

Dear

ATISN 13426 – Request for information on reported incidents or complaints in care homes for the elderly.

Thank you for your request which we received on 19/09/2019

You asked for:

Information of reported incidents or complaints from 2014 to present of individuals in care homes for the elderly:-

- 1. Being given food or drinks that are not vegetarian or vegan when that individual is stated as vegetarian or vegan in the care plan.*
- 2. Being given food or drinks that do not align with their religious or philosophical beliefs (i.e. not fed halal or kosher when it is noted in their care plan).*
- 3. How many complaints regarding food or drinks have been made across your local authority's care homes?*
- 4. Please give details of each complaint made?*
- 5. How was this complaint handled by the care home?*
- 6. Give information on plans made by the care home to ensure these incidents do not happen in the future.*
- 7. What measures are put in place to ensure ethical, religious or philosophical beliefs are being adhered to for residents in care facilities.*

Care Inspectorate Wales (CIW) is the regulator for social care and childcare in Wales. We are not a Local Authority and we are not a provider of care services.

Providers of care services within Wales are required to notify CIW of incidents that have occurred within their service as prescribed under the relevant regulations pertaining to that service. Incidents in relation to meals or dietary preferences are not included within this.

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.

CIW would not therefore be routinely notified of incidents nor complaints raised in regard to the dietary preferences of people in care homes.

CIW does not have statutory powers to investigate individual complaints between people and their service providers. Complaints should be made to and investigated by the providers of that service. However, people can raise concerns with us about a service and these are used to inform our intelligence gathering and are fully considered as part of our inspection process. It is possible there may have been occasions where a concern has been raised with us in regard to dietary preferences within a care home. However the way that we record and categorise concerns would not allow us to easily identify this.

CIW receives a large volume of concerns regarding care services which can cover a wide range of issues. The only way we could identify any that relate to dietary preferences would be to manually read the details for each concern raised across all care home services for this time period. The time taken to do this would far exceed the appropriate limit on cost as set out in the Freedom of Information Act.

I note you asked if there are any issues with this request due to it exceeding the cost guidelines that we either do a random sample of care homes or consider a shorter length of time. We have considered this and estimate to manually search all concerns received for 20% of care homes for this time period would take approximately 39 working hours to complete. Likewise, we estimate narrowing the timescale to a 2 year period would likely take over 70 working hours. Therefore these searches would still exceed the appropriate limit. We feel narrowing the sample down any further to meet the appropriate limit would result in information which is unlikely to be a representative sample.

We have undertaken a key word search, using words related to diet, meals etc, on concerns recorded against care homes. This returned no results for concerns that would fall within the scope of your request.

We have concluded we are therefore unable to provide any data to you in respect of questions 1 to 3 of your request, and as a result cannot provide responses to question 4 to 6.

In response to question 7 of your request. All care homes in Wales are currently being re-registered under new legislation, the **Regulation and Inspection of Social Care Act (RISCA) (Wales) 2016**. New regulations and statutory guidance set out the standards that services are required to achieve, this includes nutrition and hydration and supporting people to exercise choice, which would include supporting people's preferred diet. The new regulations and the statutory guidance for service providers can be found at the following links:

<http://www.legislation.gov.uk/anaw/2016/2/contents/enacted>

<http://gov.wales/docs/dhss/publications/180201statutory-guidanceen.pdf>

CIW inspects services in line with the requirements of the legislation to ensure people accessing care and support services are safe, their well-being is promoted and their rights are upheld.

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 Email: 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 that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely