

An integrated inspectorate – a time and a place Care and Social Services Inspectorate Wales: a case study

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What follows is a personal comment and my views are not necessarily those of the Welsh Assembly Government where I recently occupied the post of Chief Inspector of the Care and Social Services Inspectorate Wales. Much of what follows stems from a paper I presented to the 3rd Annual Cambridge Conference on Regulation, Inspection and Improvement in 2008. It sets out the position of inspection of social services in Wales and illustrates a number of key changes that mark out a new direction for the culture, structure and operation of inspection. It is very much hoped that this paper and the many issues and challenges discussed might be of interest to RPP's wide readership and whose comments and constructive criticisms would be very welcome to the author and the inspectorate in Wales.

The roles and the place of inspection and regulation in securing improvement continue to be the subject of much discussion across the UK. Whilst there seems to be relatively little debate that public assurance and protection are appropriate roles (somehow self-evident?) there has been more debate about how these roles are carried out and how inspectorates play the role increasingly expected of them to contribute more widely to the improvement agenda. This paper examines how one inspectorate has tackled the creation of an integrated inspectorate.

Since 2002, there have been two inspectorates in Wales for social services and social care. For some years the Social Services Inspectorate Wales (SSIW) focused in particular on local authority social services accountabilities. To this was

added the Care Standards Inspectorate for Wales (CSIW), a new social care regulator, itself an amalgamation of 27 registration and inspection units. In July 2006, proposals to integrate these two inspectorates were announced and, on 1st April 2007, Care and Social Services Inspectorate Wales (CSSIW) was born.

What drove this particular process of integration? Perhaps crucially it was not crude resource-optimisation. The two inspectorates were already part of the Welsh Assembly Government in which 'back office' functions were already shared. The key driver was to create an integrated view of social services and social care.

There was recognition that there is not somehow a 'right' or 'wrong' way to re-configure inspectorates. Integration is a nice warm and affirming word. The point, however, is that integration is not free standing; it has its meaning in the context within which it sits. It is the particularity of the context in Wales that defined the nature of this integration process.

Social policy in Wales had already diverged significantly from models that pre-existed and also from those that were emerging elsewhere in the UK. Central to this was a belief in the concept of social services as an integrated service and with an equal emphasis on voice and choice in public service reform. The Assembly Government also had responsibilities for health services and for education and lifelong learning. The inspectorate architecture needed to mirror that policy matrix. Wales had recently created a health service inspectorate, Health Inspectorate Wales, and had an education

and training inspectorate, Estyn. The aim, therefore, was to create an integrated inspectorate for social services and social care. The inspectorates would mirror the policy groupings of the Assembly Government.

We wanted, to quote part of the benefit realisation statement, “a still stronger view of social services and care – from strategy to delivery - and of the pathways followed by citizens of all ages through the public independent and voluntary sectors”. The aim of the new arrangements was not simply an integrated inspectorate but, rather, an integrated approach to the way in which inspection contributed to the delivery of services. The aim was not merger of two inspectorates but a tool to support the delivery of integrated services that met the policy agenda for Wales.

For shorthand, we called this model the ‘circle of care’ i.e. one inspectorate that could have overview of social services and care from commissioning through contracting to assessment and care management, to provision and into leadership and management. The immediate effect has been to begin dissolving the boundary between the traditional activities of regulation and inspection. These are themselves key parts of this circle rather than discrete identities that need interface management.

The most obvious change is at a practice level. Previously, as a regulator, when faced with a problematic service a number of tools were to hand, from persuasion through to enforcement. These were, however, actions taken about that *individual* service. At times this is right and proper. There are, however, issues that encompass a number of services in an area or indeed a number of services owned by an individual authority. They often prompt questions about the quality of commissioning, the quality of contracting and of the care management activity. The integrated inspectorate is more able to

deliver an effective intervention strategy across these domains. We are able to focus more effectively on the underpinning causes of the problem and less on the symptoms, thereby achieving longer-lasting improvement.

