

Memorandum of Understanding between Care Inspectorate Wales, Local Authorities and Local Health Boards in Wales

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



ADSS Cymru

Yn arwain Gwasanaethau
Cymdeithasol yng Nghymru
Leading Social Services in Wales



September 2023

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.

This document is also available in Welsh.

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Revision history and approval

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Formally agreed by: Care Inspectorate Wales: Deputy Chief Inspector

For Local Authorities:

- Chair of the Association of Directors of Social Services - All Wales Heads of Adults' Services Group (AWASH)
- Chair of the Association of Directors of Social Services - All Wales Heads of Children's Services Group (AWHOCS)
- Chair of 4Cs Management Board

For Local Health Boards:

- Directors of the individual health boards
- Chair of NCCU Management Board

Review date: Every three years

1. Introduction

1.1 Purpose, aims and scope

1.1.1 This Memorandum of Understanding (MoU) sets out a framework to support the working relationship between Care Inspectorate Wales (CIW), commissioners in the 22 local authorities and seven local health boards in Wales (referred to as “Commissioners”) and any commissioning teams / units to whom commissioning activities have been delegated.

1.1.2 The purpose of the framework is to

- progress effective collaboration to protect the rights and promote the safety, interests and well-being of children and adults who use registered social care services.
- improve the commissioners’ and the regulator’s effectiveness in their separate but related work and functions.
- promote and maintain high standards in the provision of regulated services.

1.1.3 The aims are to:

- Identify and share learning from effective practice
- Coordinate work (monitoring and assurance activity) for efficient and effective use of resources and reduce burden on services/service providers and to avoid duplication and contradictory messages to providers from regulators and commissioners.
- Share information and intelligence at the earliest stage to safeguard, avoid harm, provide support and achieve early resolution of emerging risk or concern – reducing risk and avoiding, where appropriate and possible, escalation and safeguarding processes.
- Clarify when, how, and what information we share.

1.1.4 The MoU supports the commissioners’ and the regulator’s joint working for people receiving services registered under the Regulation and Inspection of Social Care (Wales) Act 2016.

The RISCA Services included in this MoU are:

- care home services
- residential family centre services
- fostering services
- adult placement services
- adoption services
- domiciliary support services (including supported living / housing)
- secure accommodation services
- advocacy services

1.1.5 The MoU does not include collaborative work with regards to:

- Children receiving services Children and Families (Wales) Measure 2010 – (child minders and day care).
- CIW’s role in reviewing the performance of local authorities in delivering social services functions.

- 1.1.6 This MoU does not override the statutory responsibilities and functions of CIW and Commissioners. The MoU does not create legally binding rights or obligations; its purpose is to agree and to indicate a common line of action. Other agreements (for example, information sharing agreements, or joint working protocols) will exist separately to this MoU. This MoU does not amend or change these other policies or agreements.
- 1.1.7 The MoU will help providers of services to be clear about our collaborative working and information sharing.
- 1.1.8 The MoU will help our staff know when and how to coordinate our work and share information.

1.2 Legal Basis

- 1.2.1 The legal basis for information sharing is identified in the Information Sharing Protocols between:
- Care Inspectorate Wales and Local Authorities of Wales
 - Care Inspectorate Wales and National Health Service of Wales.
- 1.2.2 This MoU specifically considers information regarding services registered under RISCA and the legal basis within RISCA for CIW and Commissioners to share information.
- 1.2.3 Part 9 of RISCA says that regulatory bodies and relevant authorities must co-operate if this will have a positive effect in exercising their relevant functions. Information that does not identify an individual person may be shared in pursuance of the functions of the other body. Information that identifies an individual may be shared if the person that information relates to consents to it, or it is necessary or expedient to protect the well-being of an individual person/people.
- 1.2.4 Part 9 of RISCA also says that regulatory bodies must share information to protect wellbeing of individuals. Information identifying an individual may be shared if it protects the wellbeing of any person.
- 1.2.5 On receiving a request for information that originated from another partner due consideration must be given to the request before responding. All organisations must ensure compliance with relevant data protection legislation and organisational processes (including responding to data subject access requests, data breaches etc). This will involve ensuring compliance with organisational policies and processes for secure information exchange and the CIW Information Sharing Protocols (February 2019, reviewed 2022).

1.3 Values and principles of cooperation

CIW and Commissioners will: respect people's human rights and work together to minimise harm

- be reasonable, fair, and proportionate
- share information legally, be accountable, transparent and inclusive

- treat all providers equally and fairly (whether local authority, local health board, private or third sector).

