

Code of Practice for Review of Local Authority Social Services and Cafcass Cymru

This Code of Practice (CoP) sets out our approach to reviewing local authority social services functions in Wales through our performance review activity.

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1. Introduction

1.1 About us

Care Inspectorate Wales (CIW) is the independent regulator of social care and childcare. We register, inspect and take action to improve the quality and safety of services for the well-being of the people of Wales.

We aim to:

- provide independent assurance about the quality and availability of social care in Wales
- safeguard adults and children, making sure that their rights are protected
- improve care by encouraging and promoting improvements in the safety and quality of social care services
- inform policy, standards and provide independent professional advice to the people developing policy, the public and social care sector.

We achieve this by:

- carrying out functions on behalf of Welsh Ministers
- deciding who can provide services
- inspecting and driving improvement of regulated services and local authority social services
- undertaking thematic reviews of social care services
- taking action to ensure services meet legislative and regulatory requirements
- following-up on concerns about services.

We carry out our functions on behalf of Welsh Ministers under the following legislation:

- **The Care Standards Act 2000 (the 2000 Act)** (<http://www.legislation.gov.uk/ukpga/2000/14/contents>) (External link), **The Children Act 1989 (as amended)** (<https://www.legislation.gov.uk/ukpga/1989/41/contents>) (External link), **Adoption and Children Act 2002** (<https://www.legislation.gov.uk/ukpga/2002/38/contents>) (External link) and the **Children and Families (Wales) Measure 2010** (<http://www.legislation.gov.uk/mwa/2010/1/contents>) (External link) which give powers to register and inspect providers of social care services in Wales.
- In January 2016, the **Regulation and Inspection of Social Care (Wales) Act 2016 (the 2016 Act)** (<http://www.legislation.gov.uk/anaw/2016/2/contents/enacted>) (External link) was passed. This Act changed the regulation and inspection of social care in Wales. The 2016 Act replaces the powers under the Health and

Social Care Act (2003) and the 2000 Act and inserts provisions in the **Social Services and Well-being (Wales) Act 2014 (<https://www.legislation.gov.uk/anaw/2014/4/contents>)** (External link) (the 2014 Act) which deal with the regulation of the exercise of local authority functions.

- Through the powers set out in section 58A and section 60 of the Government of Wales Act 2006, we also inspect services provided by CAFCASS Cymru.
- The 2016 Act places service quality and improvement at the heart of regulation, strengthening protection for those who need it, and aiming to ensure services deliver high-quality care and support. This supports the aims of the 2014 Act, which enshrines the rights of people using care and support services in Wales into law

1.2 Our role with Local Authorities

CIW has powers to review local authority social services functions as set out under section 149 of the 2014 Act. This includes reviewing:

- the overall exercise of local authority social services functions in Wales
- the way in which the social services functions of a particular local authority are exercised
- the exercise of a local authority social services function of a particular description (including the power to inspect two or more local authorities where they are working together through regional arrangements)
- the exercise of a local authority social services function by a particular person or persons
- **Schedule 2 (<https://www.legislation.gov.uk/anaw/2014/4/schedule/2>)** (External link) of the 2014 Act contains a table of social services functions and the specific legislation these functions relate to

In reviewing the performance of local authorities in Wales we also consider the **Well-being of Future Generations (Wales) Act 2015 (<http://www.legislation.gov.uk/anaw/2015/2/contents/enacted>)** (External link), which sets out a unique legislative framework to improve the social, economic, environmental and cultural well-being of the people of Wales. This puts the efficacy and impact of local authorities' approach to planning and financial decision-making at the heart of our considerations.

Local government social services include social care services provided on behalf of a local authority by:

- a regional consortium or other partnership between two or more local authorities
- another local authority
- another organisation commissioned by the local authority (for example, a voluntary organisation or a private company)

The Local Government and Election (Wales) Act (2021) reinforces the duty on local authorities to secure continuous improvement and account for it. The Act requires authorities to report achievement against its improvement objectives and compare performance with other authorities. The Act also requires inspectorates and regulators to co-ordinate audit, inspection and regulation through their methodology. It also places an emphasis on sharing good practice.

