



Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru
Care and Social Services Inspectorate Wales

Eich cyf/Your ref
Ein cyf/Our ref
Dyddiad / Date: 28/09/2016

Dear ,

Thank you for your request for information in which you asked for the following information for all Care Homes registered with CSSIW:

- Name
- Location
- Postcode
- Local Authority

For each service you have asked for the number of times we have been contacted in relation to:

- Concerns
- Safeguarding
- Whistleblowing

For the first four bullet points, whilst I can confirm that CSSIW holds information of this description, it is considered exempt under section 21(1) of the Freedom of Information Act 2000 – information accessible to the applicant by other means. A list of care homes registered with CSSIW, along with their location and Local Authority details, is available from CSSIW's website (<http://cssiw.org.uk/find-a-care-service/service-directory/?lang=en>).

In response to your request for the number of times CSSIW have been contacted in relation to concerns, safeguarding and whistleblowing, we have considered the number of concerns received, the number of those concerns which have been recorded as having been in relation to safeguarding and those which are recorded as having been raised by a whistle blower. I have decided that this information is exempt from disclosure under section 43(2) of the Freedom of Information Act and is therefore withheld. The reasons for applying this exemption are set out in full at annex 1 to this letter.

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

AGGCC
Swyddfeydd Cenedlaethol
Llywodraeth Cymru
Adeiladau'r Llywodraeth
Parc Busnes Rhydycar
Merthyr Tudful CF48 1UZ
www.aggcc.org.uk
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.

☎ 0300 00
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✉ cssiw@cymru-wales.gsi.gov.uk

CSSIW
National Office
Welsh Government
Government Buildings
Rhydycar Business Park
Merthyr Tydfil CF48 1UZ
www.cssiw.org.uk

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.

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: FreedomOfInformationOfficer@wales.gsi.gov.uk

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

Annex 1

Section 43(2) of the Freedom of Information Act states that information is exempt if its disclosure would, or would be likely to, prejudice the commercial interests of any person. Section 43(2) is a public interest tested exemption. This means that in order to be able to withhold information under it, it has to be shown that the public interest in withholding the information outweighs that in releasing it.

CSSIW recognise that there is an inherent public interest in openness and transparency that release of this information would engender. We also recognise that there is a very strong public interest in the quality of care provided in services regulated by CSSIW. There is a strong public interest in making as much information as possible about care settings easily accessible so that families can make fully informed choices as to where they place their trust and care.

However, the Welsh Government believes that release of the number of concerns raised in relation to a care home, could lead to prejudice to that care home's commercial interests.

The request captures over 1,000 care homes. The level of concerns raised against them will vary. Information provided to CSSIW which is recorded as a concern is given to allow us to undertake our regulatory duties. We actively encourage people to report any concerns they have about services as we believe it strengthens the level of assurance we can provide about services. We assess concerns reported to us, consider the risk to people using services and take appropriate action. In many instances no further action is required but, where appropriate, we carry out an inspection of the provider following which we will issue a report. If we substantiate a concern then we have a range of actions we can take depending on the nature of the matter giving rise to the concern. In many cases, information is given by the provider themselves and demonstrates a commitment to transparency and compliance with the regulations

The number of concerns recorded against individual care homes can be misleading, as many are without merit or vexatious. Therefore, we submit that the volume of concerns is not an indicator of the quality of service, especially if a service works with CSSIW to rectify any issues identified within the inspection process - it is only by accepting all concerns and assessing them can we be sure we are reacting to valid concerns and even then we often find that the issues are not valid or are able to work with services to correct them. Should a service be linked to a high number of concerns, the Welsh Government believes it would be likely to prejudice their commercial interests in that it will have a negative effect on the reputation of that service and would be likely to lead to a subsequent fall in the number of potential service users.

The care home sector is a very competitive market operating on very tight margins. Any perceived issues with the quality and standard of care at a setting is very likely to have a significant impact upon that provider's ability to retain and/or attract new clients and/or staff. This would have a serious impact upon a provider's ability to maintain their business. It is in the wider public interest to ensure that the sector has the choice and capacity to meet demand. Disclosure of information which we believe would unfairly prejudice providers to the extent that their business is compromised to the point they remove

themselves from the local market would have a negative impact on both current and future service users.

Due to the numbers involved, once this information is available to the public CSSIW would not be able to develop and manage a suitable campaign that would mitigate against any misleading impressions of a service caused by this or any potential future disclosure of such misleading figures. CSSIW publish all care home inspection reports and where they are a product of, or related to, concerns it is stated within the text of the report. Because of this, we believe that the wider public interest in standard of care is best satisfied by the publication of inspection reports which will acknowledge where an inspection has been undertaken as a result of a concern or where a specific area has been looked at as a result of a concern. These reports provide a full picture of CSSIW's findings and provide detail of any non compliance identified in relation to this.

In conclusion, I believe that the wider public interest lies in favour of maintaining the exemption and that the requested information should not be released.