2 Joint Priorities and Areas of Work

2.1 Roles and partnership Working

2.1.1 CIW is the regulator of the registered services. Its function is to register, inspect, take enforcement action and deregister services.

2.1.2 The Commissioners contract with the service provider is to ensure that

- appropriate due diligence is undertaken (in accordance with financial instructions / contract procedure rules) to ensure that the provider can meet the contract requirements
- the service meets the needs and desired outcomes of the person and is delivered safely to the people receiving the service.

2.1.3 Information will be shared where we believe it is relevant to the other's functions as they relate to the scope of this MoU.

2.1.4 The CIW will share information to enable Commissioners to effectively fulfil their functions with regard to market oversight.

2.1 Regular engagement activities

2.2.1 *At least quarterly*, representatives from CIW and Commissioners (including placement coordinators or other relevant officers within in Childrens' Services) will meet *formally to proactively* discuss positive practice and innovation, issues or concerns they may have about specific services, providers or incidents. This may be via strategic Joint Interagency Monitoring Panels and/or Quality Circles.

2.2.2 *The most effective arrangements for convening these meetings will be agreed by Commissioners and CIW on a regional basis – the Commissioners and CIW commit to engaging constructively with one another under these local/regional arrangements.*

2.2.3 The Children's Commissioning Consortium Cymru (4C's) 4Cs, National Collaborative Commissioning Unit (NCCU) and CIW will similarly meet as is most effective.

2.2.4 The focus of this engagement will be to:

- identify good practice, in particular, where there are excellent wellbeing outcomes for individuals and examples of leadership and management.
- share information about specific concerns or incidents that are relevant to the other organisations
- share any concerns regarding the governance or financial viability of a service provider
- consideration of the Commissioners findings from quality monitoring activity
- consideration of the regulator's findings from inspection activity and / or provider reporting / notifications and specifically regulatory non-compliance of services

- proposed or planned new registrations or services
- review the effectiveness of local escalating concerns procedures
- share examples of positive practice
- identify any themes or trends
- opportunity for reflection and to share any lessons learned
- facilitate effective joint planning of our separate work

2.2 Ongoing work

2.3.1 Sharing Information: Information that is not personal information

Co-operation between CIW and Commissioners will often require sharing of information on an ongoing basis and in meetings between LAs and CIW (e.g. anonymised aggregated workforce data).

Information will be shared to enable each organisation to effectively fulfil individual roles and responsibilities and coordinate our work. This may include informing each other of plans to visit services, prevalence of infectious diseases in services, information we have requested from services. This information is being shared to have a positive effect on our work, reduce administrative burden upon service providers, and in some circumstances it may also facilitate a co-ordinated multi-agency response.

Commissioners will support CIW's regulatory functions by responding to requests for feedback to inform inspection planning. This information is shared in pursuance of the functions of CIW as a regulatory body and includes the CIW online survey designed for professionals visiting a social care service in this link: [Feedback surveys | Care Inspectorate Wales](#)

2.3.2 Sharing Information: Personal Information

In addition to sharing non-personal information to co-operate, there will be an exchange of information if either CIW or Commissioners thinks that sharing of information is necessary or expedient to protect the well-being of an individual in Wales. This includes:

- concerns and relevant information about the safety of service users
- relevant information about regulatory non-compliance and / or breaches in contract / service agreements (escalating concerns)
- concern or relevant information that questions the suitability to provide care (either that of workers, registered manager, responsible individual or the proprietor themselves)

This information is shared to protect the well-being of people and will be shared as soon as practicable.

As part of its registration function CIW may request information from Commissioners regarding the following:

- where there are questions relating to the ongoing fitness of a provider to provide care
- where there is concern around a provider's ability/capacity to meet the needs of people if a service's maximum capacity were to be increased
- where there is concern around a provider's ability/capacity to meet the needs of people if an additional service were to be approved for the provider
- where a provider is the subject of or has been implicated in a safeguarding investigation.

2.3 Reports and notices

CIW and Commissioners will each make available information arising from their regulatory and commissioning activity that may assist the other in its function. This will include information about CIW reports and notices and Commissioners reports.

2.4.1 CIW reports and notices

Where there are concerns about the impact on and/or potential risk to the health and well-being of people accessing a regulated service such that CIW is taking enforcement action, CIW will, share with the host authorities its findings of an inspection ahead of the inspection report being published.

Early draft reports will not be shared as these are subject to CIW's '[responding to inspection report](#)' process, but the inspector will outline (verbally or by email) any likely areas of non-compliance and the evidence behind any potential breach.

