

Regulation and Inspection of Social Care (Wales) Act 2016

Interim guidance for Providers on ratings

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

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Overview

This document will provide an overview of CIW's approach to the implementation of ratings. This document is a draft, as it forms part of CIW's pilot for ratings.

From 1 April we began our silent ratings pilot and in preparation for the introduction of regulations, we have implemented a phased approach to ratings.

- Phase one – is a system of 'silent' unpublished ratings for all care home services and domiciliary support services subject to inspection between June 2023 and March 2024. These will not be published.
- Phase two – will be the publication of ratings for all care home services and domiciliary support services subject to inspection from April 2024.

An independent evaluation will take place during phase one from September 2023 until December 2023. This will allow us to assess our consistency of practice in applying ratings, as well as assessing the impact on service providers and our inspection teams. We'll publish findings from the evaluation and any potential amendments to our approach. We are encouraging providers and inspection teams to provide feedback to this evaluation, further information on this will be available in due course.

Introduction

1. This document provides draft guidance for service providers setting out CIWs approach to applying ratings to full inspections of care home services and domiciliary support services inspected under the [Regulation and Inspection of Social Care \(Wales\) Act 2016](#)¹ (2016 Act).
2. The guidance should be read in conjunction with our [Code of Practice for Inspection for regulated services](#)² and the relevant practice guidance related to inspection, evidence gathering and reporting writing.

Implementation of a ratings system

3. Under section 37 of the 2016 Act, the Welsh Ministers can introduce regulations for ratings that may be given in relation to the quality of care and support provided by a service provider following an inspection. The Welsh Ministers aim to introduce these regulations in April 2024.
4. In preparation for the introduction of these regulations, we are implementing a phased approach to ratings.
 - Phase one - a system of 'silent' ratings for all care home services and domiciliary support services subject to inspection between April 2023 and March 2024.
 - Phase two - publication of ratings for all care home services and domiciliary support services subject to inspection from April 2024.
5. During phase one all ratings awarded following an inspection will be 'silent'. **The rating will not be included within the inspection report and will not be published on our website.**
6. Each inspection theme (Well-being, Care and Support, Leadership and Management and Environment) will be awarded a rating.
7. An evaluation of phase one will be undertaken in 2023/24, which will allow us to assess our consistency of practice in applying ratings, as well as assessing the impact on service providers and inspection teams. Any lessons learned from the evaluation will be taken forward as part of our scheduled inspections during 2024/25.

Rights based approach

8. Our ratings framework takes into account our commitment to promoting and upholding the rights of people who use care and support services. This includes, but is not limited to the rights of people set out in the following legal frameworks:

¹ <http://www.legislation.gov.uk/anaw/2016/2/contents/enacted>

² <https://careinspectorate.wales/providing-a-care-service/our-inspections>

- The Human Rights Act 1998³
 - The Equality Act 2010⁴
 - The United Nations Convention on the Rights of the Child (UNCRC)⁵
 - The United Nations Convention on the Rights of Persons with Disabilities⁶
 - The United Nations Principles for Older Persons
 - The Mental Capacity Act 2005⁷
 - The Deprivation of Liberty Safeguards (DoLS)⁸
 - The Welsh Language Standards⁹
9. Further information on our commitment to upholding human rights within our regulatory and inspection work is set out on our website¹⁰. Further information on our rights based approach to inspection is also set out in our Code of Practice for Inspection of Regulated Services.

