

Response from Care Inspectorate Wales

Consultation: Inquiry into the Covid-19 outbreak on health and social care in Wales

1. Thank you for your invitation for Care Inspectorate Wales (CIW) to contribute to the consultation linked to the inquiry into the Covid-19 outbreak on health and social care in Wales.
2. To help inform the Committee's considerations, we have set out below the context in which CIW registers, regulates and inspects services in Wales.

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://careinspectorate.wales/memorandum-understanding-between-us-healthcare-inspectorate-wales-and-welsh-ministers>.
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 social care and childcare services.
6. We regulate the following services:
 - **adult services:** care homes for adults; domiciliary support services; adult placement schemes 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 carry this out 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

CIW's approach to the outbreak of COVID-19

8. Our key priority is to provide assurance to the public and Ministers regarding the safety of services. Our decisions are guided by the following three key principles:
 - we will focus our activity where it is needed most to ensure people receive safe care – this means concentrating on those areas where we see the risk to the quality of care is the highest and where we can make the biggest difference
 - we will support providers by looking at how we can act flexibly and proportionately
 - we will honour our duty of care to our colleagues in CIW

9. To achieve this, we have adapted our approach to provide independent scrutiny while ensuring CIW does not put people using services, staff or its own staff at unreasonable risk and works in line with national guidance. This enables us to:
 - fulfil CIW's statutory duties to report on the safety and well-being of people using social care and childcare and play services without adding unreasonable burdens to a system currently dealing with unprecedented challenges, and
 - promote transparency about the response to COVID-19 and ensure lessons can be learned quickly.

10. We have produced an overview of our approach to monitoring and assurance during the COVID-19 outbreak. A copy of this document is available on our website: <https://careinspectorate.wales/200513-how-we-ensure-quality-and-safety-services-during-covid-19-pandemic>.

How CIW is supporting the social care sector and services in Wales

11. As at 20 May 2020, CIW regulates 1,936 adult and children's services including:

| | Number of services | Number of places |
|--|--------------------|------------------|
| Care Home Service - Adults (with nursing) | 261 | 12,362 |
| Care Home Service - Adults (without nursing) | 793 | 13,154 |
| Care Home Service - Children | 211 | 909 |
| Care Home Service – Adults and Children | 20 | 146 |
| Domiciliary Support Services | 541 | n/a |

12. We received our first notification of a resident of a care home with a suspected case of COVID-19 on 12 March and a confirmed case of COVID-19 on 13 March. We received our first notification that a resident of a care home had sadly died from COVID-19 on 16 March.

13. From 5pm on 16 March, we paused our routine inspection programme for childcare and social care services including local authority social services. We made this decision to ensure local authorities and care service providers could focus their resources on maintaining the health and safety of people using services and their staff in these exceptional circumstances. A copy of this announcement is on our website: <https://careinspectorate.wales/200316-covid-19-pause-routine-inspections-5pm-16-march>.
14. In discussion with Estyn, we suspended all joint inspections of non-maintained nursery settings from 16 March. We also paused the publication of inspection reports, local authority annual performance review letters and national reports relating to all regulated services and local authorities.
15. We have adapted our registration processes to enable us to continue to progress at speed registration applications and variations to conditions for services already registered with us. We are prioritising this work to help create increased capacity in the social care and childcare and play sector. We have published 'adapted registration guidance for applicants and providers in response to COVID-19' and this is available on our website: <https://careinspectorate.wales/sites/default/files/2020-05/ciw-adapted-registration-guidance-covid-19-en.pdf>.
16. We are working with health and social care partners to provide regular information and support to providers and local authorities.
17. We are providing regular updates to the social care sector via the CIW website and CIW news and social media channels. This includes sharing information and updates with providers on behalf of the Welsh Government.
18. We have developed a dedicated Coronavirus (COVID-19) area on our website. This includes details of statements made by CIW to registered providers, umbrella organisations and directors of social services and a series of FAQs (frequently asked questions) for providers which we are updating regularly. Our website also includes links to relevant guidance and statements by the Welsh Government and the UK Government. The Coronavirus (COVID-19) area on our website can be accessed via the following weblink: <https://careinspectorate.wales/coronavirus-covid-19>.
19. We have also issued specific guidance to our front line staff and regulatory inspectors to ensure they can respond to queries and signpost people to the official advice available on the Public Health Wales website.

