



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

Ein cyf / Our ref: ATISN-11666

Dyddiad/Date: 06/11/2017

Dear ,

ATISN-1166: Request for Information

Thank you for your request which we received on 10/10/2017 for information regarding CSSIW staff.

You requested:

- Qualifications, length of service and position along with the management matrix of all involved in both the inspection of 22nd August and 3rd October 2017.
- The names of the group of staff from the "Service of Concern Team" who made the decision to send CSSIW inspectors to Nightingales for a full inspection on 3rd October 2014.

The information that I am releasing is enclosed.

I have decided that some of the information is exempt from disclosure under section 40(2) of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full below.

Qualifications of the staff involved in the inspections of 22/08/2017 and 03/10/2017.

Section 40 of the Freedom of Information Act sets out an exemption from the right to know if the information requested is personal information protected by the Data Protection Act 1998 (DPA). Personal data is defined in Section 1(1) of the DPA as:

AGGCC
Swyddfa Llywodraeth Cymru
Parc Busnes Rhydycar
Merthyr Tudful
CF48 1UZ
www.aggcc.org.uk

☎ 0300 790 0126

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

✉ cssiw@wales.gsi.gov.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.

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.

“personal data” means data which relates to a living individual who can be identified from those data; or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller”.

We have concluded that part of the information requested amounts to third party personal data. Under Section 40(2) of the FOI Act, personal data is exempt from release if disclosure would breach one of the data protection principles. We consider the principle being most relevant in this instance as being the first.

The first data protection principle

This states: Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless—

(a) at least one of the conditions in Schedule 2 is met, and (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

Guidance from the Information Commissioner’s Office (Personal information (section 40 and regulation 13) v 1.3) states (at p11):

The starting point is to consider whether it would be fair to the data subject to disclose their personal data. The key considerations in assessing this are set out in the section on Fairness below. If disclosure would not be fair, then the information is exempt from disclosure.

This approach was endorsed by the Court of Appeal in the case of Deborah Clark v the Information Commissioner and East Hertfordshire District Council where it was held

The first data protection principle entails a consideration of whether it would be fair to disclose the personal data in all the circumstances. The Commissioner determined that it would not be fair to disclose the requested information and thus the first data protection principle would be breached. There was no need in the present case therefore to consider whether any other Schedule 2 condition or conditions could be met because even if such conditions could be established, it would still not be possible to disclose the personal data without breaching the DPA

Further, the second data protection principle states:

Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.

Whilst we may hold details of the qualifications of the CSSIW Inspectors who carried out the Inspections of Nightingales, there would be no reasonable expectation that this information would be put into the public domain. Thus, we believe release of this information would be both unfair so as to breach the first data protection principle, and also that the publishing of this information in the public domain would be incompatible with the purpose for which the data was originally obtained.

For these reasons, the information is being withheld under section 40(2) of the Freedom of Information Act. This is an absolute exemption and not subject to the public interest tests.

However, the Welsh Government recognises that there is a public interest in knowing that an individual employed as a CSSIW Inspector is qualified to do that job. Outlined below are the qualifications required for all CSSIW Inspectors.

Qualification requirements for CSSIW Inspectors:

All CSSIW Inspectors are required to hold a relevant degree level qualification such as Social Work, Degree in Early Years / Childhood Studies, degree in Education e.g. B.Ed / BA Primary Education and also a PGCE qualification, Nursing or Allied Health Professional degree (or a recognised predecessor qualification). We will also accept the RCSA award and applications from Social Care Managers with a Level 5 Diploma in Leadership for Children’s Care, Learning and Development.

I can confirm that the qualifications of the four CSSIW Officers who carried out the inspections at Nightingales on 22/08/2017 and 03/10/2017 meet this criteria.

Length of service, position and management structure of those involved in the inspections of 22/08/2017 and 03/10/2017*

Name	Position	Line Manager	Length of service with CSSIW
Tracey Johnson	Inspector	Janette Gahan – Senior Inspector	4 years
Alyson Davies	Inspector	Janette Gahan – Senior Inspector	8 months
Karen Bartley	Inspector	Helen John – Senior Inspector	3 years
Helen John	Senior Inspector	Gill Huws-John – Registration & Enforcement Manager	15 years

**Please note that this information regarding their position and line manager is correct as at time that the inspections took place. CSSIW has since undergone changes to the organisational structure.*

The names of the staff members who were involved in the Service of Concern meeting where the decision was made to send CSSIW inspectors to Nightingales for a full inspection on 3rd October 2014.

The names of the CSSIW staff members involved in the Service of Concern meeting are as follows:

- Gill Huws-John – Registration & Enforcement Manager
- Denise Moultrie - Regional Director
- Janette Gahan - Senior Inspector
- Lynette Howells - Inspector
- Vicky McDonald - Inspector (observing only)
- Rob Thorne Area Inspector (observing only)
- Heidi Watts Area Inspector (observing only)
- A Welsh Government Legal Advisor was also present

**Please note that the information regarding their position is correct as at time that the service of concern meeting took place. CSSIW has since undergone changes to the organisational structure.*

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: 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