2. The Code of Practice

2.1. The purpose of the Code of Practice

This Code of Practice (CoP) sets out CIW's approach to reviewing local authority social services functions in Wales through our performance review activity. The Code is a requirement under section 161A of the 2014 Act. It describes how we will review the exercise of local authority social services functions in Wales and sets out the principles guiding our performance review work. CIW is required to adhere to the code.

Whilst the 2014 Act and as such this code do not specifically apply to the inspection of Cafcass Cymru, the principles set out reflect our overall approach to the inspection of this service too.

2.2 The principles guiding our work

- putting people first: the voice and well-being of people are at the heart of our work underpinned by a rights-based approach
- being intelligence-led: our work is informed by data and intelligence
- being risk based and responsive: we take a planned, risk based, proportionate and timely approach to our work
- working collaboratively: we listen, share information and work collaboratively
- supporting improvement and innovation: we use our knowledge and powers to support social care and childcare services to improve and encourage new ways of working
- reflecting and learning: we take time to reflect and learn from all aspects of our work, and to adjust our approach where necessary

3. Rights-based approach

We ensure respect, diversity, promoting equality and upholding people's rights are embedded within our work. **The Human Rights Act 1998**

(<https://www.equalityhumanrights.com/en/human-rights/human-rights-act>) (External link), **The Equality Act 2010** (<https://www.gov.uk/guidance/>

equality-act-2010-guidance) (External link), the **United Nations Convention on the Rights of the Child (UNCR)** (<https://www.gov.uk/government/publications/united-nations-convention-on-the-rights-of-the-child-uncrc-how-legislation-underpins-implementation-in-england>) (External link), the **United Nations Convention on the Rights of Persons with Disabilities** (<https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/un-convention-rights-persons-disabilities>) (External link) and **United Nations Principles for Older Persons** (<https://olderpeople.wales/about/publication-scheme/our-policies/un-principles/>) (External link) and Welsh Government's Action on Independent Living Framework underpin the 2014 Act and are reflected in our approach to reviewing performance.

Further information on our **commitment to promoting and upholding the rights of people who use care and support services** is set out in our **Human Rights guidance document** (<https://www.careinspectorate.wales/our-commitment-promoting-and-upholding-rights-people-who-use-social-care-and-childcare-services.html>).

We take account of all relevant statutory frameworks and safeguarding policies and procedures when considering whether people are safe. If during our work we see practice which demonstrates people are not safe or protected from harm, we will take action to ensure the relevant local authority fulfills its statutory responsibilities to safeguard people. Where people lack capacity, we will explore the extent to which local authorities adhere to the principles of the **Mental Capacity Act 2005** (<https://www.legislation.gov.uk/ukpga/2005/9/contents>) and **The Deprivation of Liberty Safeguards (DoLS)** (<https://www.gov.uk/government/collections/mental-capacity-amendment-act-2019-liberty-protection-safeguards-lps>) (External link), which will shortly be replaced by the **Liberty Protection Safeguards (LPS)** (<https://www.gov.uk/government/publications/liberty-protection-safeguards-factsheets/liberty-protection-safeguards-what-they-are>) (External link).

The Welsh Language Standards (<https://www.legislation.gov.uk/wsi/2015/996/schedule/1/made>) (External link) and the **Strategic Framework for Welsh Language Services in Health, Social Services and Social Care** (<https://www.gov.wales/sites/default/files/publications/2022-07/more-than-just-words-action-plan-2022-2027.pdf>) further support us in implementing a rights-based approach. The Standards and strategic framework support people who are Welsh speaking to have services provided in Welsh, when they need it, without them having to ask for it. We

assess the local authorities' leadership, direction and progress in **embedding Welsh language in front-line services** (<https://www.careinspectorate.wales/more-just-words-practice-guidance-html>).

CIW also makes an active offer by providing Welsh speaking inspectors to engage with people in Welsh, where this is their language of choice. This is about creating the right environment where children/people feel empowered and confident their needs will be met.

4. Reviewing social services functions

We review how local authorities support and deliver their social services functions through a range of performance review activities including inspection. We aim to work in collaboration with local authorities to support learning and continuous improvement.

Our starting point is to identify whether people achieve positive outcomes and what matters to them. We will be unambiguous in what we find including strengths and areas for improvement. We will share positive practice to support improvement across Wales.