How CIW is helping to keep people who use care services safe

20. We are holding regular telephone calls with social care services to discuss how things are going including any problems or pressures. These calls include care homes for children and foster care providers. We are also regularly speaking to directors of social services to understand the pressures local authorities are facing and how they are responding to these.
21. We are sharing relevant information and intelligence from these discussions with our health and social care partners (for example, access to food, securing infection control advice, personal protective equipment (PPE)).
22. We are holding regular discussions with local authority and health board commissioners to share information including concerns about services to enable targeted advice and support.
23. We continue to receive and follow up on concerns about regulated services and consider the need for inspection. We will continue to inspect any service where we have significant concerns about the safety and well-being of people.
24. When we receive notifications from providers advising us of suspected or confirmed cases of COVID-19 or staffing issues, our inspectors contact the provider to discuss the impact on the service more widely and what support they are receiving.
25. We are actively monitoring services on our enforcement pathway to ensure they are continuing to take action to address shortfalls. We are also identifying services of most concern for heightened monitoring (for example homes where a high number of people have symptoms of COVID-19 and / or where there may be risks to people using services).
26. On 21 April, we issued a joint statement with Healthcare Inspectorate Wales (HIW) on advance care planning in Wales. A copy of this statement is available on our website: <https://careinspectorate.wales/200421-joint-statement-hiw-personalised-advance-care-planning-wales>.
27. On 5 May, we issued a joint statement with HIW encouraging the public and people working in the care sector to speak up about any risks or adverse outcomes so that potential harm is prevented. A copy of this statement is available on our website: <https://careinspectorate.wales/200504-joint-statement-hiw-importance-speaking-up>.

Temporary easements / changes to legislation for social care provision

28. We are taking a pragmatic and proportionate approach to support the delivery of new, additional or innovative services to ensure people get the care they need. For example, we have adapted our registration processes so we can prioritise new applications and variations for registration to help create additional capacity in adult social care and changes in childcare provision. As part of the registration process, we are now meeting applicants and conducting registration interviews and DBS checks remotely.
29. We are keeping regulated services updated on legislative changes agreed by the Welsh Government to assist the care sector. Details of these changes are available via our website (<https://careinspectorate.wales/200327-legislative-changes-social-care-provisions-response-covid-19>) and include:
- delaying implementation of the annual return requirement by one year (to May 2021)
 - enabling urgent, temporary social care provision in response to COVID-19 to be established without requiring registration, subject to certain conditions
 - amending the requirements for pre-employment checks for newly recruited staff to focus on providers undertaking and recording appropriate checks and risk assessments
 - relaxing DBS requirements for regulated services for adults to enable providers to accept either a clear Adult First check pending a full enhanced DBS check, or an existing DBS which is less than three years old

Monitoring and reporting

30. When we speak to care home managers, we are capturing the discussion in a survey format. This enables us to collate this information (along with the information received via our concerns process, notifications and regular check-in calls with providers) to better understand the impact of COVID-19 on social care services.
31. We analyse this information on a daily basis and follow-up with providers where necessary. Feedback from our conversations with providers held up to 20 May indicated that overall providers were reporting an improving situation in relation to PPE. In relation to hospital discharge processes, some providers noted good co-operation with discharge teams and with testing but others were still reporting some challenges in ensuring residents were tested before hospital discharge.

32. We have modified our online notifications system (CIW Online) to enable providers to notify us whether deaths are suspected or confirmed COVID-19 cases. As of 20 May 2020, the cumulative number of adult care homes who had notified CIW of one or more confirmed cases amongst people living at the home (service user) was 259 out of 1,054 registered services, with a further 293 services with one or more possible cases in service users.
33. We use this data to identify care homes which have higher than expected deaths. We follow this up as part of our engagement with providers and local authorities to identify services of most concern and therefore subject to heightened monitoring.
34. We also share this data with local authorities and health boards to inform their planning and interventions, for example, environmental health input to help care home providers manage outbreaks.
35. We have worked with the Welsh Government's Chief Statistician to finalise plans to publish our data on notifications of deaths of residents related to COVID-19 in adult care homes in Wales. This included discussions with the Office for National Statistics (ONS) about how we share our data in a similar way to the Care Quality Commission (CQC) in England. This data was first published on 5 May and can be accessed via the Welsh Government website: <https://gov.wales/notifications-deaths-residents-related-covid-19-adult-care-homes>.
36. For local authorities we are particularly interested in how safeguarding is being managed and people's rights are being upheld. We also monitor leadership of services including approaches to supporting the social care sector, managing COVID-19 outbreaks and infection control. Our activities include:
 - writing to all local authorities seeking assurance about safeguarding
 - regular contact with heads of service / directors of social services
 - liaison with HIW, Estyn and Audit Wales regarding emerging concerns
 - regular discussion with Welsh Government officials to share intelligence
37. We will continue our enhanced assurance activity with local authorities of concern. This may include frequent structured engagement with senior leaders, enhanced monitoring and assurance reviews and joint regulators conversations.

Recovery planning

38. We are developing a recovery plan to enable us to reinstate routine inspections and reporting processes as soon as it is safe and appropriate to do so.

39. We will be working with the Welsh Government and stakeholders to contribute to recovery planning for the social care sector. One aspect that will need careful consideration is the impact on people living in care homes and staff working in care homes of allowing family members and friends to visit. Whilst recognising the impact of social isolation on people's well-being, we are concerned that opening up care homes too soon could place people at risk.
40. As part of recovery planning, we will continue to keep providers regularly updated on our work and priorities including any wider issues which may impact the sector.