

# Code of Practice for Review of Local Authority Social Services

Consultation document

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

**Overview** This consultation seeks your views on the Code of Practice (CoP) for inspection. The Code is a requirement under section 161A of the Social Services and Well-Being (Wales) Act 2014 (2014 Act).

**How to respond** You can respond to this consultation by completing and returning the consultation response form at the back of this document, by midnight on 17 December 2018. Responses should be sent via email to [cssiw.riscact@gov.wales](mailto:cssiw.riscact@gov.wales) or to the address below:

Regulation and Inspection of Social Care Project  
Care Inspectorate Wales  
Rhydycar Business Park  
Merthyr Tydfil  
CF48 1UZ

If you have difficulties in submitting your response or have any questions you can contact us via email or on the telephone number below.

**Telephone:** 0300 7900 126

### **General Data Protection Regulation (GDPR)**

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by CIW staff dealing with the issues which this consultation is about or planning future consultations. Where CIW undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, CIW intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by CIW will be kept for no more than three years.

## Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data holds about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:  
Welsh Government  
Cathays Park  
CARDIFF  
CF10 3NQ  
e-mail:  
[Data.ProtectionOfficer@gov.wales](mailto:Data.ProtectionOfficer@gov.wales)

The contact details for the Information Commissioner's Office are:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel: 01625 545 745 or  
0303 123 1113  
Website: <https://ico.org.uk/>

## Background

There are changes to how we regulate and inspect services across Wales. The changes are defined within the [Regulation and Inspection of Social Care \(Wales\) Act 2016](#) (2016 Act) which is primary legislation that works alongside the [Social Services and Well-being \(Wales\) Act 2014](#). The 2016 Act establishes a new system of regulation and inspection which will uphold the rights of Welsh citizens to dignified, safe and appropriate care.

Section 33 of the 2016 Act required the preparation and publication of a CoP for regulated services. This was published in April 2018<sup>1</sup>,

The 2016 Act inserts provisions in the Social Services and Well-being (Wales) Act 2014 (the 2014 Act) which deal with the regulation of the exercise of local authority functions relating to looked after and accommodated children. Section 56 of the 2016 Act inserts provisions into the 2014 Act (section 161A) to require a CoP on how CIW reviews local authority social services functions. This CoP has been prepared for consultation. The CoP describes our approach to how we review local authority social services functions, including the frequency in which these reviews will be undertaken. This consultation is concerned with whether the CoP provides sufficient information on the manner in which CIW will undertake reviews of local authority social services functions.

### Key changes to review of local authority social services

CIW's legal powers to review the performance of local authorities in carrying out their social services functions has not significantly changed from the powers set out in the Health and Social Care Act 2003.

The focus of our inspection and performance evaluation activity to review local authorities will focus on people's well-being and outcomes, underpinned by the 2014 Act and associated codes of practice.

### This consultation

This consultation seeks your views on the CoP which details how local authority social services in Wales will be reviewed.

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<sup>1</sup> Code of Practice for Inspection - <https://careinspectorate.wales/sites/default/files/2018-06/180612-code-of-practice-en.pdf>

## Consultation Response Form

Your name:	
Organisation (if applicable):	
Email / telephone number:	
Your address:	

Q1. Is our approach to the performance evaluation and inspection of local authority social services clear? (Section 4, 5 and 6 of the Code of Practice (CoP))

Agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain			

Q2. Do you agree with our approach to engage with the local authority Chief Executive with Inspection Wales partners? (Section 5 of the CoP)

Agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain			

Q3. Do you agree with the proposed frequency of our local authority reviews?  
(Section 5 and 6 of the CoP)

Agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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Please explain

Q4. Do you agree with our approach to the notification period for inspection?  
(Section 6 of the CoP)

*Note – this frequency is aligned to our reduced level of pre-inspection activity required of the local authority. This is in order to limit the period of distraction inevitably caused by inspection.*

Agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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Please explain

Q5. Do you agree with our approach to feedback and reporting on inspections, including timescales for publishing our inspection reports? (Section 8 of the CoP)

Agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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Please explain

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The Code sets out the approach for the local authority to present the inspection report to elected members. (Section 8 of the CoP). We want your views as to whether you think CIW should specifically specify that the inspection report is presented to the local authority scrutiny committee, Cabinet or full Council or whether this should be left to the local authority to determine.

Q6. Do you think CIW should specify whether the inspection report is presented to scrutiny committee, Cabinet or full Council?

Agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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Please explain

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Q7. Does the CoP provide sufficient clarity about how we will respond where we identify serious or significant concerns (Section 10 of the CoP)

Agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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Please explain

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<b>Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please enter YES in the box.</b>	
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