

Practice guidance on responding to concerns about care services in Wales

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

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1 Introduction

- 1.1 This document provides practice guidance for CIW staff on receiving and responding to concerns raised by people about the safety and quality of care and/or support provided by social care or childcare and play services in Wales.
- 1.2 This document should be read in conjunction with our external guidance on 'Providing feedback about social care services in Wales'¹. For adults & children's services teams and childcare & play teams, our CaSSI system will also include guidance regarding completion of the concern record, which should also be referred to.
- 1.3 There are three main types of concerns that we receive:
- concerns about a registered service²
 - concerns about a local authority social service
 - concerns about a service suspected of operating without registration (OWR)
- 1.4 Whilst this is general guidance about concerns raised with us, it specifically focuses on the processes related to capturing and responding to concerns about a registered service or a local authority social service. Separate guidance and advice is available on how we manage concerns about services suspected of OWR³.
- 1.5 A high-level process map has been set out in Annex A to provide an overview of the concerns process and its interaction with CaSSI.

What is a concern?

- 1.6 A concern is usually an expression of anxiety/dissatisfaction - or a cause for worry - for the person who reports it. This may be by
- the person receiving care and/or support
 - one or more members of the public (including relatives, friends and neighbours) about the care and/or support being provided for a person or people
 - professionals involved with a person receiving care and/or support

¹ <https://careinspectorate.wales/providing-feedback-about-care-services>

² For the purposes of this guidance all reference to registered services include: care homes, domiciliary support, residential family centre, secure accommodation, fostering, adoption, adult placement, advocacy, child minding, full day care (nurseries, children centres, before-and after-school provision), sessional day care (playgroups, Cylchoedd Meithrin, wraparound care) out-of-school childcare, crèches and open access playwork provision, local authority fostering and adoption services, boarding schools, residential special schools and further education colleges (accommodating students under 18).

³ <https://wales365uk.sharepoint.com/sites/Intranet-EPS-Group/SitePages/ciw-registration.aspx>

- people who work for a care service about the care they know is provided (known as whistleblowing, see Chapter 5).

A concern may call into question the safety or quality of care and/or support provided by a social care or childcare and play service in Wales and could suggest people are at potential risk of harm and/or indicate possible non-compliance issues.

- 1.7 Concerns can provide important indicators of underlying issues that may affect people using services. It is essential that we take ownership of concerns and act upon them; it is unsafe to assume that ‘someone else will deal with it’. Where there is evidence of a breach of regulations leading to poor outcomes for or risk to people using a service, we (or the appropriate authority) will take action to address failings and drive up standards.
- 1.8 Where a person may be at immediate risk of harm, abuse or neglect we ask those raising the concern to report it to the relevant authorities; if they do not, we will carry out our duty to report in line with the Wales Safeguarding Procedures⁴ and our Safeguarding policy⁵.
- 1.9 People who raise a specific concern with us are often close to the service and in a position to offer important observations about it – in effect they are our ‘eyes and ears’ when we cannot be there. They can give us important insights about which we would otherwise be unaware.
- 1.10 It is important that we accept at face value the content and reason for the concern and do not look to question the motivation of the person raising it. We should take the view that information received via a concern warrants consideration and then, depending on the information provided, decide on the appropriate action to take in response.
- 1.11 When considering a concern, it is important to be aware of unconscious bias and how this could influence our response to a concern. We must be mindful we do not use unsupported judgements in favour of, or against a person or a group raising the concern or a provider who is subject of the concern.

Raising a concern

- 1.12 Specific concerns can be raised with us in a number of ways:
- by submitting a concern via our website form
 - by telephone to our CIW Connect team
 - by email or letter

⁴ <https://www.safeguarding.wales/>

⁵ <https://careinspectorate.wales/providing-a-care-service/our-inspections>

- face to face, for example, speaking to an inspector during or outside an inspection
- via our social media channels
- via our engagement activity that we may undertake with the sector and/or with the public
- via our joint working arrangements with other organisations

Maintaining confidentiality when a concern is raised

1.13 Whenever we receive a concern, especially from the public, we must always treat this information in confidence.

1.14 People have the right not to provide any personal details, such as name and any contact details, however this may restrict what action we can take if not enough information is provided. If a person wishes to submit a concern anonymously, this means we cannot contact them if we need further information. We must ensure the person providing a concern understands this, especially if a concern is raised face to face.

1.15 If we are asked to keep the identity of the person confidential from the registered service or local authority social care service, we must respect their wishes wherever possible. We must ensure the person raising a concern understands that in cases, where the information relates to, for example, safeguarding or a possible criminal offence, we will pass on the information (including personal details) to the relevant authorities.

Welsh language

1.16 People in Wales have a right to express their views in Welsh if they choose to do so. All staff should respect and support this right.

1.17 If a person contacts us by telephone and wishes to talk to someone in Welsh and we cannot provide a Welsh speaker immediately, we will call them back within 24 hours (by someone who can converse in Welsh). If a person writes to us in Welsh, we will respond in Welsh.

2 Receiving a concern

- 2.1 CIW Connect is the first point of contact for people wishing to raise a concern via telephone and they are generally the key point of contact for concerns raised through other methods, i.e. email or letter. The CIW Connect team will therefore generally be responsible for this initial stage of the concerns process.
- 2.2 The importance of their role should not be underestimated. Dealing with people who may sometimes be distressed or anxious requires understanding, sensitivity, patience and skill in order to capture the necessary information.

Capturing the concern

- 2.3 In so-far-as-possible, we need to ensure we are consistent in our approach to the information we capture through the different methods (see section 1.12). This will ensure, where possible, there is sufficient information available to enable us to determine how to respond to the concerns received.
- 2.4 There are specific areas of information that will be captured if the concern is raised via the telephone or our website form. However, if the concern is raised via email, letter or social media, it is likely that we will only receive a limited amount of information and the CIW Connect team may have to contact the person raising the concern for more details.
- 2.5 When we are contacted, we will need to collate key information about the concern raiser (if possible), who the concern is about (if not the concern raiser), the service and the concern itself.
- 2.6 We will need to determine whether the person raising a concern wishes to provide their name and contact details, and if they do, whether they wish for us to keep their identity confidential from the registered service or local authority social service (see section 1.13 to 1.15). We will also need to understand whether the person is raising the concern about or on behalf of someone else⁶ and if so, whether that person (whom the concern is about) wishes to keep their identity confidential from the registered service or local authority social service.
- 2.7 Where the concern is raised via email, letter or social media, the CIW Connect team may have to contact the person raising the concern to gather additional information (see section 2.8 and 2.34 to 2.36). However, we will always assume confidentiality is desired if it is not specifically stated (unless there are

⁶ For example, where a person has requested a concern be raised for them; or where the person does not have capacity to raise a concern themselves; or the concern being raised will share personal information about that person.

safeguarding concerns, see section 1.15) and we will assume any communication preferences the person has, i.e. format and language, based on the way they communicated with us.

2.8 Understanding the type of concern will dictate the information required.

For a concern about a registered service:

- the name / address of the registered service. This should link to our directory of services, so that we can accurately identify the relevant provider.
- what the concern is in as much detail as possible, giving examples of what was bad and identifying any people involved
- what date(s) and times the concern relates to (where relevant).
- which part of the registered service the concern relates to (if relevant).
- whether the concern was raised with the registered service (via their complaints process). If the concern was raised with the registered service, when was it raised and what was the outcome. If not raised with the registered service, the reasons why.
- whether a similar concern has been raised with us previously and if so, when.
- whether the concern relates to harm, abuse or neglect, and if so whether the person has reported a safeguarding concern.
- whether the person works for the registered service (see Chapter 5).

For a concern about a local authority social service:

- the name of the local authority service.
- what the concern is in as much detail as possible, giving examples of what was bad and identifying any people involved
- what date(s) the concern relates to.
- whether the concern was raised with the local authority social service (via their complaints process). If the concern was raised with the local authority social service, when was it raised and what was the outcome. If not raised with the local authority social service, the reasons why.
- whether a similar concern has been raised with us previously and if so, when.
- whether the concern relates to harm, abuse or neglect, and if so whether the person has reported a safeguarding concern.
- whether the person works for the local authority social service (see Chapter 5).

For a concern about a service suspected of operating without registration:

- the name and description of the service.

- the address of the service/provider and/or contact details
- what service is being provided
- who the service is being provided for
- when the service is operating (opening / closing times)
- any other details, including supporting evidence and how the person became aware of the service being provided

Local resolution of complaints about a registered service or local authority social service

2.9 We do not investigate complaints. If a person is raising a complaint with us but has not raised their issues directly with the registered service or local authority social service in the first instance, then we should advise the person to raise a complaint directly with the provider in order for their issues to be resolved locally. However, we should be mindful that a person raising a complaint may indicate information (i.e. infer a concern) that we need to consider. We may need to explain our role in relation to concerns. We will need to handle the call sensitively as some people may be worried about making a complaint directly with the provider in case of reprisals.

2.10 Each registered service and local authority social service is required by law to have their own complaints procedure that they must follow. By following the complaints procedure, this will give the registered service or local authority social service the chance to resolve the person's complaint.