We analyse intelligence and inspection findings and use it to inform decisions about how we continue to review performance in each local authority. This supports the prioritisation of inspection activity and our overall programme of work. Our inspections are grounded in first-hand evidence. Inspectors may observe practice, talk to people about their experiences, interview frontline staff and hold meetings with key stakeholders. Our findings are based on the professional judgement of experienced inspectors who have been practitioners. Our work is also informed by information and intelligence about social care services and the impact they have on people's lives from our inspection of regulated services.

We will share the themes arising from our review of local authorities with Welsh Government policy colleagues to inform national policy. We will also examine how well policy intentions work in practice.

4.1 The focus of performance review

4.6 The four key principles of the 2014 Act form the foundation of our inspection and performance review activity:

- well-being
- people
- partnership and integration
- prevention



We will consider how local authority social services are delivering these principles at three key levels:

- individual – focused on people’s experience and their personal outcomes
- operational – focused on frontline practice and delivery
- strategic – focused on leadership, planning and governance

As our aim is to support learning and improvement, performance review activities will also consider a local authority’s capacity to continuously improve its social services functions.

These principles also underpin the well-being statements and associated well-being outcomes as outlined in the Welsh Government’s **National Outcomes Framework for People who need Care and Support and for Carers who need Support** (<https://www.gov.wales/social-services-national-outcomes-framework>) (External link). Our approach will also build upon any associated **local authority performance measurement framework** (<https://www.gov.wales/sites/default/files/publications/2020-03/code-of-practice-in-relation-to-the-performance-and-improvement-of-social-services-in-wales.pdf>) (External link) relating to the 2014 Act.

4.2 Working with other audit, inspection and regulatory bodies

We are committed to joint working and understand that systemic positive change across the social care system is best achieved when partners work together. Therefore, we are committed to prioritising a joint work program with other inspectorates where opportunities are available.

The Well-being of Future Generations (Wales) Act 2015 and Local Government and Election (Wales) Act 2021 supports the approach and arrangements for the inspection of local authorities either by individual inspectorates or jointly between Estyn, Audit Wales and CIW.

Inspection Wales is a programme of collaborative working between us and:

- The Auditor General and Audit Wales (AW)
- His Majesty's Inspectorate for Education and Training in Wales (Estyn)
- Healthcare Inspectorate Wales (HIW) There is a strategic agreement (2021) in place for Inspection Wales partners which sets out collaborative working arrangements. All the inspectorates aim to share knowledge and information, and co-ordinate the planning and delivery of their individual work programmes.

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Work undertaken by Welsh inspectorates is coordinated to ensure we make a full contribution to a cross-inspectorate, all-Wales perspective on the performance of local government in Wales. By working together effectively, the inspectorates can support better outcomes for people. We also work closely with other UK inspectorates, including jointly as appropriate with:

- His Majesty's Inspectorate of Constabulary, Fire and Rescue Services
- His Majesty's Inspectorate of Prisons
- His Majesty's Inspectorate of Probation

We also work closely with Social Care Wales, to share information to support improvements in social care services. As the workforce regulator, Social Care Wales can set standards for the care and support workforce, making them accountable for their work; develop the workforce so they have the knowledge and skills to protect, empower

and support those who need help; work with others to improve services for areas agreed as a national priority; set priorities for research to collect evidence of what works well; and share good practice with the workforce so they can provide the best response.

5. Performance review activity and ongoing monitoring

5.1 The inspection process

Inspection is one element of CIW's performance review activity and helps ensure people who need information, advice and assistance, or care and support are safe, their well-being is promoted, and their rights are upheld.

The focus of inspections will vary over time depending on the key issues and challenges faced by local authorities in Wales. However, every inspection will assess the extent to which the work of social services is effective in helping people to achieve their personal outcomes.

In doing this we will review whether practice and service delivery is focused on what matters to people; is timely and proportionate; gives people control and keeps people safe; is well managed and well led working in partnership with people and other agencies; and is underpinned by evidence-based practice.

Inspections will also consider a local authority's capacity to continuously improve.

5.2 When will local authority social services be inspected?

We aim to carry out at least one piece of inspection activity in each local authority within a five-year period.