³ <https://www.equalityhumanrights.com/en/human-rights/human-rights-act>

⁴ <https://www.gov.uk/guidance/equality-act-2010-guidance>

⁵ <https://www.gov.uk/government/publications/united-nations-convention-on-the-rights-of-the-child-uncrc-how-legislation-underpins-implementation-in-england>

⁶ <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/un-convention-rights-persons-disabilities>

⁷ <https://www.legislation.gov.uk/ukpga/2005/9/contents>

⁸ Due to be replaced by the Liberty Protection Safeguards

⁹ <https://www.legislation.gov.uk/wsi/2015/996/schedule/1/made>

¹⁰ <https://careinspectorate.wales/providing-a-care-service/our-inspections>

Applying ratings

10. A model has been developed (see annex A) which sets out:

- The rating with a description aimed at the public to provide a general understanding of what each rating means.
- The rating at a theme level with a more detailed description aimed at inspectors, service providers and commissioners to aid greater understanding of what the rating means for the service. This will assist inspectors to apply ratings consistently for each inspection theme.

11. A two step approach will be followed.

Step 1: Recognising Quality

12. The first step is to recognise a service's quality and strengths. Our inspection framework¹¹ sets out what "good" looks like across each of the inspection themes.

Inspection theme: Well-being

13. The extent to which people's well-being outcomes are achieved will be underpinned by the effectiveness of arrangements put in place by service providers in the themes of 'Care and Support', 'Leadership and Management' and 'Environment'. In making the decision to award a rating for the Well-being theme, all the evidence gathered at inspection and consider on balance the outcomes being achieved by people who use the service.

14. The rating to be awarded can be identified by using the theme level rating description.

15. Where poor outcomes/risks to the well-being of people are identified and a priority action notice is being issued under the themes of Care and Support, Leadership and Management or Environment, then the maximum the well-being theme may be rated as is poor.

16. If failings are identified that will require an 'area for improvement' to be noted in the inspection report in any of the 3 themes (Care and Support, Leadership and Management and Environment), then the maximum the Well-being theme may be rated as, is **needs improvement**.

Inspection theme: Care and Support, Leadership and Management, Environment

17. All the evidence gathered at inspection for that specific theme should be reviewed and considered to make a decision whether on balance there is a strong case and evidence to suggest the service is operating at a level that can be rated as **good** or **excellent**.

¹¹ <https://careinspectorate.wales/how-we-inspect-adult-and-childrens-services>

18. To award the rating under Care and Support, Leadership and Management, Environment, the wording described under the relevant theme level rating will be assessed as which best describes the service.

Step 2: Regulatory Duty

19. The second step is based on discharging our regulatory duty and the need to offer public assurance. Each inspection theme is considered in relation to how well people's preferred outcomes are being achieved, whether the service is safe and people's human rights are being met in line with the relevant regulations and associated statutory guidance. Our approach aligns to our securing improvement and enforcement policy¹².

- If failures are identified that will require a priority action notice to be issued, i.e. there are outcomes/significant risks to the well being of people, then the inspection theme must be rated as **poor**.
- If failings are identified that do **not** require a priority action notice to be issued but are noted in the inspection report as areas for improvement, then the minimum the inspection theme may be rated as, is **needs improvement**.

Challenges to determining a rating

20. It is possible, following consideration of the evidence, on balance two ratings could equally be awarded for an inspection theme. In this situation inspectors should revisit the inspection framework to reassess the evidence. For example, to achieve **good** a service should be demonstrating they are achieving a high proportion of areas set out within the inspection framework (for that inspection theme). If further evidence is required, this may be sought from the service provider.

Judging excellent

21. Excellent practice does not necessarily mean that the service is excellent. We consider whether the practice is sustainable and is an example of how the service is exceeding the requirements set out in the inspection framework (for that inspection theme). The theme level description provides a framework for applying excellent to an inspection theme.

22. Where considering whether to award an excellent rating in any inspection theme the supporting evidence is discussed with the team manager. This will allow a process for challenge and enable greater consistency in our application of an excellent rating.

¹² <https://careinspectorate.wales/providing-a-care-service/how-we-enforce>

Ratings within the inspection process

Feedback following inspection

23. Providing feedback is an important opportunity to give the manager and Responsible Individual (RI) an overview of the findings and to check and test the evidence we may be relying on in the report and for applying ratings.
24. As part of the formal feedback process, inspectors will be expected to provide the service manager and RI with the proposed rating for each inspection theme. It is helpful for service providers to consider where they may rate themselves.
25. Feedback from the inspection should be structured around the inspection themes. During feedback, the inspector should share with the provider any areas where they have found outcomes for people are not being met, or there are risks to people which amount to a breach with the regulations.
26. If the rating changes following further consideration of the evidence, the inspector should inform the manager and RI of this and reasons why, when we share the draft inspection report.