Sharing these findings and notices is a proportionate response to enable Commissioners to exercise their functions. The information shared at this early stage should be treated cautiously by Commissioners because it may change. The information is shared on a confidential basis and not for wider circulation.

Inspection reports, and any Priority Action Notices, will be sent automatically to Commissioners by the CIW electronic system when the report is published.

Priority Action Notices are not published on CIW website.

Notices will be sent to commissioners. These include - improvement notices, notices of proposals to impose conditions on the registration and notices of decisions. The reasons for issuing the notice will be sent to Commissioners. This will be done by the inspector when the notice is issued. The provider will be able to appeal the notices and decisions.

2.4.2 Commissioners' reports

Where Commissioners produce reports regarding the quality of commissioned services these will be shared with CIW. This includes reports following a commissioning / monitoring visit or other allied visit such as Health and Safety, Infection Prevention and Control, food hygiene. This also includes due diligence and financial viability reports.

3 Media and Publications

CIW and Commissioners will seek to give each other adequate warning of, and sufficient information about, any planned announcements to the public on relevant issues.

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

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

4 Governance

The effectiveness of the working relationship between CIW and Commissioners will be supported by regular contact, either formally or informally.

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

5 Duration and review of this MoU

Both CIW and Commissioners have identified a person responsible for the management of this MoU in Annex A. They will liaise as required to ensure this MoU is kept up to date, identify any emerging issues and resolve any questions that arise in the working relationship between the two organisations.

This MoU is not time-limited and will continue to have effect unless the principles described need to be altered or cease to be relevant. This MoU will be reviewed by the MoU managers every three years or sooner at any time at the request of either organisation.

6 Signatures

- **Care Inspectorate Wales**

Deputy Chief Inspector

Date: 18.05.22

- **All Wales Heads of Adults' Services Group (AWASH)**

Chair of AWASH on behalf of DirsSS & Heads of Adult Services

Date: 16.05.2022

- **All Wales Heads of Children's Services Group (AWHOCS)**

Chair of AWHOCS on behalf of DirSS & Heads of Adults
& Children's Services

Date: 16.05.22

- **4Cs Management Board**

Chair of 4Cs Management Board

Date: 05.04.22

- **NCCU Management Board**

Chair of NCCU Management Board

Date: 05.05.22

- **Local Health Boards**

- **Aneurin Bevan University Health Board**

Jennifer Winslade, Executive Director of Nursing

Date: 14.08.23

- **Betsi Cadwaladr University Health Board**

Nick Lyons, Executive Medical Director/Caldicott
Guardian

Date: 04.04.23

- **Cardiff & Vale University Health Board**

Prof Meriel Jenney, Executive Medical Director / Caldicott
Guardian

Date: 31.08.23

- **Cwm Taf Morgannwg University Health Board**

Dr Dom Hurford Executive, Medical Director/Caldicott
Guardian

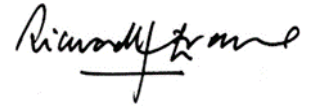
Date: 14.08.23

- **Hywel Dda University Health Board**

Jill Paterson, Director of Primary Care,
Community and Long Term Care

Date: 22.08.23

- **Powys Teaching Health Board**
Medical Director/Caldicott Guardian
Date: 19.04.23
- **Swansea Bay University Health Board**
Professor Richard Evans, Executive Medical Director,
SBUHB
Date: 17.08.23

Handwritten signature of K. Wright in black ink.Handwritten signature of Richard Evans in black ink.

Annex A – Contact Details

- **CIW**
Head of Adult and Children's Services Inspection, Care Inspectorate Wales
Email: CIW@gov.wales
Tel: 0300 7900 126
www.careinspectorate.wales

Information Requests:
Quality and Information Manager
Care Inspectorate Wales
Email: CIWInformation@gov.wales
Tel: 0300 7900 126
- **Local authority**
Chair of All Wales Heads of Children's Services (AWHoCS)
Email: contact@adss.cymru
<http://www.adss.cymru>
- **Local health boards**
Contact the relevant health board
- **4Cs Management Board**
Chair of 4Cs Management Board
4Cs@rctcbc.gov.uk
- **NCCU Management Board**
Chair of NCCU Management Board
[Contact Details - National Collaborative Commissioning Unit \(nhs.wales\)](#)

Annex B: Information Sharing Protocol (ISP)

Note: these documents are due for review and update

- [Information Sharing Protocol between Care Inspectorate Wales and Local Authorities of Wales](#)
- [Information Sharing Protocol between Care Inspectorate Wales and National Health Services of Wales](#)