Individual inspections will generally be announced to the local authority four weeks prior to the inspection taking place; this will allow for planning and preparation to be undertaken. An introductory set-up meeting will be held to discuss the scope of the inspection and agree a schedule. We will be proportionate in the amount of advance information and preparation we request from the local authority.

At the point of the inspection notification, the local authority should review the composition of the inspection team and immediately highlight any perceived or actual conflicts of interest prior to the start of the inspection.

5.3 How we inspect

Inspection will consist of three key stages: planning, fieldwork, and reporting. Each inspection will draw on intelligence gathered during the annual programme, including: information from engagement with the local authority and stakeholders, published materials, inspection findings, and performance information. We will also consider information and reports used by the local authority to plan and quality assure its delivery of social services functions.

During an inspection, we seek three broad types of evidence:

- what we hear: we will engage with and listen to people who have accessed and/or are in receipt of care and support services and their carers. We also talk to local authority staff, their managers and senior officers and elected members as well as partner agencies
- what we see: where it is feasible and appropriate, we will observe social services practice relevant to the inspection
- what we read: we will consult written records, policy documents, surveys, case files and other written material

The inspection will focus on the experiences and personal outcomes for people as captured in their social care records and as described by people who use services / carers and staff from the local authority; and the extent to which this is consistent with the evidence from our wider engagement activity.

We also consider the quality of the leadership and governance for local authority social services and how this supports the delivery of positive outcomes and improvement in the care and support provided. This includes the local authority's resource allocation, performance management, partnership arrangements, commissioning arrangements, and contractual and financial data.

Following inspection fieldwork, the team's findings, supporting evidence and conclusions will be developed into an inspection report or letter, which will be made publicly available once the local authority has had opportunity to comment on factual accuracy.

5.4 Monitoring and Review

An important component of our work is the ongoing monitoring and review of local authority performance in relation to its delivery of social services functions.

Each local authority will have a designated CIW link senior manager to monitor and challenge local authorities about performance and progress with priorities and objectives for social services. Our aim is to support local authorities to better understand their strengths and the areas they need to develop. We will maintain a constructive working relationship with the local authority and share best practice where relevant.

The core components of our performance review activities include:

- thematic inspection
- engagement activity
- assurance check (inspection)
- assurance meetings
- performance evaluation inspection
- improvement check (inspection)
- improvement conference
- regional assurances

Following inspection, we expect local authorities to take account of findings in its own improvement and action plans. We will monitor progress through a range of performance review activities. The decision to undertake performance review activity is informed by one or more of the following:

- the nature of the concerns, risks or issues
- progress in implementation of the local authority's improvement plans
- the length of time between performance review activity; and
- any other performance information we hold – including performance information, improvement and/or action plans

Our performance review activities are described in more detail below.

5.5 Thematic inspection

CIW will undertake national thematic reviews as part of its core activity. A national thematic review will review local authority social services with a focus on a specific area.

We will publish a national thematic review report providing a high-level summary of all our findings across Wales.

We may lead and/or contribute to thematic reviews either independently or with other inspection partners. All reports of joint thematic inspection are published jointly.

5.6 Engagement activity

Engagement with people is central to all that we do. Our ambition is to ensure our intelligence is informed directly by people's voices. It is a process of **involving people in our work** (<https://www.careinspectorate.wales/sites/default/files/2023-01/230105-engagement-plan-en.pdf>). People can be involved in lots of ways, from one-off events to long-standing relationships. People should be able to choose how and when they participate.

We talk with, listen to and involve a wide range of people to find out about their experiences of services. We recognise it is important people have a voice about the way services are delivered, and about how we inspect them. It is also important to get feedback about the quality of our work.

We take opportunities to engage with people at strategic, operational, and individual levels. This happens during inspection and as part of our ongoing performance review activities. We may agree bespoke engagement with local authorities or plan thematic engagement across Wales, to support our understanding of local performance or national themes.

CIW provide feedback to local authorities following engagement and have tools to support this approach, but engagement activities are not published.

We will share examples of positive practice with relevant partners, including Social Care Wales, to ensure a collaborative approach to improving social services across Wales.

5.7 Assurance Check (AC) inspection

We routinely undertake AC's as a strengths based approach to seeking assurance, where our intelligence and data gathering would lead us to have few or no concerns about the local authority meeting its statutory duties. We may also use the AC method to gather further information where there has been limited activity in the local authority for a significant period of time. The method for an AC is flexible enabling our focus to be determined by local circumstance and intelligence. Findings will be detailed in a published letter.