Reporting

27. Reports will be drafted following the advice set out within the practice guidance on report writing¹³.
28. We will use evaluative words within the report to help link the narrative to the rating. Some suggested evaluative words¹⁴ are set out in the following table:

Excellent: outstanding, very strong, exceptional, superior, exemplary, superb, very high standard, very high quality, extensive, highly effective, highly creative, well above expectations, expertly done, innovative
Good: successful, strong, skilful, worthwhile, beneficial, valuable, positive, thorough, useful, powerful, purposeful, used well, consistently good, effective
Needs Improvement: inadequate, unsatisfactory, incompetent, irrelevant, limited, inconsistent, falls short, partial, sub-standard
Poor: insufficient, inefficient, none, no, inappropriate, ineffective, unsuitable, unable, weak, poor, not fit for purpose, restricted, at risk

¹³ <https://documents.hf.wales.gov.uk/id:A33628903/document/versions/published>

¹⁴ The evaluative words were taken from CIW / ESTYN Joint Inspection Report Writing Style Guide. However, the descriptors with 'Needs Improvement' have been adapted accordingly.

Challenging the rating

29. Service providers are not able to directly challenge or appeal the ratings. The responding to inspection reports policy¹⁵ is the process by which the service provider can submit comments about completeness of the evidence and/or the fairness / proportionality of our findings which our judgements or ratings are based. Where evidence (factual accuracy) is successfully challenged, we may need to review the rating as a result.

Recording ratings

30. Whilst we will not be setting out ratings within the report or sharing with anyone other than the service provider/ manager in feedback. Ratings will be maintained electronically for the pilot and review.

Non-compliance

31. Our response to non-compliance remains unchanged. We follow our securing improvement and enforcement policy. Where we issue a priority action notice the service will be scheduled for a priority second inspection **within six months** of the date the priority action notice was issued.

32. Following the second inspection, we will consider the evidence as to whether outcomes for people have improved.

If the inspector determines outcomes are poor or there are risks to people, the inspector will need to establish if these relate to the same practice areas identified in the Area for Improvement or Priority Action Notice in the first inspection or failing in a new practice area.

If there has been a change from the original inspection, we will reconsider the rating relevant to that inspection theme in the report. We will also reconsider the rating awarded to the Well-being theme. For example, if a priority action notice was issued in relation to requirements under Care and Support in the inspection framework, then following the second inspection the inspector should reconsider the rating awarded to the Care and Support inspection theme and the Well-being inspection theme. Any new rating should be applied using the theme level description.

33. In addition, we also consider whether the poor outcomes and risks impacting on people relate to other aspects of service provision (but not specifically stated in the priority action notice).

34. There are no other agreed circumstances where we will change silent ratings, save for a legitimate challenge at inspection or under our responding to inspection reports policy.

¹⁵ <https://careinspectorate.wales/our-reports/regulated-services-inspection-reports>

35. Where continued and new non-compliance is identified at a focused inspection, the inspector should consider if the inspection needs to move to a full inspection. The inspector will need to consider the ratings for each theme if a full inspection is completed.

Annex A - Ratings Framework

The following table sets out the ratings and underpinning descriptions proposed for use with the public.

Excellent:	This is an exceptional service that supports people very well and exceeds our expectations.
Good:	This is a good service that supports people well and meets our expectations.
Needs improvement:	This service is not supporting people well and needs to improve to meet our expectations.
Poor:	This service is not supporting people safely and urgent action is needed to protect people and to improve outcomes.