2.11 Where a person raising a complaint is advised to access the internal complaint procedures of the registered service or local authority social service, we should capture details of their issues (in so far as it relates to a concern within CIW's remit). We will keep a record of every complaint reported to us as this helps us to monitor the safety and quality of care and/or support provided and determine whether it is appropriate and necessary for us to take action.

2.12 Whilst we welcome information about any registered service or local authority social service, we do not investigate individual complaints or resolve disagreements between people and their service providers. In some circumstances, therefore, we may need to refer people to other organisations and services that are better able to help them, for example the Public Services Ombudsman for Wales.

Concerns that falls outside of CIW remit

2.13 We are not able to take any action in relation to concerns that involves:

- a dispute with a registered service or local authority social service more appropriately dealt with via their local complaints procedure
- a complaint upheld by the registered service, local authority social service or Public Services Ombudsman for Wales and action arising to change/improve practice
- an attempt to reopen a previously concluded complaint (i.e. where a complaint is not upheld)
- compensation requests
- issues involving the courts or tribunals
- staff employment issues covered by contract, grievance and employment conditions (unless the concern relates to exploitation of staff, e.g. forced to work longer than contracted hours)
- contractual issues between a person in receipt of a service and their provider (unless the concern relates to financial exploitation of a vulnerable person)
- social work decisions for contracting or commissioning arrangements
- issues about fees for a care service

2.14 Where a **concern is raised via the telephone for a registered service / local authority social service** and includes issues both within our remit and outside of our remit of responsibility, the Connect team should advise the person to contact the appropriate organisation for those issues that fall outside of our area of responsibility.

2.15 Where a **concern is raised via the website form, letter or email for a registered service / local authority social service** and includes issues, which may fall under the remit of other organisations, the relevant inspector will need to refer the person to the appropriate organisation as part of our response (see Chapter 3).

2.16 Where a **concern is raised via the telephone, website form, letter or email which does not identify a registered service / local authority social service** (i.e. not identified from our directory of services), the CIW Connect team will follow the advice in section 2.25 to 2.28, as applicable.

2.17 If it is unclear whether issues raised within the concern for a registered service / local authority social service fall within the remit of CIW, the Connect team should log the entirety of the concern and the relevant inspector will respond accordingly.

Insistent Callers

- 2.18 On occasion, someone raising a concern via the telephone will strongly seek to speak to an inspector about their concern(s). In these instances, the CIW Connect team should set out our process of how we handle concerns, i.e. to record the concern and allocate to the relevant inspector to consider. The CIW Connect team should also highlight other organisations that may be able to offer support.
- 2.19 If the member of the CIW Connect team handling the call needs support from their line manager, there are options available within the telephone system to allow their manager to listen into the call, be able to participate in the call or to transfer the call.

Registered services

- 2.20 Where the person raising the concern insists on speaking to an inspector about a registered service, the CIW Connect team should check the relevant inspector's calendar for availability. If the relevant inspector is not immediately available, the person should be advised that their contact details would be passed to the relevant inspector who will contact them within 24hrs to discuss (or when the inspector will likely be available, if not within the 24hrs, e.g. 48hrs). In these instances, the relevant inspector should be notified (via the enquiry function on CaSSI) of the need to call the person back within the specified timescale.
- 2.21 Where the person raising the concern remains insistent, then the Connect team should pass the call to the named duty inspector (for childcare & play) or the relevant team manager (for adult and childrens services). In these instances, the person should be informed that in doing so, they will not be passed to the relevant person who has responsibility for that particular service and they will only be able to discuss the concern, not act upon it (that will continue to be the responsibility of the relevant inspector).

Local authority social services

- 2.22 Where the person raising the concern insists on speaking to an inspector about a local authority social service, the CIW Connect team should pass the call to the relevant local authority senior manager. If the relevant senior manager is not immediately available, the CIW Connect team should contact the relevant local authority inspection manager who will either:
- advise if and when the senior manager will be available to call the person back, or

- speak to the person themselves (and subsequently inform the local authority senior manager of the discussion).

Recording the concern

2.23 It is important that we keep a record of all concerns received to ensure a clear audit trail. This includes the information received, our response to the concern and the rationale for decisions made, actions taken and by whom.

2.24 The CIW Connect team is responsible for ensuring:

- the concern received via telephone, email or letter is recorded; and
- the accuracy and completeness of the information recorded.

Registered services or a service suspected of operating without registration

2.25 **Concerns received by the CIW Connect team via telephone** should be entered immediately and directly onto the online concern form. The concern form sets out a script and key questions to be asked of the concern raiser and will help the CIW Connect team to structure and lead the conversation we have with the caller. *Remember, any personal details captured and written on a notepad, etc (rather than entered directly onto CaSSI) could lead to a breach of information security policy if it is intentionally or accidentally shared.*

2.26 **Concerns received by the CIW Connect team via letter or email** should be entered immediately and directly onto the online concern form. However, in these instances the CIW Connect Team may need to follow up with the person raising the concern to request additional information (see section 2.34 to 2.36). The CIW Connect team will be able to add the additional information to the concern record held on CaSSI, if and when that information is forthcoming. The CIW Connect team should not wait until the additional information has been provided before logging the concern.

2.27 Where a **concern relating to a registered service** is submitted **via the website form**, a record within CaSSI will automatically be created. The system will also automatically identify whom to assign the concern to and allocate it.

2.28 Where a **concern relating to an unknown service** (i.e. not identified within our directory of services) has been submitted **via the website form**, a record will be created on CaSSI and routed to the CIW Connect team to undertake a manual check to:

- identify if it is an existing registered service on CaSSI and reallocate accordingly

- confirm it is an unknown service on CaSSI and allocate the concern to the enforcement team manager (via CaSSI OWR)

In these instances, the CIW Connect team may benefit from discussing the service with a relevant member of staff (as set out in section 2.21 to 2.22), for example, to identify if the service relates to 'supported living accommodation' which falls under a known domiciliary support service.

Local authority social services

2.29 Concerns received:

- **via telephone, letter or email** should be entered immediately and directly onto the online concern form by the CIW Connect team.
- **via the website form**, will automatically be routed via email to the [REDACTED] mailbox.

2.30 The LA inspection support team will save the concern in the relevant LA iShare folder and share the link with the relevant LA inspection senior manager. The iShare folder will contain all information relating to the concern. The inspection support team will also update a central record⁷ with information about the concern(s) received; any decision(s) made in response; the rationale for the decision(s) and any action arising (where required).

Acknowledging the concern

2.31 If we receive a concern via:

- telephone, the CIW Connect team will provide a reference number to the person at the end of the call.
- email, an automated email response will be sent which acknowledges the receipt of the concern.
- website form, an acknowledgement is provided upon submission.
- Letter, the CIW Connect team will send an acknowledgement letter using the template available (where contact details have been provided). The acknowledgement letter must be issued within two working days of receiving the concern.

2.32 In addition, for concerns about a local authority social service:

- where email contact details have been provided, an automated acknowledgement response will be issued explaining how the local authority inspection team manages the concern process.

⁷ The LA central record of concern will include, for example, details of the person raising the concern, date of receipt, details of the concern (or iShare link) and the date of response. This will ensure a clear audit in the event of an FoI request and ensure CIW adheres to the correct retention periods for holding personal information (as set out within its privacy notice).

- where only home address details have been provided the CIW Connect team will issue the acknowledgement response.

Concerns received elsewhere

2.33 There will be occasions when a concern is not directly raised by the public, etc, via the website form or the methods managed by the CIW Connect team. If the concern is raised:

- with an inspector during or outside an inspection, the inspector can themselves enter the details onto our website form so that a record on CaSSI can be automatically created and allocated accordingly.
- in person, at a Welsh Government office, the CIW Connect team will assist the person to complete our website form.
- via social media, the Communications Team will email the submission to the CIW Connect team mailbox.

Due diligence checks

2.34 Where the concern is raised via the telephone or the website it is easier to control the information we ask for. Where the concern is raised via email, letter or social media, it is likely that it will not include all the information that is required to make a decision on how to respond.

2.35 Upon receipt of a concern via letter or email (incl. social media), the CIW Connect team should undertake a due diligence check, i.e. assess whether the information provided accurately identifies the service name, includes all the information we require and/or whether the information can infer a particular response, e.g. language preference of the concern raiser. If the concern does not include all relevant information, the CIW Connect team should make reasonable efforts to contact the person who submitted the concern (where possible and via whatever contact details have been provided) to obtain the necessary information.

2.36 To avoid any unnecessary delays to responding to the concern, the CIW Connect team should log the concern immediately with the information provided and subsequently add any additional information if and when it is forthcoming (via a CaSSI task linked to the concern record).

2.37 Frequently asked questions about the concerns process for CIW Connect has been set out in Annex B.

3 Responding to concerns about a registered service

- 3.1 Adult and Childrens Services inspection team(s) and Childcare and Play inspection team(s) are specifically responsible for considering any concerns received about a registered service and responding accordingly.
- 3.2 The inspector is responsible for analysing a concern allocated to them; deciding on the most appropriate action and agreeing that action with their team manager; responding to the person who provided the concern and carrying out any subsequent actions arising.
- 3.3 The team manager is responsible for providing the inspector with any necessary advice and guidance, as required and offering reflective appraisal of the main issues or any patterns and themes. The team manager is also responsible for specifically agreeing the decision of the action to be taken; considering future work activity with the registered service concerned and overseeing monitoring arrangements for the process to avoid drift and delay in responding to any concerns received.

Concerns decision framework

- 3.4 We undertake a proportionate and risk based approach to how we respond to concerns about a registered service. In order to respond in a proportionate way, we will assess the alleged issues or risks presented, taking into account what else we know about the registered service, so we can decide on the action needed. This ensures we prioritise and respond quickly to concerns, especially where people may be at risk of or have experienced harm.
- 3.5 We apply a concerns decision framework to ensure a structured approach to determining how we respond to a concern raised about a registered service. The framework consists of two stages:
 - stage 1 - analysing the concern
 - stage 2 - assess and determine our response to the concern

Stage 1 – analysing the concern

- 3.6 The purpose of Stage 1 is to determine whether people using services are not placed at risk or do not experience harm. In making this decision, we analyse the concern and consider:
 - is the concern based on direct experience, observation or hearsay?
 - are people using services allegedly placed at risk or have experienced harm? Is there evidence of neglect, deliberate harm or serious and immediate risk of harm?

- are there any alleged issues contained in the concern that constitute non-compliance with the law? if so, which regulations apply? is the evidence sufficient and of good quality?
- is CIW the most appropriate body to consider the concern or should others be notified / involved?, e.g. is there a duty to report a safeguarding concern?

3.7 In addition, to assist our considerations at Stage 2, we also consider what we know about the service:

- What leadership and governance arrangements are in place? Is the service well managed? Are the provider and manager visible and accessible? Have there been frequent managerial changes?
- Where there is a registered person or Responsible Individual, are they engaged with the service or unresponsive?
- What staffing arrangements are in place? Is the service sufficiently staffed? Is there a higher use of temporary or agency staff and/or staff moving between services to fill shortfalls?
- Is the provider generally compliant or have there been similar issues before? What is history of non-compliance (multiple and/or continuous)?
- What are the overall risk factors associated with the service?
- How vulnerable are the people who use and rely upon the service – do they have an effective and independent ‘voice’ and is this listened to? Do they have the capacity to make decisions that affect them?
- What is the history of concerns and/or safeguarding in the last 12 months?
- Is the service responsive to complaints and deals with this promptly and appropriately? Are complaints used to improve the service? Is the service able to sustain improvements?
- Is there a history of failing to adequately assess and/or act on risks to people, either deliberately or through neglect or inadequate action?
- What does the rating indicate about the service?
- Where the provider operates other registered services, what do we know about the quality of these?

3.8 We should also consider what, if any, intelligence do other professionals hold about the service which may be relevant to our considerations for Stage 2, for example, Estyn, commissioners, community nurse, Flying Start, Food Standards Agency⁸, etc.

3.9 Not all concerns will require a detailed level of analysis as set out above. However, Stage 1 acts as a guide to what should be considered to ensure the

⁸ May provide information regarding food hygiene concerns at the service, i.e. a zero or one food rating is a cause for serious concern.

inspector undertakes a well-rounded / fuller analysis. Once the analysis is completed, we proceed to Stage 2.

3.10 We should always be wary of any tendency to accept positive messages about a registered service and downplay any concerns raised. Even a registered service with a 'good' history may at some point have issues, which need to be addressed.

Stage 2 – Assessing and determining our response to the concern

3.11 The purpose of Stage 2 is to guide our response to the concern raised. Stage 2 provides an action model based on the level of potential risk and/or alleged impact arising from the concern and what we know about the service.

3.12 We therefore, assess the impact on and / or risk to the health and well-being of people accessing the service and identify the appropriate response using the following:

Where the concern possibly identifies one or more of the following:

- a) minimal or no negative impact on and/or potential minor risk to people's health and well-being including infringement of their rights
- b) minor or no reduction in health and well-being

Response (choose one or more):

- No immediate action (may form part of wider intelligence about the service);
- Refer concern raiser to service,
- Refer concern raiser to other agency (for issues that fall outside of our area of responsibility);
- Refer – service representative (for issues that can be addressed by the service provider and followed up at the next inspection);
- Inspection *

** If there is a clear history of a concern(s) being raised about the same issue (and those previous concerns have been proven), you may wish to consider to inspect because the issue continues to be raised with us.*



Where the concern possibly identifies one or more of the following:

- a) moderate negative impact on and/or potential moderate risk of harm to people's health and well-being including infringement of their rights
- b) moderate reduction in health and well-being

Response (choose one or more):

- Inspection;
- Safeguarding;
- Refer – service representative (for issues that can be addressed by the service provider and followed up at the next inspection);
- Refer to an appropriate external body/agency (e.g. local authority, etc)
- Refer concern raiser to other agency (for issues that fall outside of our area of responsibility).



Where the concern possibly identifies one or more of the following:

- a) major/significant negative impact⁹ on or potential significant risk of harm to people's health and well-being including infringement of their rights
- b) permanent disability
- c) significant or irreversible adverse health condition
- d) major reduction in health and well-being

Response (choose one or more):

- Inspection;
- Safeguarding;
- Refer to an appropriate external body/agency* (e.g. police, local authority, etc);
- Enforcement;
- Refer concern raiser to other agency (for issues that fall outside of our area of responsibility).

** Depending on the source of the concern. If the appropriate body/agency raised the concern with us, a referral back to that body/agency would not be necessary.*

⁹ CIW's [human rights](#) document identifies the unacceptable care that would have a significant impact on people's well-being.

The decision

3.13 When considering how to respond, a discussion with the team manager is good practice, especially where the information contained within the concern is complex.

3.14 There are a number of different decisions that can be taken after analysing the concern. We may also decide to respond through a combination of actions, especially if there is more than one party to refer the concern to.

3.15 The different types of decisions are set out in the following table.

Decision	When to use and what happens next
No Immediate Action	<p>Where no immediate action is needed by us or any other party (i.e. a referral). The concern raised will be used as intelligence at the next scheduled inspection.</p> <p><i>For a concern about a registered service on CaSSI, if a decision of 'No immediate Action' is chosen, no other decision option can be selected other than 'refer concern raiser to other agency' for issues that fall outside of our area of responsibility.</i></p>
Inspection	<p>Where the information contained within the concern suggests to the inspector that an inspection is required. This should be used where an inspection needs to be brought forward or a new inspection undertaken within the next 4 weeks (20 working days), as the issues outlined within the concern cannot wait beyond 4 weeks until the next scheduled inspection.</p> <p>If the next inspection is scheduled to happen within the next 4 weeks or is already in progress, inspection should still be selected (the concern can link to that inspection).</p> <p><i>Once the decision is agreed, follow the processes within CaSSI for inspection. CaSSI will automatically link the concern to the inspection specified by the Inspector. The inspector should refer to the relevant inspection practice guidance to take forward the inspection.</i></p>
Safeguarding	<p>Where the information contained within the concern requires a safeguarding record to be created. This decision should be used irrespective of the Local Authority Safeguarding team involvement as this is a provider/service record. A LA duty to report decision can additionally be selected from the drop down</p>

	<p>menu through the safeguarding record on CaSSI, if required.</p> <p><i>In these cases, Inspectors should refer to the Guidance: Making decisions about risk and using the Safeguarding Record¹⁰.</i></p>
Enforcement	<p>Where the information contained within the concern may require consideration of enforcement action (via the Improvement and Enforcement Panel), for example, suspension of a service following notice of a criminal or child protection investigation.</p> <p><i>Once the decision is agreed, follow the processes within CaSSI for enforcement. The inspector should refer to the Securing Improvement and Enforcement policy (and enforcement pathway contained within)¹¹ to take forward any enforcement action required.</i></p>
Refer concern raiser to service	<p>Where the person is referred back to the registered service to raise their issues directly for local resolution.</p> <p>This option may be considered where the person raising the concern has not in the first instance raised their issues with the registered service to resolve their concern(s), or provided sufficient reason(s) as to why they have not.</p>
Refer – service representative (RI/RP)	<p>Where the inspector refers the concern to the registered service directly to investigate.</p> <p>This option may be considered where it is more appropriate for the issues raised in the concern to be addressed by the service not CIW. This may be considered appropriate in the cases where:</p> <ul style="list-style-type: none"> • the concern is from a person who works for the service (whistleblower), or • the person raising the concern does not share their personal contact details with us, or • the person raising the concern does not feel they can raise the concern directly with the registered service themselves. <p>Concerns referred to the service representative will be followed up by the inspector at the next scheduled inspection where appropriate.</p>

¹⁰ <https://wales365uk.sharepoint.com/sites/Intranet-EPS-Group/SitePages/Safeguarding.aspx>