5.8 Assurance meetings

Performance review include an annual meeting with the statutory director of social services along with formal meetings with heads of adults and children's services. We may attend, virtually or in person. In addition, we will review relevant meetings of scrutiny committees and of the full council to evaluate the extent to which a local authority fulfils its responsibilities of leadership and governance for social services in the local authority.

In conjunction with Audit Wales and Estyn, we will meet with the local authority chief executive on an annual basis. The meeting will include discussion about corporate support for, and delivery of, social services functions.

We may also undertake an exceptional assurance meeting where we have emerging concerns about performance. An exceptional assurance meeting considers and seeks to understand the local authorities:

- strengths and positive practice
- progress and continuous improvements
- risks
- ongoing and emerging areas for improvement

The exceptional assurance meeting may be a standalone activity or as part of other performance review activity. This is in line with the spirit of the Well-being of Future Generations (Wales) Act 2015 for public bodies to address problems at an early stage, before they escalate.

Following an exceptional assurance meeting, we will write to the statutory director of social services providing feedback, a high-level summary and any actions. This letter will not be published.

5.9 Performance Evaluation Inspections (PEI)

A PEI will be undertaken in either adults or children's social services. PEI may be undertaken when performance review activity has given us cause for concern and/or where there has been limited CIW activity with a local authority over a 5-year period. A PEI will be proportionate when intelligence indicates the breadth and scope of the inspection requires this approach. The focus and breadth of the PEI will be dictated by intelligence held by CIW or national priority. Findings will be detailed in a published inspection report.

5.10 Improvement check (IC) inspection

We may carry out an Improvement Check to follow up on a local authority's progress in securing improvements following a PEI/AC or a previous IC. The frequency will depend on an individual local authority's circumstances and will focus on areas we have previously identified as requiring improvement. Findings will be detailed in a published letter.

5.11 Improvement conference

Where we identify services requiring significant improvement, we may hold an improvement conference (See section 8). Improvement conferences are formal round table discussions led by CIW, providing an opportunity to explore the issues, risks and challenges, seek assurance of functions, stimulate discussion and support social services leaders to drive improvement in their services. The Improvement conference considers strengths, positive practice, continuous improvement, risks, and areas for improvement.

The purpose is to work collaboratively in seeking assurance through its senior officers and elected members of the local authority's ability to deliver on the statutory functions as set out within the Social Services Wellbeing Act 2014. It is a mechanism to ensure the local authority:

- recognises and thoroughly understands the significant concerns we have about its performance, provision or leadership
- accepts and takes ownership of any concerns
- has appropriate plans to accelerate improvement and swiftly address barriers to improvement
- has the capacity, resources and capability to deliver its plans
- has appropriate processes in place to monitor progress against its plans

An Improvement conference can be initiated at any time. Officials and officers will discuss the grounds for concerns (including any representations from the local authority), actions the local authority will take to respond to the concerns and further actions Welsh Ministers may take to deal with the concerns and/or monitor progress. The meeting will comprise CIW's Deputy Chief Inspector, Head of Local Authority Inspection, link Senior Manager and the local authority Chief Executive and Director of Social Services. Other relevant stakeholders may be invited.

Following an Improvement conference, we will write to the statutory director of social services providing feedback, a high-level summary, and agreed actions. This will include confirmation about the local authority has been determined a service requiring significant

improvement and information about the enhanced monitoring CIW will complete. Enhanced monitoring will include a range of interventions from our performance review activities and will be determined in collaboration with the local authority.

This letter will be sent within 10 working days. The local authority will have the opportunity to advise CIW of any factual inaccuracies or corrections they wish to be considered. These should be received within 10 working days. The letter will be published and shared with Welsh Government, the Deputy Director of Health and Social Services, and any other relevant stakeholders.

5.12 Regional assurances

Each regional partnership board and regional safeguarding board will have a designated CIW link manager. Working with Inspection Wales partners, we will monitor and challenge the effectiveness of the implementation of regional area and safeguarding plans and their impact on improving outcomes for people. We will also monitor the effectiveness of improvements arising from Child or Adult Practice Reviews. We will maintain a constructive working relationship with the regional boards and share best practice where relevant.

