

Dear ,

ATISN 13093: Request for information

Thank you for your request received on 2 April 2019.

You asked for:

1. The total number of times Care and Social Services Inspectorate Wales received a notification under Regulation 26 of the Domiciliary Care Agencies (Wales) Regulations 2004 from April 2018 to 31 March 2019.

The data you have requested is attached at Appendix 1.

Under the Domiciliary Care Agencies (Wales) Regulations 2004, Care Inspectorate Wales (CIW) uses a range of analysis codes to log notifications and we advise caution in the interpretation of this information. The analysis coding of notifications does not necessarily indicate failure on the part of the provider, it could indicate positive action has been taken in response to an event. Under these regulations, there has been a lack of clarity for providers about the thresholds for some notifications and this led to them notifying CIW of events which did not require notification. We outlined in our previous response to you that regulation 26 for domiciliary care does not actually specify the need to report medication errors, only incidents which either impact on the wellbeing of people or result in disciplinary measures against staff. The need to report medication errors is therefore open to wide interpretation.

The introduction of the Regulation and Inspection of Social Care (Wales) Act 2016 and the underpinning regulations for service providers (<https://gov.wales/topics/health/socialcare/regulation/?lang=en>) has provided an updated approach to the regulation of social care in Wales. One element of this has been an opportunity to review and provide clarity for providers about the thresholds for notifying

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

the regulator of events which may affect the people they provide services to. CIW is currently in the process of re-registering services in line with the new legislation and once registered the new regulations and statutory guidance will apply.

- 2. The number of notifications in question 1 that were upheld for each category.**
- 3. A brief description of actions taken by CIW as a result of the upheld notifications in question (3)**
- 4. The total number of Reg 26 notifications that were upheld for EACH of the four fiscal years up to March 2018.**
- 5. A brief description of actions taken by CIW as a result of the upheld notifications in question (4)**

CIW is unable to provide any information in relation to questions 2 to 5. CIW does not determine whether notifications are upheld or not. Regulation 26 notifications are a tool for providers to alert CIW of incidents that are reportable under Regulation 26. The information is held electronically and considered at future inspections.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or e-mail Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:
Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

However, please note the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Appendix 1 - Freedom of Information Request: ATISN -13095

Number of notifications made to Care Inspectorate Wales under Regulation 26 of the Domiciliary Care Agencies (Wales) Regulations 2004 from April 2018 to 31 March 2019

Notification category	Number of notifications
Absconded	21
Absence of provider/manager	37
Allegation of misconduct	329
Change in statement of purpose	15
Death of User	99
DOLS - Standard	8
DOLS - Urgent	3
Domiciliary Care - serious injury to user at agency	1
Domiciliary Care -serious injury to user at home	18
Event which affects wellbeing	628
Falls	168
Fire	2
Medication Errors	854
Notification of offences	8
Serious complaint	11
Serious illness of user	166
Serious incident Police attend	112
Serious incident reported to Police	114
Serious infectious disease	1
Serious injury in scheme premises	6
Serious injury to user	158
Serious offence	3
Theft, burglary, serious accident	28
Total	2,790