¹¹ <https://careinspectorate.wales/providing-a-care-service/how-we-enforce>

	<p>See below scenario/example</p> <p>CIW receive an anonymous concern stating that they are a mother of one of the members of staff at the nursery. She is concerned that her daughter comes home upset about some aspects of her work including, spending long parts of her day outside in the cold which is making her unwell and not having enough staff during lunch breaks.</p>
Refer – external body / agency	<p>Where the concern raised contains information relevant for an external body / agency i.e. another government department, to also consider/act upon. This decision may be used for a number of reasons.</p> <ul style="list-style-type: none"> • to the Environmental Health Agency - where a concern relates to, for example, a flea or rodent infestation. • to the Food Standards Agency - where a concern relates for example, to kitchen cleanliness or operation. • to Natural Resources Wales - where a concern relates to, for example, the management or disposal of clinical waste. • to the Fire Authority - where a concern relates to, for example, fire equipment, exits, fire risk assessments and evacuation plans/procedures. • to the Health and Safety Executive - where a concern relates to potential risks associated with the physical environment, equipment or procedures. • to HM Revenue and Customs - where a concern relates to a notice of a fraud investigation. • to the Police - where the concern raised relates to accusations of a criminal offence being committed.
Refer concern raiser to other agency	<p>Where the concern raised relates to issues that fall outside of our area of responsibility, for example, employment issues.</p> <p>In these cases, we do not make the referral to the relevant agency on behalf of the person. We respond to the person raising the concern advising them of the relevant agency to contact. The inspector will need to include the relevant contact details within the template response letter.</p>

3.16 We should aim to make a decision (agreed with the team manager) on how we intend to respond to the concern raised and issue a response within five working days of receipt of the concern. In general terms, the inspector has approximately three working days to undertake the analysis and make a

decision and the team manager has approximately two working days to ratify the decision.

Decisions relating to safeguarding

3.17 If we receive a concern about a registered service (under CIW's remit), which raises safeguarding issues, the inspector should select the decision – 'Safeguarding' to create a safeguarding record. The concern would relate to one of our providers and thus a safeguarding record is required. The inspector may in addition, make a decision to inspect. Any safeguarding issues **directly witnessed** during the site visit would result in the inspector to choose 'duty to report to LA' within the safeguarding record (not the concerns record).

3.18 Where a safeguarding response is required, the inspector should follow our safeguarding processes. Further information on these processes are set out on our CIW Safeguarding Intranet page¹².

3.19 Where safeguarding issues arise within CC&P and a duty to report to LA is required, the CC&P inspector should follow our 'safeguarding – internal guidance to support inspectors and managers' guidance¹³ in relation to seeking consent of parents. Where possible, consent should be sought prior to issuing the concern decision response.

3.20 Where the concern highlights safeguarding issues relating to conduct or fitness to practice for a:

- a person registered with Social Care Wales, or
- registered provider, a responsible individual or a registered manager who is also a registered nurse, or
- registered provider, a responsible individual or a registered manager who is also a registered doctor

We do not make a direct referral¹⁴ via the concerns record to the relevant professional body, i.e. Social Care Wales (SCW), Nursing and Midwifery Council, General Medical Council. This will be addressed through the safeguarding referral process.

Obtaining further information from the person who raised the concern

¹² <https://wales365uk.sharepoint.com/sites/Intranet-EPS-Group/SitePages/Safeguarding.aspx>

¹³ <https://wales365uk.sharepoint.com/sites/Intranet-EPS-Group/SitePages/Safeguarding.aspx>

¹⁴ This refers to the specific concern raised and considered through the concerns process. This does not replace any referrals by CIW to the appropriate professional body where we identify issues relating to conduct or fitness to practice via our inspection and/or enforcement processes, etc.

- 3.21 Where it is not possible to make a decision based on the information available, we should make every reasonable effort to follow-up with the person who raised the concern as soon as possible to obtain further details. This should be considered on a case-by-case basis and will depend on the information available.
- 3.22 In following up with the person, we should **not** assume the contact details that have been provided are correct.
- 3.23 It is best practice to follow-up with the person via the telephone (where telephone contact details have been provided). In these instances, we need to establish the person we are speaking to on the phone is the same person who raised the concern before exploring the issues further.
- 3.24 If only an email address has been provided, we should respond via email and seek to organise a convenient time to discuss the concern further over the telephone (where possible). We should **not** set out details of the nature of the concern raised in the body of the email. You should avoid replying to the email received where this contains details of the concern but should instead begin a new email. *Remember, it is a breach of information security policy if we share any sensitive personal information relating to the concern via a non-secure external email address without encryption **and** without marking the email as official sensitive.*
- 3.25 Where only telephone contact details have been provided and every reasonable effort has been made by the inspector to reach the person who raised the concern to seek further information, consideration will need to be given to making a decision based on the information available.

Obtaining further information from the service representative / service manager

- 3.26 On occasion it may be helpful or necessary to contact the service representative (i.e. the RI / RP) or the service manager to obtain further details. This may be because the concern raiser is anonymous and further information is needed to help decide on our response. This should be considered on a case-by-case basis and will depend on the information needed.
- 3.27 When seeking further information from the service representative or service manager, the inspector must avoid identifying the person who raised the concern, where relevant and where they have requested not to share their details with the service.

3.28 However, this is **not** a decision to 'refer to the service representative', but a request for further information to assist how the inspector will respond to the concern raised. Therefore in requesting information from the service representative or service manager, we should make every reasonable effort to obtain the information needed within the 5-day concern response timeframe. If the information is not forthcoming (or unlikely to), the inspector should discuss with the team manager how to respond to the concern.

Decisions to refer to the service representative

3.29 When referring the concern to the service representative (i.e. the RI / RP), the inspector must:

- check whether the person raising the concern wanted their identity to remain confidential from the service;
- ensure that details relating to the concern avoid identifying the person who raised the concern (where required and where possible); and
- email the registered service (or use the direct messaging facility once available) to refer the concern. If contacting the provider via telephone, the inspector must record (on CaSSI) what was shared and the outcome of that discussion.

3.30 In these cases, the inspector is requesting the service representative to investigate the issues raised in the concern. The inspector may request feedback from the service representative regarding the outcome of any investigation into the concern. The service representative can decide on the format of that feedback, i.e. verbal or written feedback. The inspector must ensure any feedback received is saved against the relevant CaSSI concern record.

3.31 Once a decision to refer the concern to the provider is agreed and the associated tasks have been completed, i.e. subsequent referral made, the concern is closed. All concerns referred to the service representative will be followed up (where appropriate) by the inspector at the next scheduled inspection for that service.

3.32 If The inspector receives feedback from the service provider, as a result of a referral, this should be considered separately to the concern which is now closed. Any issues the inspector has with the response from the service provider should be discussed with the team manager to consider next steps. Any subsequent action taken, such as an inspection, is taken forward outside of the concern process. If a subsequent inspection is planned (as a result of the

feedback received), the inspector should ensure the relevant concern record is linked to the new inspection record (in CaSSI) to ensure a clear audit trail.

Recording the decision and rationale

3.33 It is essential we record and provide a rationale for the decision(s) made so that there is a clear audit trail.

3.34 Where we receive a concern, the inspector will undertake an analysis. Where the analysis indicates the concern raiser to be a possible whistleblower, the inspector must also follow the advice set out in Chapter 5. Following the analysis of the concern, the inspector will:

- record on CaSSI the risk/alleged impact assessment and set out their rationale/evidence to justify the level recorded. This should clearly set out the outcome of their analysis and link to the risk/impact level descriptor as described within the decision framework (see section 3.12); and
- record the decision(s) on how to respond to the concern and set out their rationale/evidence to justify the decision(s) chosen. This should clearly link to the outcome of their analysis.

3.35 Once the decision has been recorded, on the CaSSI record, the team manager must ratify the decision before the inspector can proceed any further.

3.36 The team manager will review the inspector's risk/alleged impact assessment and any decision(s) and either agree the decision(s) or refer the concern back to the inspector for further investigation.

3.37 Where the team manager refers the concern back to the inspector, they must record within the CaSSI concern record the reasons why. It is important the team manager is clear on why it is being referred back to the inspector. To avoid the potential for a 'continuous back and forth' especially where the issues set out in the concern are of a complex nature, the team manager should as a matter of good practice discuss the concern with the inspector and their reasons for referring the concern back to the inspector.

3.38 The inspector will be informed via CaSSI whether the concern has been agreed or referred back. Once the risk/alleged impact assessment and any decision(s) has been agreed by the team manager, the inspector will then be required to undertake a number of concurrent actions depending on the decision types agreed. CaSSI will support the inspector to manage the actions arising,

including the production of the response template to the concern raiser (where contact details have been provided).

- 3.39 On occasion, the team manager may also include comments within the CaSSI record about actions the inspector should take in relation to the agreed decision(s). As a matter of good practice, the inspector should review any comments made by the team manager in the CaSSI record prior to actioning the agreed decision(s).
- 3.40 Once the decision(s) has been agreed and the associated tasks have been completed, i.e. response issued (where contact details have been provided), the CaSSI record is closed.
- 3.41 Frequently asked questions about the concerns process for regulatory inspectors has been set out in Annex C.