CIW focuses all its performance review activity on the quality and safety of social services and the experience of, and outcomes for, people using social services.

6. Local Authority Social Services Annual Reports and Performance

Our performance review activity is informed by a local authority's own self-evaluation. Local authority social services regularly evaluate themselves as an integral part of their business improvement cycle. Honest and thorough self-evaluation, alongside diligent risk assessment, enables local authorities to sustain and further develop practice and services that deliver positive personal outcomes for

people, plan for improvement where necessary and make informed decisions about the efficient use of resources. CIW will routinely ask local authorities what they know about the experience of and outcomes for people and how they know this.

6.1 The Directors report

Under the 2014 Act, local authority statutory directors of social services are required to prepare and publish an **annual directors report** (<https://www.gov.wales/sites/default/files/publications/2024-05/director-of-social-services-annual->

[report-guidance.pdf](#)) (External link) detailing how the local authority has exercised its social services functions during the financial year. Local authorities must submit these reports in a timely way to CIW, to help to inform our programme of performance review.

6.2 Performance and Improvement Framework for Social Services

Local authorities must submit performance measurement data to Welsh Government as detailed in the [Performance and Improvement Framework for Social Services: using evidence to inform improvement \(https://www.gov.wales/performance-and-improvement-framework-social-services-using-evidence-inform-improvement\)](https://www.gov.wales/performance-and-improvement-framework-social-services-using-evidence-inform-improvement) (External link).

We analyse all the data, intelligence and information we have gathered and use it to inform decisions about how best to review the performance of local authorities /Cafcass Cymru. In addition, we may request completion of a national survey as part of our thematic inspections.

We expect local authorities to share their performance data with us, at least quarterly, to form part of our performance evaluation. We take all information into account to inform work priorities.

6.3 Concerns and complaints about social services

It is important to note CIW does not have powers to investigate individual complaints about social services. If concerns are raised with us, we will acknowledge these and will follow up where appropriate, keeping a record of issues identified. Where a concern is raised by someone employed by the local authority, this may be deemed as whistleblowing in accordance with the [Public Interest Disclosure Act 1998 \(https://www.legislation.gov.uk/ukpga/1998/23/contents\)](https://www.legislation.gov.uk/ukpga/1998/23/contents) (External link) and approached accordingly. CIW is a 'prescribed body' on behalf of Welsh Ministers (Prescribed Persons Order 2014).

7. Feedback and reporting on inspections

The lead inspector will liaise regularly with the local authority head of service throughout the inspection. At the end of the inspection, we will provide initial, high level verbal feedback to the statutory director of social services and head of service. This will be an overview of provisional findings structured around the key principles underpinning the inspection.

CIW aims to continuously improve its inspection methodology and inspection practice. CIW will send out two questionnaires to local authorities post inspection, one about the inspection activity itself and the other focussing on the inspection report or letter.

We will ensure the narrative of the inspection report/letter is clear about the quality of local authority social services. Inspection reports/letters will identify strengths and areas for improvement.

Each inspection report is expected to be written and shared with the local authority as a draft version within 20 working days of the completion of the inspection. Letters following an Assurance or Improvement Check will be shared with the local authority as a draft version within 15 days of the end of the inspection.

All our inspection reports/letters go through a moderation process which includes peer review by a senior manager who is not part of the original inspection team and scrutiny by the head of local authority inspection.

We strive to ensure our inspection reports/letters are fair and our findings are based on the triangulation of evidence we gather. Therefore, in the interests of fairness and transparency, we accept the right of local authorities to respond to our reports and comment on our findings and factual inaccuracies. A period of 10 working days is allowed for the local authority to consider and respond to the draft report/letter. Any feedback should always specify the section(s) of the report that are contested and provide details about why it is being challenged with supporting evidence.

We aim to draft, finalise and publish inspection reports/letters within 50 working days following the completion of the inspection. In exceptional circumstances this timescale may be extended.

The inspection report/letter will be published to our website within 25 working days of receipt of the local authority's comments. The local authority will be expected to present the report to elected members and subject the report to public scrutiny through a formal and open committee meeting at the earliest opportunity. An invite could also be extended to CIW to attend the meeting.

