

Responding to Inspection Reports Policy

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

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1. Introduction

- 1.1. CIW inspects social care providers and childcare services. Our findings are set out in our inspection reports. We apply similar principles and processes for responding to concerns about accuracy and judgements across our inspections.
- 1.2. We publish our inspection 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.
- 1.3. In the interests of fairness and transparency, we accept the right of Registered Persons¹, Responsible Individuals² or relevant persons³ to question our reports where they believe them to be inaccurate or unfair / disproportionate. This gives us the opportunity to correct any errors and consider additional information before an inspection report becomes publicly available.
- 1.4. Further information on how we publish and make our inspection reports available and those services for which we do not publish inspection reports, is set in our Policy for Publishing Inspection Reports⁴.

¹ The registered child minder inspected under the Children and Families (Wales) Measure 2010

² A Responsible 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, domiciliary support services, regulated fostering services, regulated adoption services, adult placement services and regulated advocacy services registered under the 2016 Act); or
- under the Children and Families (Wales) Measure 2010 (this applies to regulated day care i.e. full day care, out of school care, sessional day care, crèches and open access play provision registered under the 2010 Measure)

³ 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 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

⁴ <https://careinspectorate.wales/our-reports/regulated-services-inspection-reports>

2. Providing post-inspection feedback

- 2.1. The inspector will provide verbal feedback following an inspection visit. This will be an overview of our initial findings at the end of the inspection visit as further analysis may be required before judgements or ratings can be made. Further information on the feedback process is set out in our Codes of Practice for Regulated Services¹ (under the 2016 Act) and the Code of Practice for Inspection of Child Minding, Day Care and Open Access Play Services².

3. Provider comments/challenges about inspection reports

- 3.1. The inspector writes and issues the inspection report. Each inspection report is expected to be written and issued to the Registered Person, Responsible Individual or relevant person within 25 working days of the last inspection activity. The 'last inspection activity' could be the inspection visit itself, or follow-up telephone calls to relatives or professionals, or reviewing questionnaires.
- 3.2. The inspection report will be sent to the Registered Person, Responsible Individual or relevant person for their consideration. They will have 10 working days to respond to the report and submit comments.
- 3.3. In exceptional circumstances, the 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, following a request by the Registered Person, Responsible Individual or relevant person.
- 3.4. Where the 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 Registered Person, Responsible Individual or relevant person responds that they do not

¹ <https://careinspectorate.wales/sites/default/files/2021-01/210122-code-of-practice-for-inspection-RISCA-en.pdf>

² <https://careinspectorate.wales/sites/default/files/2019-09/190831-cop-childcare-en.pdf>

wish to comment, the report will be made publically available as soon as practicable following the inspection.

- 3.6. Upon receipt of the inspection report, the Registered Person, Responsible Individual or relevant person will have the opportunity to question our report and submit comments. Comments should specifically relate to **factual accuracy (such as typographical, spelling or numerical errors), completeness of evidence or the fairness / proportionality of 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 Registered Person, Responsible Individual or relevant person to challenge the judgements or ratings given by the inspector. However, where there is a successful challenge, the judgement or rating may need to be revised.

4. Complaints about the conduct of the inspector

- 4.1. Where a Registered Person, Responsible Individual or relevant person wishes to make a complaint about the conduct of an inspector, or any CIW staff member, we have a complaints policy¹ that should be followed. This is a separate process. Comments provided in response to an inspection report should not include issues relating to the conduct of an inspector.
- 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.**
- 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. For timescales see flow chart in the annex. Where timescales are (or are likely to be) substantially exceeded, the Registered Person,

¹ <https://careinspectorate.wales/contact-us/complaints-about-us>

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 Registered Person, Responsible Individual or relevant person to consider and provide a written response to the report (using the form provided).
- 6.2. Non-contentious factual inaccuracies can be changed by the inspector and the amended report re-sent to the Registered Person, Responsible Individual or relevant person.
- 6.3. Where the substance of a challenge questions the completeness of the evidence and/or the fairness / proportionality of our findings the inspector will discuss the detail of the challenge with their line manager. The discussion will include any supporting evidence and the reason(s) for accepting or rejecting the challenge. Any decision will be recorded.
- 6.4. The grounds for any comments/challenge must be clearly stated at Stage 1 of the process. **Additional grounds or supporting information cannot be included later at Stage 2.**
- 6.5. Where any substantial changes to a report are made by the inspector these will 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 may 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 Registered Person, Responsible Individual or relevant person will be informed of the delay and advised of a revised timescale for our response.

Stage 2

- 6.10. Stage 2 of our process is a review of the Stage 1 challenge and the thoroughness / accuracy of the conclusions we reached. Stage 2 gives the provider an opportunity to challenge the outcome of Stage 1. Any challenge must be made by the Registered Person, Responsible Individual or relevant person within **5 working days** of CIW's decision under Stage 1.
- 6.11. The grounds for the Stage 2 challenge will be those previously stated at Stage 1 of this process. The person responsible for reviewing the Stage 2 challenge will only consider information related to, and provided during, stage one. **Additional information cannot be included as part of Stage 2**
- 6.12. We will consider and respond to a second challenge within a further **5 working days**.
- 6.13. If there is (or is likely to be) a delay in our response, we will explain the delay and provide a revised date.
- 6.14. When a Stage 2 challenge is received this will always be considered by a manager who does not have line management responsibility for the inspector involved. The reviewing manager may discuss the issue with the inspector and/or 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.
- 6.15. The 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. This will end the responding to inspection reports process.

7. Priority Action Notices

- 7.1. If the Registered Person, Responsible Individual or relevant person wishes to respond to an inspection report, they should follow the process set out in this policy.
- 7.2. Where a priority action notice is issued before, or with the inspection report, we expect the Registered Person, Responsible Individual or relevant person to take action to address the issues raised in the notice, without delay (i.e. not wait until the outcome of any challenge raised about the report with CIW).

8. Requests for information

- 8.1. Any requests for CIW 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 / AGCGwybodaeth@llyw.cymru

Annex – flow chart of process for responding to inspection reports