Absence

- 3.42 In the absence of the relevant area inspector due to leave or sickness, the team manager is responsible for either considering the concern or allocating to another inspector and recording this accordingly. This is essential to prevent drift and delay. In these instances, the allocated inspector will take forward the consideration of the concern and subsequent actions arising (i.e. OC03 tasks). When the relevant area inspector returns to work it is essential that the team manager informs them of the raised concern and agreed response. Should an inspection be required in response to the concern it is for the relevant area inspector to take forward, however if the relevant area inspector is not expected to return within the required timeframe (20-days) it is for the team manager to allocate the inspection to an available inspector.
- 3.43 On occasion, the team manager may be absent due to leave or sickness. In these instances the duty manager (within CC&P) or senior manager (within A&CS) should take on the responsibility of the team manager in respect to any concerns allocated to the inspector in that team (see section 3.3), unless alternative arrangements have been put in place by the senior manager, i.e. cover will be provided by another team manager.
- 3.44 There will be rare occasions when both the allocated inspector *and* team manager are absent because of sickness or leave. Where such absences can be anticipated the senior manager should put clear arrangements in place to provide cover.

Where a providers' complaints procedure has been exhausted

- 3.45 Where a person has exhausted the complaints process with the registered service and remains dissatisfied with the outcome (and subsequently raises their issues with us), they may have recourse to the relevant Local Authority social service (where relevant), the Public Services Ombudsman for Wales and Welsh Ministers, all of whom may choose to review their complaint and how it was handled. In these situations, we will inform the person of their right to recourse, but we may also agree to review either the issues and/or the handling of the complaint ourselves.
- 3.46 Where we agree to look again at the issues relating to a complaint raised with the service, this would be done as part of the inspection process and an inspection should be undertaken to look at the wider, systemic issues arising from the complaint. However, there needs to be a clear rationale and regulatory interest for doing so.
- 3.47 The way in which a registered service handles a complaint offers an important insight into its management culture, responsiveness and the robustness of its systems and procedures. Issues raised by a dissatisfied complainant can offer a useful insight into these areas. Upon consideration, it may be worthwhile looking at the way the registered service complaints procedure is implemented, not least we should ask whether complaints are being used as a learning opportunity and are contributing to ongoing development of the registered service. An inspection would be an appropriate way to explore these issues.

Providing a response to the person who raised the concern

- 3.48 Once the decision(s) is agreed on the actions to be taken in response to the concern, it is essential we communicate this to the person who raised it (where contact details have been provided; if the person raising the concern does not share their personal contact details then no response can be issued). Our response letter must clearly set out what, if any, actions we are taking. A tailored template will be produced by CaSSI to support this process. The response letter will in-so-far-as possible be prepopulated with the required information.
- 3.49 We must ensure that when we provide a response that we are empathetic and sensitive to any issues raised. Our template letters will contain standardised information to be used in all responses as well as instructions on what additional notes may be required. You should consider these instructions and the additional notes required. Please remember to also follow the advice set out

within our CIW correspondence style guide¹⁵ on house style, general formatting, hints and tips.

- 3.50 Prior to issuing a response, remember to check the record to determine the communication preferences of the person who raised the concern, i.e. format and language preferences.
- 3.51 Where the person who raised the concern has submitted the concern in Welsh or has indicated their communication preference for Welsh, then the response must also be issued in Welsh. The template responses will be available in Welsh. However, the inspector will need to ensure any edits included within the response (not already prepopulated via the system) is done so in Welsh or they must ensure that the edits are translated before the response can be issued to the person who raised the concern.
- 3.52 All responses to the concern raiser should be issued via our central email address, where a valid email has been provided. The CaSSI system will facilitate this process. Any hardcopy correspondence can be issued by the CIW Connect team, where address details have been provided. The inspector remains responsible for ensuring the response is issued.

Inspection reports

- 3.53 If we decide to undertake an inspection in response to a concern raised, we will always produce an inspection report, in line with our standard inspection processes. However, we will not automatically send a copy of that inspection report to the person who raised the concern.
- 3.54 We have set out in the template response letter how the person who raised the concern can access a copy of the report, i.e. via our website. If the person who raised the concern wishes to be sent a copy of the report, they must contact our CIW Connect team and request a copy.

¹⁵ <https://documents.hf.wales.gov.uk/id:A26415604/document/versions/published>

4 Responding to concerns about a local authority social service

- 4.1 The LA inspection team is specifically responsible for considering any concerns received about a local authority social service and responding accordingly.
- 4.2 The relevant link senior manager within the LA inspection team is responsible for considering a concern allocated to them; deciding on the most appropriate action in response; providing a response to the concern raiser (where appropriate) and considering more broadly any emerging trends or themes arising within that local authority.
- 4.3 The LA inspection support staff are responsible for allocating the concern, maintaining a record of all concerns received (including any decision(s) made, the rationale for the decision(s) and any action arising such as a disclosure (whistleblowing) response) for audit purposes and issuing any response required.
- 4.4 A process map has been set out in Annex D to provide an overview of the local authority concerns process.

Dealing with the concern

- 4.5 Depending on the nature of the concern raised with us and the information provided, the senior manager may determine a range of responses:
 - a) **Safeguarding.** If the information received by the person raising a concern indicates a safeguarding issue or the possibility that a child or adult may be at risk, we will report the matter to the local authority and/or the police as soon as possible, but always within 24 hours of receiving all the relevant information. The senior manager will follow up the referral within 2 days and record what action is being taken.
 - b) **Refer the concern raiser to the LA.** We should respond to the person advising them to make a complaint via the local authority complaints process in order to give the local authority social service the chance to resolve their concern.
 - c) **Further information is needed.** We should make every reasonable effort to follow-up with the person who raised the concern as soon as possible to obtain further details. This should be considered on a case-by-case basis and will depend on the information available. In following up with the person, we should **not** assume the contact details that have been provided are correct (see section 3.21 to 3.24). Where only telephone contact details

have been provided and every reasonable effort has been made by the inspector to reach the person who raised the concern to seek further information, consideration will need to be given to the response based on the information available.

- d) **Legal advice.** In exceptional circumstances, the senior manager may need to seek legal advice due to the nature of the issues raised within the concern and/or the response required.
- e) **Follow-up with the LA Head of Service.** The concern should be raised with the LA Head of Service to seek reassurance that having reviewed the matter, they are content with the LA service provided. If we are not reassured or have further questions arising, we will pursue this with the LA Head of Service and ensure an accurate record is kept. We will request feedback from the local authority as to the outcome of any concern we raise with them. This provides us with their understanding of the quality of services provided and insight into how they respond to service users' concerns.

Themes and trends

- 4.6 The information relating to the concern will be considered as part of our wider intelligence about the local authority social service, i.e. other concerns we have received, to identify any themes or trends emerging.
- 4.7 Where the senior manager identifies any emerging themes or trends, this will inform any additional response the senior manager may take:
 - Seek a discussion with the LA Head of Service (at next PPM, if soon)
 - Seek a discussion with other relevant agencies
 - Undertake inspection activity
 - Undertake an unscheduled inspection looking at a specific aspect of service

Absence

- 4.8 There will be occasions when the senior manager is absent because of sickness or leave. Where such absences can be anticipated the senior manager should put clear arrangements in place to provide cover. Where the absence cannot be anticipated the Head of LA inspection should put alternative arrangements in place. This is essential to prevent drift and delay for any concerns received.

Concerns raised following local resolution

- 4.9 Where a person has exhausted the complaints process within the local authority social service and remains dissatisfied with the outcome (and subsequently raises a concern with us), they have recourse to the Public Services Ombudsman for Wales and Welsh Ministers who may choose to review their complaint and how it was handled. In these situations, we will inform the person of their right to recourse, while we consider the information relayed to us as a concern and record accordingly.
- 4.10 The way in which a local authority social service handles a complaint offers an important insight into its management culture, responsiveness and the robustness of its systems and procedures. Concerns from a dissatisfied complainant can offer a useful insight into these areas.

Providing a response to the person who raised the concern

- 4.11 Anyone who raises a concern about a local authority social service will receive an automated standardised response explaining how we manage local authority concerns and providing useful signposts to other relevant organisations.
- 4.12 However, on occasion a response to the concern raiser may be needed setting out any specific action we intend to take in response to the concern. If a response is required, the LA senior manager should consider the appropriate method to contact the concern raiser (i.e. telephone, email or letter) and action accordingly. Where a concern relates to a protected disclosure (see Chapter 5) a response setting out any action we intend to take (or not) is issued¹⁶ to the concern raiser (provided contact details are available) and preferably this should be provided verbally, if possible. If a letter is required, this should be issued via the LA inspection support team. The senior manager should ensure the LA inspection support team are informed of any response / action taken so that a record can be maintained.
- 4.13 The senior manager is responsible for ensuring the response is issued to the person who raised the concern.
- 4.14 Where the person who raised the concern has submitted the concern in Welsh or has indicated their communication preference for Welsh, then the response

¹⁶ If the concern is raised initially with another agency/department, such as Social Care Wales, and subsequently shared by that agency/department with us, we do not need to issue a separate CIW response to the concern raiser; we record the concern details and consider any actions to be taken accordingly.

must also be issued in Welsh. The template response is available in Welsh. However, the senior manager will need to ensure any edits included within the response is done so in Welsh or they must ensure that the edits are translated before the response can be issued to the person who raised the concern.

