

**Response from Care Inspectorate Wales  
November 2022**



1. Thank you for inviting Care Inspectorate Wales (CIW) to take part in the Health and Social Care Committee's horizon-scanning session to explore key issues affecting social care and social services.
2. To help inform the Committee's considerations, we have set out below the context in which CIW registers, regulates and inspects social care services and social services in Wales. We have detailed some basic information about the social care sector in Wales and our activity within it.

**The role of CIW**

3. CIW is the independent regulator of social care and childcare in Wales. We register, inspect and take action to improve the quality and safety of services for the well-being of the people of Wales.
4. We carry out functions on behalf of Welsh Ministers to provide assurance on the quality and safety of services. Our independence is protected through a Memorandum of Understanding (MOU) between the Chief Inspector and the relevant Welsh Ministers. A copy of this MOU is available on the CIW website: <https://www.careinspectorate.wales/sites/default/files/2021-07/210720-MOU-welsh-ministers-en.pdf>.
5. We decide who can provide services; inspect and drive improvement of regulated services and local authority social services; undertake national reviews of social care services; take action to ensure services meet legislative and regulatory requirements and respond to concerns raised about care services.
6. CIW is responsible for regulating:
  - **adult services:** care homes for adults; domiciliary support services; adult placement services and residential family centre services
  - **children's services:** care homes for children; fostering services; adoption services; advocacy services and secure accommodation services
  - **childcare and play services:** child minders; crèches; full day care; sessional day care; out of school care and open access play provision
7. We also review the performance of local authorities in delivery of social services functions. We do this through a combination of inspection and performance evaluation activity. In addition, we inspect local authority fostering and adoption services; boarding schools; residential special schools (boarding arrangements under 295 days); further education colleges accommodating students under 18 and Cafcass Cymru.

## **Key issues affecting social care and social services**

8. The past two years has been an incredibly difficult time for many. As we move slowly out of the pandemic, we must pay tribute to the social care and childcare and play workforce across Wales. They continue to show great skill and tenacity, working tirelessly as they face the many challenges the pandemic has exacerbated.
9. It remains extremely challenging for the sectors we regulate and inspect. Current pressures in the system, intensified by the cost-of-living crisis, threatens to undo the positive work during the pandemic when there was a real sense of agencies pulling together in partnership to support people.
10. In October 2022, CIW published its Chief Inspector's Annual Report 2021-22. Whilst there is much to celebrate, the report highlights continued concerns including:
  - Unprecedented increase in demand for care and support which has created significant pressure on services.
  - Recruitment and retention of social care workers remains far from sufficient leading to fragility in services, especially domiciliary support services.
  - Lack of suitable care and support placements for children with the most complex needs who are looked after.
11. What we see today is a health and care system that is gridlocked, with many social care leaders describing it in terms of crisis. We know many people delayed requesting services during the pandemic. This has led to an increase in demand for services to support people, many of whom have substantially more complex needs. We are also aware many local authorities are experiencing an increase in the volume of safeguarding referrals where people may be at risk of harm. In part this is due to lack of availability of care, support, and treatment services to meet people's needs.
12. Staff in social care want to deliver good, safe care but are struggling to do so. Staffing pressures across the social care sector continues to be one of the most significant issues raised with us by providers, with both recruitment and retention of staff being a particular concern. If this is not addressed at a national level, local authorities and social care providers risk not meeting their statutory and regulatory duties.
13. In many local authority areas across Wales, too many people are waiting for assessment of their needs. Even when people receive an assessment, many are then placed on a waiting list for domiciliary support and other services, such as occupational therapy and therapeutic services. We are also seeing domiciliary support providers handing back people's care to local authorities because they have insufficient staff to continue to meet people's needs. In addition, people's care and support plans are not being reviewed in line with the Social Services

and Well-being (Wales) Act 2014 (the 2014 Act). This means when people's needs change and they may require more care, this is not being provided.

14. All of this is placing unsustainable pressure on carers, families and friends to fill the gaps. More support for unpaid carers is needed to enable them to continue in their caring role where they wish to do so. It is important carers are able to have an assessment of their needs, and they are treated as equal partners in the care of their family member or friends.
15. We are increasingly concerned about people being discharged from hospital to live in a care home on a temporary basis when their choice is to return home. It is essential people's rights are at the centre of all decision making. Where there is no alternative, it is important people receive the right support to maximise their independence whilst living at the care home. This means 'in reach' reablement services should be provided or care staff in care homes be supported to develop additional reablement skills.
16. In care homes for children, despite an increase in the number of places available, there continues to be a lack of appropriate provision for children and young people with the most complex emotional and behavioural needs. This includes a lack of secure children's home provision to ensure children's safety and well-being.
17. Whilst the impact of the pandemic on older people living in care homes is understood, we know much less about the experiences of people with a learning disability. Next year we will be prioritising work with Healthcare Inspectorate Wales (HIW) to review how well the care, support and treatment needs of people with a learning disability are being met.
18. Continued development of preventative and early intervention support for people is vital. The momentum gained with the implementation of the 2014 Act and the Regulation and Inspection of Social Care (Wales) Act 2016 (the 2016 Act) stalled, understandably, during the pandemic. We are concerned resource and capacity pressures now risk further undermining the development of these approaches and services.
19. Where through our work we identify poor outcomes that undermine the safety and well-being of people, this is usually linked to failings in leadership. Learning from the past, the 2016 Act redefined the role of the Responsible Individual (RI), and their leadership responsibility in ensuring services have a positive culture. This includes promoting the well-being of staff working in their services, alongside that of people receiving care and support. It is important to continue to realise the ambitions of the 2016 Act and to ensure RIs can access appropriate guidance to fulfil their role.
20. The sector is fragile and faces many ongoing challenges including financial sustainability. Solutions to the problems that affect people's care can only come from long term planning and investment, taking a whole system view that

recognises the relationship between health and social care and addresses the root causes of the immediate and obvious problems.

21. To ensure the people of Wales can access the care services they need, we must:

- ensure people using and working in care services have a voice
- ensure providers of social care services are treated as equal partners in care
- ensure carers are treated as equal partners in care, and have access to support in their own right
- have a step change in how we attract and retain people working in social care, ensuring parity of esteem and terms and conditions with those working in the NHS
- embed lessons from the past – learning from Operation Jasmine; and
- continue to work co-productively and collaboratively to ensure improvements continue to be made.

22. This requires strategic and operational commitment to providing seamless services to people with social care needs. Where this can be integrated across social care and healthcare, or education, it should be and any barriers to working in this way be addressed. Regional Partnership Boards have an important role in ensuring this.

23. We are committed to working with the Welsh Government, providers, local authorities and other partners and stakeholders to ensure improvements are made in the care sector. We are encouraging social care providers and commissioners to have early discussions with us about innovative models of care and how they can be designed to fit within the regulatory framework.

24. We will continue to put people at the centre of everything we do and are looking forward to working with the new Citizen Voice Body to help further their work and ensure the voice of people is heard.

25. We will also continue to raise awareness of findings from our inspection and regulatory activities. We will do this through our publications (including our inspection reports, national reviews and the Chief Inspector's annual report) and by actively seeking opportunities to raise awareness of our work with the public and wider partners.

26. As the independent regulator of social care and childcare, CIW will continue to provide assurance about the quality and safety of care services in Wales. There is much to be done but we must also share, celebrate and learn from the excellent work and good practice we see across Wales every day. We commonly find compassionate and dedicated staff, determined to deliver the highest levels of care to the people they care for. Examples of poor care are thankfully rare, but, where we do find poor care, we will, and do, take action.