8. Service requiring significant improvement

CIW has a process for services requiring significant improvement. We will only use this process when we identify significant service failures, cumulative or systemic concerns regarding social services. This may be in relation to a specific function or service area, or cross functions. The approach provides clarity about how CIW seeks assurances that improvements are being made in a timely way.

An Improvement conference will always be held when a service is determined to require significant improvement. Any service requiring significant improvement will also be subject to enhanced monitoring. This may include one or more of the following:

- PEI
- assurance check
- improvement check
- bespoke engagement
- monitoring work – including enhanced strategic engagement or extraordinary assurance meetings
- escalating concerns to the executive team and Cabinet Officials in the local authority
- sharing information with Inspection Wales partners and/or Welsh Government

CIW's intention is to support improvement and learning, both for the service in question, and across all local authorities. The process will ensure that focused and timely action can be taken by a range of stakeholders, including local authorities, to ensure that safe and effective care and support is being provided to the people of Wales. We will help to signpost the local authority to sources of support and positive practice.

8.1 Determining a service requiring significant improvement

The key indicator for determining a 'Service Requiring Significant Improvement' is whether CIW has evidence of clear and significant risks to people's safety and well-being. Before making this determination, CIW will always consider whether:

- strategic leadership and operational practice are inadequate or poor
- this is likely to have a significant or immediate impact on the safety and well-being outcomes of people
- urgent action is required and/or minimal improvements have been made

8.2 Reviewing a service requiring significant improvement

The key indicator when reviewing a 'Service Requiring Significant Improvement' is whether CIW has acquired evidence of improvement.

Through our enhanced monitoring approach, we will undertake a range of ongoing performance review activities which will monitor and review improvements made by the local authority.

If actions taken by the LA do not result in the required improvements being made and/or sustained the local authority will remain a service requiring significant improvement. We will write to the local authority to advise them of this and our next steps.

If actions taken by the LA result in the required improvements being made and sustained, the local authority are de-escalated and will no longer be a service requiring significant improvement. The local authority will be subject to routine monitoring and performance review activity. We will write to the local authority to advise them of this.

A copy of all correspondence will be shared with Welsh Government, the Deputy Director of Health and Social Services, and any other relevant stakeholders.

8.3 Escalation of concerns to Welsh Ministers

Where the extent of concern is significant, under section 151 of the Social Services and Well-being (Wales) Act 2014, Welsh Ministers may give a warning notice to a local authority if:

- the local authority has failed, or is likely to fail, to comply with a duty that is a social service function
- the local authority has acted, or is proposing to act, unreasonably in the exercise of a social services function
- the local authority is failing, or is likely to fail, to perform a social services function to an adequate standard

The decision to issue a warning notice is taken by Welsh Ministers, informed by the outcome of inspection and review. Where a warning notice is given, it will set out the grounds and reasons for intervention, the action required by the local authority and the period within which the action is to be taken; as well as the action the Welsh Ministers may take if the local authority fails to take the required action.

The warning notice will be reviewed after 90 days, and Welsh Ministers will decide whether to issue a further notice.

9. Conduct during performance review activities

Inspectors employed by CIW have come from a variety of professional backgrounds within health and social care. All inspectors are civil servants and must meet the professional standards set out in the **Civil Service Code (<https://www.gov.uk/government/publications/civil-service-code/the-civil-service-code#standards-of-behaviour>)** (External link). As with social care workers, inspectors also act in accordance with the **Code of Professional Practice for Social Care (<https://socialcare.wales/cms-assets/documents/Code-of-Professional-Practice-for-Social-Care.pdf>)** (External link). This brings the expectation we will:

- carry out our work with care, integrity, courtesy, sensitivity and professionalism
- evaluate the provision of services objectively ensuring evidence is both triangulated and weighted appropriately
- report on the inspection honestly, fairly and impartially
- communicate clearly and openly to promote the health, safety and well-being of people who use care services
- act in the best interests of people using services
- respect confidentiality of information
- be accountable and take responsibility for the quality of our work; and
- promote, uphold and respect the privacy, dignity, rights, health and well-being of people who both use or are employed by care services.