5 Making a disclosure about an employer

5.1 This section sets out the procedure to be followed when dealing with protected disclosures¹⁷ (within the meaning of the Employment Rights Act 1996) made to us by employees of registered services or workers within local authority social services. Annex E sets out the procedure as a flow chart.

The law

5.2 The [Public Interest Disclosure Act 1998](#) (PIDA) which amended the Employment Rights Act 1996, was introduced to protect workers who are concerned about poor practice or wrongdoing in their workplace and want to 'blow the whistle'. This is also called making a 'disclosure'. A worker from a registered service or local authority social service who makes a disclosure to us in accordance with the criteria set out below may be considered as making a 'protected disclosure' and has the right not to be dismissed or suffer a detriment as a result of having made that disclosure (e.g. being denied a promotion). If the worker does suffer detriment, that person has the right to take their employer to an employment tribunal.

5.3 The Welsh Ministers are the prescribed body for the purposes of making a protected disclosure in relation to various matters. CIW, on behalf of the Welsh Ministers, is the appropriate point of contact for workers whose employers fall within the remit of CIW as the social care and childcare regulator.

Definition of whistleblowing

5.4 Whistleblowing is the term used when someone who works in or with an organisation wishes to raise concerns about malpractice, wrongdoing, illegality or risk. Whistleblowing is different to making a complaint or a grievance. A 'whistleblower' is somebody who makes a 'qualifying disclosure' about a concern at work (see section 5.5 to 5.6). A whistleblower can make a 'qualifying disclosure' to us and may have certain employment protections under the Employment Rights Act 1996, which was amended by PIDA. An employment tribunal may class the disclosure as protected if the worker reasonably believes the information is true and in the public interest to be known.

5.5 The worker must believe one or more of the following has occurred, is occurring or is likely to occur:

- A criminal offence, a miscarriage of justice or breach of legal obligation

¹⁷ If an employee of CIW wishes to make a protected disclosure, as Welsh Government employees, they should follow the Welsh Government procedure.

- Danger to the health or safety of any individual
- Damage to the environment
- The deliberate covering up of wrongdoing in the above categories.

Definition of ‘worker’

- 5.6 A worker is a current, or former, employee who has/had a contract of employment. It also includes
- agency workers
 - non-employees undergoing training or work experience e.g. student nurses
 - doctors, dentists, pharmacists, police officers, etc, involved with the service.

Confidentiality

- 5.7 Workers may wish to remain anonymous to us. We accept completely anonymous reports but make it clear that by remaining anonymous, it is more difficult for the worker to receive legal protection. This is because there may be no evidence to link a detriment they may suffer to the disclosure of information to us, necessary for protected status to be given by an employment tribunal.
- 5.8 We will try to maintain the confidentiality of the worker where requested. However, we need to be clear that raising matters with the employer and other relevant parties may mean the identity of the worker has to be revealed or becomes apparent to the employer. We will discuss this with the worker in each individual case.
- 5.9 CIW, on behalf of Welsh Ministers, is subject to the Freedom of Information Act and the UK General Data Protection Regulation. Our [Privacy Notice](#) provides information on how we process personal data and people’s individual rights.

Our role

- 5.10 Our role is to provide workers with a mechanism to make their public interest disclosure to an independent body when the worker does not feel able to disclose directly to their employer, or has done so and it was not taken seriously.
- 5.11 We must be in a position to take some form of action with regard to the disclosure. Whistleblowers can provide valuable information to us. The two main barriers whistleblowers face are a fear of reprisal from their employer and the perception that no action will be taken.
- 5.12 It can be a difficult decision for a worker to make a disclosure and we must be sensitive to this. The person may wish to contact [ACAS](#) where they can discuss

a workplace problem and the options available to them. We do not become involved in personal grievances (for example bullying, harassment, discrimination, etc) between workers and employers, other than to confirm that a disclosure has been made to us.

Who decides if a disclosure to CIW is protected?

5.13 We are not responsible for deciding if the worker qualifies for protection under the Employment Rights Act 1996. The employment tribunal will decide this, if unfair dismissal or detriment is alleged. The worker must seek their own information/legal advice as to their circumstances. We cannot advise on this. [Protect](#) may be helpful for people.

Disclosure handling process

5.14 We must firstly consider if the disclosure is one that we have the powers to deal with and is within the scope of this guidance. We may require further information to determine this.

5.15 We will also need to contact the concern raiser to ask if they are disclosing information, or intend to disclose information, that they wish to be regarded as a protected disclosure.

5.16 When contacting the concern raiser, we should clearly explain:

- the concern raised falls within the remit of our guidance to be considered as a qualifying disclosure; and
- their rights under PIDA.

You should preferably contact the concern raiser via telephone, if possible and where contact detailed have been provided. Annex E provides further detail on a script to use in your discussion with the concern raiser.

5.17 The relevant inspector will discuss with their line manager, who may consult more senior managers and obtain legal advice to consider if the information received may be deemed a protected disclosure. The relevant inspector will inform the worker of the decision as to whether we are taking the disclosure forward or require further information within five working days (of receipt of the concern).

5.18 We will often need to speak to workers more than once and a face-to-face meeting may be considered in order to obtain a full account of the disclosure. The relevant inspector will continue to consult with line managers about action to be taken.

5.19 Our options include, **but are not restricted to**, the following:

- Make record of the information and the rationale for taking no immediate action at this time
- Pass information to the police or other agency/regulator
- Raise matters directly with senior managers in the registered service/local authority
- Undertake an inspection of the registered service
- Undertake focused activity/improvement conference/inspection of the local authority

5.20 Appropriate action following receipt of a disclosure must always be considered on a case-by-case basis.

5.21 The relevant inspector and their managers must ensure good internal communication, particularly between the regulatory inspections teams and the Local Authority inspection team. For example, information about LA registered services and adoption and fostering teams and LA management.

Recording a 'disclosure' in relation to a registered service (including LA fostering and adoption services)

5.22 Once it is clear the concern information falls within the legal definition of a 'qualifying' disclosure, the inspector must ensure the 'Whistleblowing' box on CaSSI is checked (this is very important as it allows us to extract data on whistleblowing disclosures). Additionally, if the concern raiser wishes the information to be considered as a 'protected disclosure' the inspector must also ensure the 'protected disclosure' box on CaSSI is checked.

5.23 All communication with regard to this information received will be recorded and stored on the CaSSI concern record.

Recording a 'disclosure' in relation to Local Authority Social Services

5.24 The local authority senior manager will consider if the concern information falls within the legal definition of a 'qualifying' disclosure. If it does, the inspection support manager will be informed and will save the email to a *Whistleblowing* paperclip in the relevant LA iShare folder with the naming convention – yyyy-mm-dd - *initials of person/anonymous – potential whistleblower – name of LA – received/sent*. The inspection support manager will then forward the iShare link to the relevant local authority senior manager (retaining the title in the email above). The inspection support manager will also ensure the central record is updated to record 'Whistleblowing'.

- 5.25 If the local authority senior manager is absent, the inspection support manager should follow whatever alternative arrangements have been put in place (see section 4.8). If the local authority senior manager is on leave or inspection for more than two days from the date the information is received, the 'whistleblowing' email must be copied to the Head of LA Inspection who will arrange for initial contact to be made. In the absence of the Head of LA Inspection, the Deputy Chief Inspector should be cc'd, who will arrange for initial contact to be made.
- 5.26 The local authority senior manager, or manager on their behalf, will contact the person to discuss the information further and follow process and timescales outlined above.
- 5.27 All communication with regard to this information will be recorded and stored in the *Whistleblowing* paperclip in the relevant LA iShare folder. This includes record of discussions and emails with LA representatives and others i.e. this will not be recorded in *Correspondence* or other paperclips that would normally be used. This is required to ensure accurate extraction of all related information and data reporting when required.
- 5.28 The 22 individual *Whistleblowing* paperclips will link to a central Whistleblowing folder in a central LA team location on iShare. This allows a view of all potential whistleblowing information received across LAs.

Recommending improvements on how registered services and local authority social services deal with whistleblowing

- 5.29 Whistleblowers will often contact prescribed persons rather than their employer if they feel unable to make a disclosure to their employer or if they feel no action has been or will be taken. It is appropriate for us to ensure relevant organisations have whistleblowing policies and practices in place. We should encourage all employers to promote a culture that makes it more likely concerns are raised with them directly.