Theme level rating descriptors

The following table sets out the theme-level rating descriptors and underpinning descriptions for use by inspectors in rating the relevant inspection theme following an inspection.

Excellent	Good	Needs improvement	Poor
<u>Well-being</u>			
<p>Outcomes for people who use services are consistently achieved and of high-quality. Service providers actively seek out new options to enable people to have positive experiences and improve their lives. Feedback about the effectiveness of the service describes it as outstanding and/or sector leading.</p>	<p>Positive outcomes for people who use the service are consistently achieved. People’s human rights are consistently met. Feedback about the effectiveness of the service describes it as consistently good.</p>	<p>There is a lack of consistency in outcomes for people who use the service and/or meeting their human rights. There are mixed views fed back about the effectiveness of the service. Action is needed to improve.</p>	<p>There are widespread and/or significant shortfalls in outcomes for people. People’s human rights are not being met. Immediate action is needed to improve people’s safety and well-being.</p>

Excellent	Good	Needs improvement	Poor
<u>Care and Support</u>			
<p>The quality care and support provided is outstanding and/or sector leading. Care and support is designed through involvement with people and tailored to achieve their personal outcomes.</p> <p>Lessons are learned/shared with others to improve services.</p> <p>The service provider actively seeks out opportunities to learn and share good practice across the sector.</p>	<p>The quality of care and support provided is consistent. Care and support is designed through involvement with people and tailored to achieve their personal outcomes. Lessons are learned to improve the service.</p> <p>People are safeguarded.</p>	<p>The quality of care and support provided is not consistent. Care and support is not always designed through involvement with people nor is it continually tailored to achieve their personal outcomes. Learning from practice is not consistently implemented to improve the service.</p> <p>Improvements are needed.</p>	<p>There are widespread and/or significant shortfalls in the care and support provided and people do not experience positive outcomes. Care and support is not designed through involvement with people nor is it tailored to meet their needs.</p> <p>Little or no learning from practice is implemented to improve the service.</p> <p>People are at risk. Immediate action is needed to improve people's safety and well-being.</p>

Excellent	Good	Needs improvement	Poor
<u>Leadership and Management</u>			
<p>Leadership and management of the service is outstanding and/or sector leading.</p> <p>Innovative leadership, governance and the positive culture it creates drive and improve outcomes.</p> <p>Highly motivated, skilled and stable staff group who receive comprehensive support and training in order to deliver high-quality outcomes for people.</p>	<p>The service is consistently well-managed and led.</p> <p>The leadership and governance creates a positive culture that promotes the delivery of positive outcomes.</p> <p>Skilled and stable staff group who receive consistent support and training in order to deliver positive outcomes for people.</p>	<p>There is a lack of consistency in how the service is managed and led.</p> <p>Leadership and governance is inconsistent and does not consistently provide a culture to support the delivery of positive outcomes.</p> <p>Training and support for staff is inconsistent and this impacts on outcomes being achieved for people.</p> <p>Improvements are needed.</p>	<p>There are widespread and or significant shortfalls in the way the service is managed and led. This does not provide a culture to support delivery of positive outcomes for people.</p> <p>Staff receive little or no support and training which impacts on people's outcomes. Immediate action is needed to improve people's safety and well-being.</p>
<u>Environment</u>			
<p>The environment is safe, secure, and well maintained. Innovative and creative use of internal and external space. There are excellent and/or distinctive measures to ensure the environment promotes achievement of personal outcomes.</p>	<p>The environment is safe, secure, and maintained.</p> <p>There are effective measures in place to ensure the environment promotes achievement of personal outcomes for people.</p>	<p>The environment is not always safe, secure, or reasonably maintained. There are some measures in place to ensure the environment promotes achievement of personal outcomes. Improvements are needed.</p>	<p>There are widespread and/or significant shortfalls in the safety, security and/or maintenance of the environment. There are insufficient measures in place to ensure the environment promotes achievement of personal outcomes. Immediate action is needed to improve people's safety and well-being.</p>