9.1. How local authority social services staff can support our work

We will always seek to minimise the impact performance review activity can have on the local authority, its staff and the people using social services. To help us achieve this aim, local authorities and their staff can assist in the following ways:

- provide evidence that will enable inspectors to report honestly, fairly, and reliably about the local authority
- maintain a purposeful dialogue with CIW
- recognise we need to talk to elected members, officers and other stakeholders without the presence of a manager or senior leaders
- draw any concerns about the inspection to the attention of inspectors in a timely and suitable manner through the lead inspector, preferably while the inspection team is on site
- work with us to minimise disruption and pressure throughout the performance review activity
- advise us about health and safety matters while on local authority premises
- feedback any disagreements in a clear and transparent way
- maintain the confidentiality of meetings and inspection findings until the final publication of the report
- report any concerns about an inspectors conduct during inspection to the lead inspector or head of local authority inspection as soon as possible

9.2. Raising a complaint about CIW

If the local authority, a person accessing social services or a member of the public has a complaint about the work CIW or a member of CIW staff, we have a complaints policy that should be followed. A complaint made against the conduct of an inspector will not normally delay the publication of an inspection report.

10. Information

The knowledge and information we hold is one of our most important assets. It ensures that the decisions we make and the advice we give is underpinned by a robust evidence base.

Through our performance review processes we gather and hold a considerable amount of information on local authority social services, as well as information obtained from other intelligence sources. This valuable information helps us to assess how a local authority social services department is performing with their legislative responsibilities.

On occasion we may receive a request to release information relating to an individual case or service. Any individual has the right to request recorded information that we hold, and subject to the statutory requirements of legislation around information handling, to be given a copy of this information.

To ensure that the right information is available at the right time, and that we uphold statutory requirements, we:

- safeguard the information we hold, in line with Welsh Government procedures, to ensure high standards of information security and data protection
- store our information in the correct way, adhering to the **Welsh Government's records management principles (<http://gov.wales/about/foi/policies/recordsmanagement/?lang=en>)** (External link)
- respond to requests for information within the established processes and timeframes required by law
- share information appropriately and lawfully, to enhance and re-use our knowledge, work collaboratively and reduce duplication

Our **Privacy Notice (<https://www.careinspectorate.wales/privacy-policy>)**, in compliance with the latest data protection legislation, summarises how we handle all the types of personal information we collect. This includes the legal basis for collecting the information, how the information is processed, how long it is kept for, who it might be shared with, what your rights are in relation to it and the relevant contacts that you might need

CIW may participate in or undertake an inspection jointly with other regulatory bodies or agencies, such as the Police or Health and Safety Executive. Sharing information with these regulatory bodies or agencies is crucial in ensuring an effective use of information and resource. In these situations, we share information in line with the statutory requirements placed upon us.

Terminology used in this Code

A person's social care record

This is the electronic record that the local authority holds with information about a person. This may include their assessments and care and support plans.

Care and support

Care addresses the physical and mental tasks and needs of the person cared for, while support refers to counselling, advice or other help provided as part of a plan prepared for the person receiving support.

Care Inspectorate Wales (CIW)

The independent regulator of social care and childcare. We register, inspect and take action to improve the quality and safety of services for the well-being of the people of Wales.

Code of Practice

High-level description of the manner in which the review of local authority social services is to be carried out, in accordance with the requirements of the 2014 Act.

Regulator

Organisation established by government to supervise, by means of rules and regulations, an area of commercial or social activity.

Safeguarding

General term for actions taken to promote the welfare of children and vulnerable adults and protect them from neglect, abuse and exploitation.

Well-being

Broadly refers to the state of a person being healthy, happy, safe and comfortable with their life.

Whistleblower


Someone who raises an issue of public concern about wrongdoing, risk or malpractice they are aware of through their work. Whistleblowers are protected by law, from being mistreated or dismissed from their jobs.

Annex 1. Schedule of performance review activity

Schedule of performance review activity

- Assurance meetings - Local Authority Head of Service meeting: up to twice a year

- Assurance meetings - Local Authority Director of Social Services meeting: annual or as required
- Joint regulators meeting with Local Authority Chief Executive meeting (Audit Wales, Estyn and CIW): annual
- Improvement conference: as determined
- Extraordinary assurance meeting: as required
- Performance evaluation inspection: as required
- Assurance check: as required
- Improvement check: may follow a PEI, AC or IC - timescales dictated by local circumstances



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