If the worker is not satisfied with our response

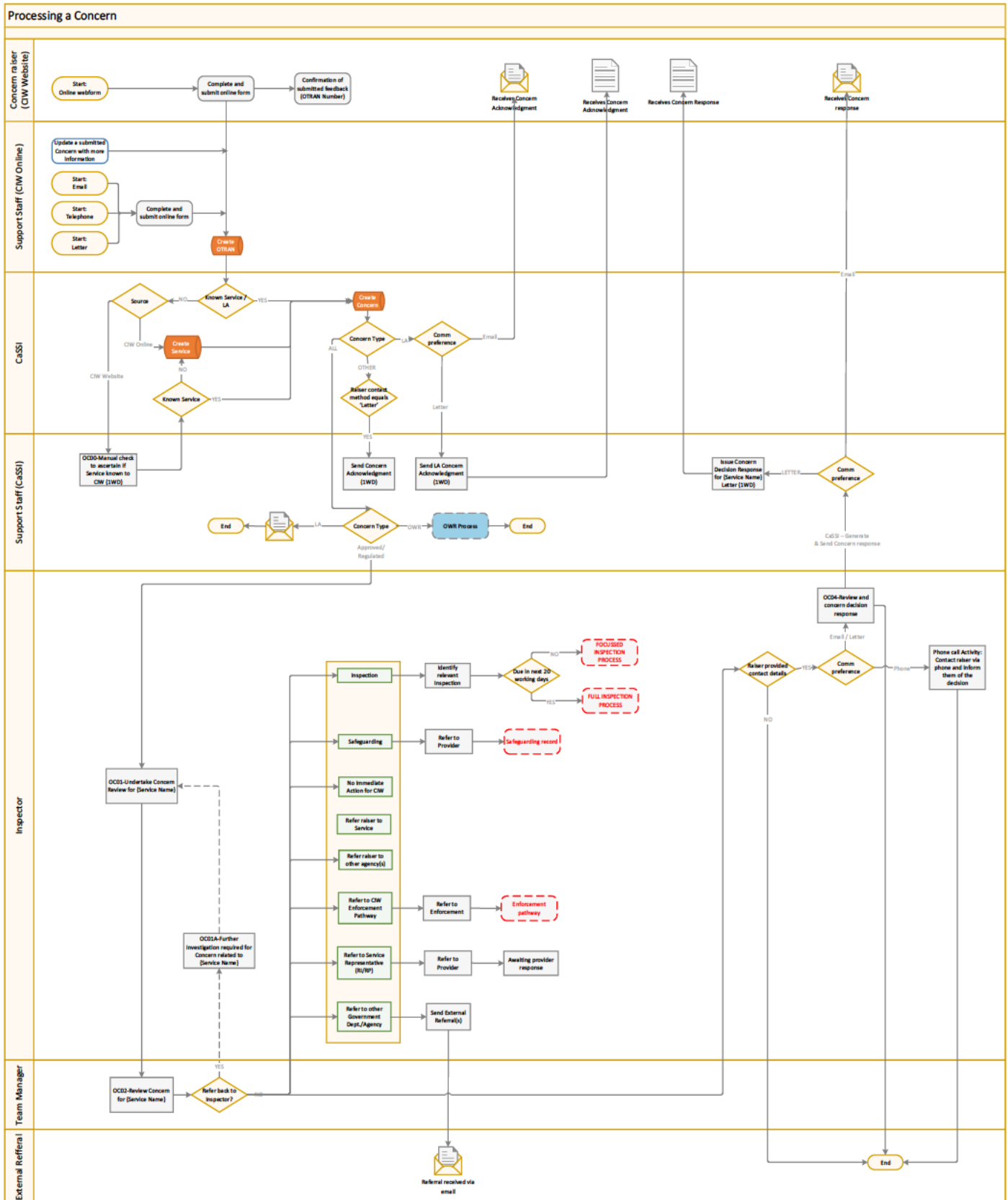
- 5.30 The worker may raise a complaint about us if the person does not believe we have acted properly within our role. In these instances, they should follow our [complaints policy](#).

6 Persistent concerns

- 6.1 Persistent concerns are concerns raised by the same person on the same issue that we have previously considered and issued a response on multiple occasions. Persistent concerns will arise with a person raising the concern several times over the course of time, continually returning to the same point that has been responded to or where they refuse to accept our response.
- 6.2 It is important that we do not rush to make a decision that someone is raising persistent concerns, this should be done on a case-by-case basis. Determining whether a person is raising persistent concerns must be a last resort, and the decision should be cleared by the Head of Service.
- 6.3 It is important to remember that identifying a persistent concern should not mean that we will not respond to any further concerns raised by that person, just not in relation to that specific concern by that person, where we would be giving the same response.
- 6.4 Once it has been agreed that a concern is persistent the person must be informed that we will not be responding to further concerns from them on that subject. The suggested form of words is:
- “Thank you for raising your concern with us received on [date]. We have nothing further to add to our previous response on this concern. In the absence of any new information from you relating to this concern, Care Inspectorate Wales will not be responding further to you on this topic.”*
- 6.5 The Welsh Government has developed guidance about how to identify and deal with [vexatious correspondence](#)¹⁸. Whilst this is not specific to the way in which concerns are raised with us, we can apply the general principles outlined within.

¹⁸ Persistent concerns are similar to vexatious correspondence, in that the person may be raising an issue that has been fully answered previously and no new or different information/answers can be provided. However, we do not use the term vexatious as the person is raising issue(s) that they are distressed about, rather than trying to cause disruption or annoyance.

Annex A – Overview process map



Annex B - Frequently asked questions (CIW Connect)

1. If a concern is received by email, do we need to reply to see if they want to be anonymous? If we have their email address, can they be anonymous.

A person raising the concern can choose to share their contact details with us and/or they can choose to keep their identity confidential from the registered service, local authority social service or service suspected of operating without registration.

If the person raising the concern shares their email address with us, then they have chosen not to keep their identity confidential from us. If the person raising the concern has not indicated within their email or letter they want to keep their identity confidential from the service, we will assume they do. We should not contact them specifically to identify if they wish to keep their identity confidential from the service.

However, as it is likely that any concern raised via email, letter or social media, will not include all the information required, the CIW Connect team may have to contact the person raising the concern for more details. In these instances, we can ask them if they wish to keep their identity confidential from the service, as part of the range of additional information we need to request.

2. Do we take concerns regarding bullying or are they classed as employment issues?

Yes, we log these concerns. If the bullying is leading to staff working at the service to deliver care and/or support that is negatively affecting those who use the service then we may need to take action. How the provider responds to allegations of bullying is also important intelligence for us, even if there is nothing for us to do in response to the concern.

The provider should have a policy on bullying and how it should be handled. The provider also has a legal duty of care to protect staff members whilst at work (which includes bullying).

In these situations, the CIW Connect team should log the concern and advise the person of other organisations that can offer support, such as ACAS.

3. Do we log a concern even if it does not fall under our remit i.e. the issue falls under the remit of another organisation?

Where the person raising a concern contacts CIW via telephone, but the issues within the entirety of the concern fall under the remit of another organisation then the

CIW Connect team should advise the person to contact the appropriate organisation. In these situations, the concern does not need to be logged.

4. Do we need to encrypt our email when replying to a concern received by email?

Emails do not need to be encrypted because we should **not** be sending any sensitive personal information in relation to the concern via email. You should avoid replying to the email received where this contains details of the concern and should instead begin a new email.

5. How should I obtain further information if no telephone number has been provided or the person does not wish to correspond via telephone?

You can simply list the questions (as set out on the online concern form'), in an email. However, you must be mindful not to include any details about the concern or include sensitive personal information in the email. Use the following suggested wording for your email:

Thank you for your (letter/email/etc) received on XX, where you have raised a concern about XX service. We need further information in order to consider your concern more fully. Please could you answer the questions set out below:

You should **not** use the following wording in your email:

*“you have raised a concern about **the manager of XX service**” or
“you have raised a concern about **neglect of residents at XX service**”.*

6. Will inspectors send decision letters?

Where a valid email has been provided, the system will facilitate the process of issuing the response letter via email (using our central email).

Where only address details have been provided and a hardcopy response letter needs to be issued, the CIW Connect team will issue the letter. The inspector will allocate a task to the CIW Connect team to ensure this is actioned.

The inspector remains responsible for ensuring a response has been issued.

7. Should I inform the person raising the concern of the possible actions?

The responsibility for deciding on what action to take in response to a concern raised with us rests with the relevant inspector. We must be careful not to raise expectations

or give falsehoods to the person raising the concern of what action we might take. When receiving the call, we should only advise of the next step in the process, which is for the inspector to consider the concern.

If prompted, we can direct the person to our guidance that sets out the type of actions we may take in response to a concern. The guidance can be accessed on our website - <https://careinspectorate.wales/providing-feedback-about-care-services>

8. How do we handle a person raising persistent concerns

The CIW Connect team should log the concern received as per normal processes. It will be for the inspector to determine if the concern is to be identified as a persistent concern, and subsequently how that concern is then handled.

If the person raising the concern via telephone, insists on speaking to an inspector about their (persistent) concern, then the CIW Connect team should follow the process for handling the call for insistent callers as set out within the practice guidance.

9. What should we do if a concern is raised via the CIW website complaint form?

The CIW complaint form is specifically for people who wish to raise a complaint about CIW or its inspectors; it should not be used for submitting a concern about a registered service, local authority social service or a service suspected of operating without registration. The CIW website concerns form asks significantly different questions than what is requested on the CIW website complaint form.

If the CIW Connect team receive a concern, raised via the complaints website form, for a registered service, local authority social service or a service suspected of operating without registration, they should treat it the same way as a concern raised via email. Log the concern as per the process set out in this guidance and contact the individual to seek answers to the questions where information has not been provided.

