the inspector will provide feedback to the most senior person present. Further feedback will be provided to the Registered Person, Responsible Individual or relevant person at the earliest opportunity.

## **3. Provider comments/challenges about inspection reports**

- 3.1. The inspector writes and issues the report. Each inspection report is expected to be written and issued to the service provider and/or the Registered Person, Responsible Individual or relevant person within 25 working days of the last inspection activity. However the 'last inspection activity' could be, for example, the inspection visit itself or follow-up telephone calls to relatives or professionals or reviewing questionnaires. For more information on how we publish and make available our reports, see our Policy for Publishing Inspection Reports.
- 3.2. The inspection report will be sent to the service provider, Registered Person, Responsible Individual or relevant person for their consideration. A period of 10 working days is available to respond to the report and submit comments about factual accuracy, completeness of the evidence and/or the findings upon which our judgements or ratings are based.
- 3.3. In a small number of instances, this timescale may be extended due to issues such as the availability of the Registered Person, Responsible Individual or relevant person to respond to the inspection report. This will be subject to agreement by the relevant inspector.

---

<sup>4</sup> Note: For local authority fostering and adoption services, non compliance notices will refer to failure(s) in meeting the relevant National Minimum Standards. For all other services these will identify failure(s) in complying with the regulations relevant to the service.

- 3.4. Where the service provider, Registered Person, Responsible Individual or relevant person comments about or challenges our report through this policy, this may delay publication (initially by 15 working days and potentially by a further 10 working days in the case of any further challenge).
- 3.5. Where no response is made or where the service provider, Registered Person, Responsible Individual or relevant person responds that they do not wish to comment, the report will be made publically available as soon as practicable following the inspection.
- 3.6. Through this policy the service provider, Registered Person, Responsible Individual or relevant person will have the opportunity to question our inspection reports and submit comments about the factual accuracy, completeness of the evidence and/or the findings upon which our judgements or ratings are based. Typically comments may include:
- typographical, spelling or numerical errors;
  - feedback on information in the report that the service provider, Registered Person, Responsible Individual or relevant person considers to be factually incorrect (names, dates, places etc.);
  - feedback on evidence that we have relied upon that can be shown to be inaccurate;
  - wording that may be unclear or open to misinterpretation.
  - the factual basis and content of non-compliance notices for registered services; and
  - the proportionality of our findings.

- 3.7. Any comments or challenges should always specify the part(s) of the report that are contested and provide details and supporting evidence about the reason. This will enable inspectors to fully consider the information and provide a clear response.
- 3.8. This policy does not enable a service provider, Registered Person, Responsible Individual or relevant person to challenge the judgements or ratings given by the inspector. However, where there is a successful challenge to the factual accuracy, completeness of the evidence and/or the findings upon which our judgements or ratings are based, the judgement or rating may need to be revised.

#### **4. Complaints about the conduct of the inspector**

- 4.1. Where a service provider, Registered Person, Responsible Individual or relevant person wishes to make a complaint about the conduct, attitude or behaviour of an inspector, or any CIW staff member, we have a complaints policy that should be followed. This is a separate process.
- 4.2. **We expect concerns about the conduct of the inspector to be raised immediately (or as soon as practicable) after the inspection - not at the point when a report is issued.** It is the purpose of this policy to respond to any concerns arising from the report.
- 4.3. A complaint made against the conduct of an inspector will not normally delay the publication of an inspection report.

#### **5. Timeline for responding to your inspection report**

- 5.1. Timescales (see also flow chart at annex). Where timescales are (or are likely to be) substantially exceeded, the Registered Person, Responsible Individual or relevant person should be offered an explanation for the delay and given a revised timescale for completion.
- 5.2. We aim to draft and finalise an inspection report for publication within 50 working days following completion of all inspection activities. However, in a small number of instances, the timescale may be extended depending on the circumstances surrounding an individual inspection.

## 6. Responding to your comments or challenges – Stage 1

- 6.1. A period of **10 working days** is allowed for the service provider, Registered Person, Responsible Individual or relevant person to consider and provide a written response to the report.
- 6.2. Non-contentious factual inaccuracies can be changed by the inspector and the amended report re-sent to the relevant person. The majority of challenges fall into this category.
- 6.3. Where, however, the substance of a challenge questions the completeness of the evidence and/or the findings upon which our judgements or ratings are based (rather than any factual inaccuracy), the inspector will discuss the detail of the challenge with their line manager. Discussion should include the supporting evidence and the reason(s) for accepting or rejecting the challenge. This decision should be recorded.
- 6.4. The grounds for any comments/challenge must be clearly stated at Stage 1 of the process. Additional grounds cannot be included later at Stage 2.
- 6.5. Where any findings or judgements/ratings are amended by the inspector these should be agreed with their line manager and a revised report issued.
- 6.6. The inspector may want to request additional evidence in relation to a challenge. Timescales will need to be revised where this is the case and reasonable adjustments made to allow for submission and consideration of further material.
- 6.7. Where changes are agreed, the inspector will amend and re-send a revised copy of the report, together with written confirmation of the changes.
- 6.8. Where we decide not to make changes we will set out in writing the reasons for the decision(s).



- 6.9. We aim to respond within **5 working days** of receiving a challenge. Where there is (or is likely to be) a delay the service provider, Registered Person, Responsible Individual or relevant person will be informed of the delay and advised of a revised timescale for our response.

## **7. Responding to any further comments/challenges to reports – Stage 2**

- 7.1. Stage 2 of our process gives a further opportunity to challenge the Stage 1 decision regarding the report's content. Any challenge must be made by the service provider, Registered Person, Responsible Individual or relevant person within **5 working days** of CIW's decision under Stage 1.
- 7.2. The grounds for the Stage 2 challenge will be those previously stated at Stage 1 of this process. Additional information cannot be included as part of the Stage 2 process – where this is the case it will not be considered.
- 7.3. We will consider and respond to a second challenge within a further **5 working days**.
- 7.4. If there is (or is likely to be) a delay in our response, we will explain the delay and provide a revised date.
- 7.5. When a Stage 2 challenge is received this will always be considered by an independent manager who does not have line management responsibility for the inspector involved. Consideration will involve a review of the inspection report, the supporting evidence and discussion with the inspector who undertook the inspection. There may be a need to discuss the issue with the Registered Person, Responsible Individual or relevant person where clarification is needed. The reviewing manager will make final determinations, and if necessary require alterations to the report, to the judgements made and to any action required in the report.
- 7.6. The service provider, Registered Person, Responsible Individual or relevant person will be informed in writing of the outcome. A copy of the final report will be provided and the report will be published.
- 7.7. This will end the responding to inspection reports process.

## 8. Requests for information

8.1. Any requests for information in relation to challenges made under this policy must clearly state the following:

- the information/record being sought e.g. the inspection record and
- the part of the report the information relates to.

All other requests will be treated as Freedom of Information requests and are separate from this policy. Such requests will not delay the publication of reports and should be sent to:

[CIWInformation@gov.wales](mailto:CIWInformation@gov.wales) / [AGCGwybodaeth@llyw.cymru](mailto:AGCGwybodaeth@llyw.cymru)

## Annex – flow chart of process for responding to inspection reports