Annex C - Frequently asked questions (Regulatory Inspectors)

1. I am a team manager within CC&P / A&CS, how can I ensure greater oversight of concern activities?

You should meet regularly with other team managers, on a weekly basis if possible, to review the concerns received during that period (past week, etc depending on when meetings are held), to assess progress of any on-going concerns and reflect across teams on thresholds for decision-making. This will ensure the concerns process is managed effectively and teams improve consistency of practice.

If you expect to be absent for a period of time, you should organise for another team manager to liaise with your team to assist in the monitoring of open concerns.

2. What should be logged as a concern?

Concerns are an important source of information for inspectors and are often voiced by the people who use and rely upon the care services we regulate; as well as their relatives, visitors, staff, involved professionals or neighbours. Their comments and observations give us valuable insights into services about which we would otherwise be unaware.

Concerns can be raised in many ways, including face-to-face, telephone discussions with people or by letters, our online website form, e-mails and social media.

The CaSSI process has been established to primarily record concerns raised by the public, etc, (through these external methods) about registered services or local authority social services to facilitate our response to the concern.

The CaSSI process is not designed to log concerns that an inspector or CIW staff member may have about a service.

3. Who should be logged as a 'whistleblower'?

Not all concerns raised with us by a member of staff of a registered service or an involved professional will be considered as whistleblowing. Only 'workers' as defined by legislation can be a whistleblower and only when they are providing information that constitutes a 'qualifying disclosure' under the same legislation can it be deemed as whistleblowing. Chapter 5 clarifies who a 'worker' is and what information is considered a 'qualifying disclosure'.

4. I have information about a registered service allocated to me which gives me cause for concern, what should I do?

If you receive information about an allocated service from a member of the public professional, etc, which is a cause for concern, you should complete our CIW website form. This will automatically create a CaSSI record and allocate it to you (as the relevant inspector).

If the source of information, which gives you a cause for concern, arises via a notification from an allocated service, you should discuss it with the Team Manager. You should NOT complete our CIW website form to create a CaSSI concern record.

5. I have information about a registered service not allocated to me which gives me cause for concern, what should I do?

If you receive information about a service not allocated to you from a member of the public professional, etc, which is a cause for concern, you should complete our CIW website form. This will automatically create a CaSSI record and allocate it to the relevant inspector.

6. I have information relating to a service that may be operating without registration (OWR), what should I do?

If you receive or identify information about a service suspected of operating without registration, please send an email with as much detail as possible to [REDACTED] to log as an OWR concern and cc [REDACTED] for information.

Once logged this will automatically create a CaSSI record that will be checked by the CIW Connect team to ensure it is not a known service. If it is not a known service an enforcement (ENF) record will be created and allocated by an R&E team manager to an Inspector to consider.

If you are uncertain whether the information you receive or have identified relates to a service operating without registration, then please email [REDACTED]. An enforcement inspector will get back to you to discuss prior to requesting this is logged as an OWR concern.

7. What should I do in CaSSI if I am awaiting further information before a decision on how to respond can be made?

As the allocated inspector, you have 5 days, from point of allocation, until a decision must be made (including the team manager ratifying the decision). There is no facility to 'pause the process' whilst awaiting further information in order to make a decision.

We capture comprehensive information at 'point of entry' i.e. via our CIW website form or CIW Connect team. This should assist you to make an informed decision based on the information received.

Where it is not possible to make a decision based on the information available, you should follow-up with the registered service or the person who raised the concern as soon as possible to obtain further details. You are still required to agree a decision within 5 days of allocation. Should a decision take longer than 5 days, the reason should be added to the record by the Team Manager.

8. When is the CaSSI record marked as complete?

The CaSSI concern record is closed once the decision on how to respond to the concern is agreed and the associated tasks have been completed, e.g. relevant referral is made and the associated response has been issued to the person who raised the concern (where contact details have been provided).

9. How do we handle a person raising persistent concerns

Chapter 6 sets out how to handle persistent concerns. Where an inspector believes the concern should be handled under the arrangements set out within Chapter 6, the inspector should discuss the concern with their team manager and subsequently agree the decision with the Head of Service. If the concern is to be handled as a persistent concern, the inspector should select 'No Immediate Action' on the CaSSI concern record; and subsequently edit the response letter to reflect the suggested wording set out in Chapter 6.

10. How to record a decision of 'virtual inspection' in CaSSI?

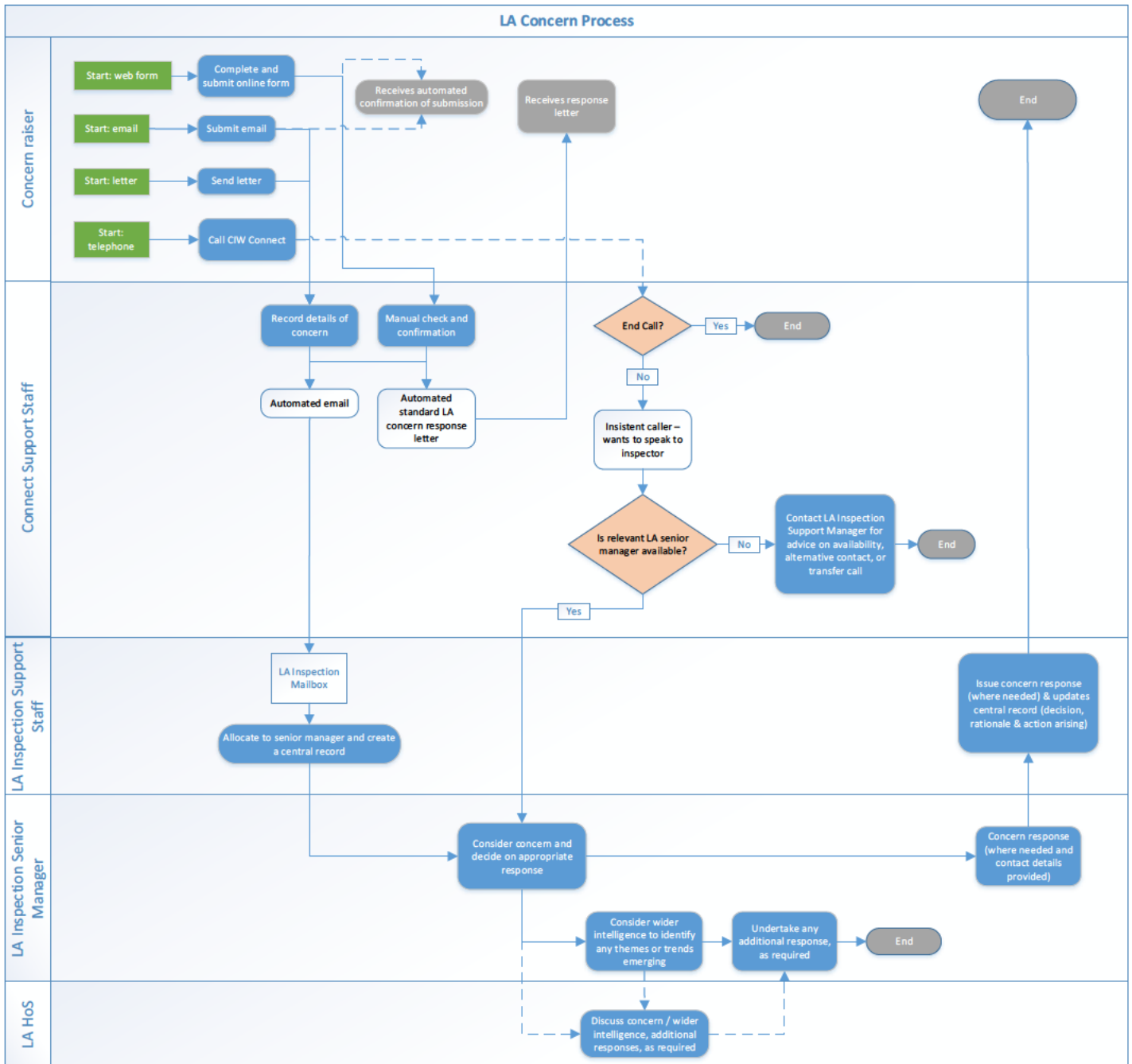
Following consideration of the concern raised with us, if the inspector wishes to undertake a 'virtual' inspection, the decision of 'Inspection' should be recorded within the CaSSI concern record. The type of inspection is not recorded within the CaSSI concern record.

The type of inspection is only set out within the inspection activity for that service. Therefore, you will specify under IN04, what type of inspection activity this will be, i.e. 'site visit – virtual'. See screen shot below:

➤ Active Inspection Activity Types ▼

✓ Inspection Activity Type ↑	Inspection Activity Type Welsh
Email / Phone Call	Email / Phone Call
Further Information	Further Information
Meeting	Meeting
Site Visit	Site Visit
Site visit - Service User Visit	Site visit - Service User Visit
Site visit - Virtual	Site visit - Virtual

Annex D – Local authority concerns process map



Annex E – Whistleblowing process