This approach is one based on a systems view of the world. It understands that the right lever to pull to achieve change is not always the one immediately to hand. This was articulated in our aims which address the realm of providing ‘professional advice’. This aim recognises that it is likely to be more effective if advice is “based on a whole systems approach to services generally”.

We have also looked at how we integrate knowledge. We all know that inspectorates hold very large quantities of information. The challenge is how we turn that information into knowledge. The information we have held has been boxed up in a way that reflected our previous separate responsibilities. The regulator held details based around settings e.g. on the quality of care plans in children’s homes, on individual services. SSIW held considerable information about the work emanating from local authorities e.g. on individual planning for children. By looking at this information in a new, integrated way we are increasingly able to look at the quality of care planning from assessment through to plans within the children’s home i.e. not just the intent but the delivery to the service user. We are also able to look at that local authority’s delivery of care planning and aggregate that for Wales as a whole. That knowledge itself is able to drive our inspection priority setting. It enables us to become a knowledge-led inspectorate. This was another core aim of integration, “a larger capacity to analyse patterns and trends identified through regulatory and inspection activity and to provide suggestions to help shape policy”.

We have also been driven by what we have termed the ‘limits of regulation’. In the six

years since the Care Standards Act and its regulations came into force in Wales, we have seen real and measurable improvements in care services. The framework of regulations and the actions of the regulator have undoubtedly played a part in that. This has been achieved because a framework of public- and politically-driven expectations has been set, because of regular inspection and by the active pursuit of these regulations through compliance and enforcement action. Experience has taught us, however, that change that sticks, including the tackling of serious service deficiency, often requires a strong partnership between providers. This means primarily those who have a statutory duty to meet regulations, the commissioner and contractor, including care management who have their own duty of care, and the regulator. It has been too easy in the past to see tougher regulation as the answer to the latest crisis. The discussion in Wales has been around developing a more mature partnership between these three roles. This requires an understanding of the powers and limitations of each and, in particular, a much closer understanding between the contractor and the regulator. Where this has not been secure, change has proved problematic.

As we began to work through this concept of the circle of care it became increasingly obvious that we needed to think differently about how we were organised. It became clear fairly early on that the circle of care would be best delivered if we started to 'live' this circle of care in our own structure. Hence, we modelled the behaviour we believed was needed. We have now moved to a regional model that is responsible for the delivery of most of our work. Small national teams undertake national studies and inspections and act as the focus for professional advice.

Integration also helped us clarify our purpose. An examination of our statutory duties revealed that they were not, at core,

about regulation and inspection; they were to 'encourage improvement'. The title on the tin, 'inspectorate', was misleading. We had a wide range of tools, including regulatory powers, inspection, reviews, studies, appraising the evidence base and relevance of research findings and professional advice roles with Ministers, but these were there to encourage improvement. Thus, whilst we had a public assurance role this was now very strongly matched by an improvement function.

'Encourage' is a positive word. It means a number of things but central to its meanings are "to give somebody hope, confidence, or courage". Giving confidence and courage are interesting concepts to tease out for an inspectorate. It is an active word, also meaning to motivate somebody to take a course of action or continue doing something, to assist something to occur or increase. It is not however a word that is about taking over, doing for someone or standing in their place. It links well with words like support, persuade and promote.

We concluded that we needed to look at our programme of work in this light. Regulation was already some way down the road of major reform, shifting from a one size fits all model to a more proportionate approach. Local authority inspection had been dominated by Joint Reviews. Joint with the Audit Commission and latterly the Wales Audit Office, these JRs were a standardised, five-yearly rolling programme. Whilst in England they had stopped after the first round, in Wales we were almost half way through a second round. They were supported by annual performance evaluation. Their scale and size had driven out thematic work. We concluded, therefore, that they were a child of their time: a time in Wales where there were significant concerns about the quality of provision across our social services. Social services had not fared well in the aftermath of local government reorganisation in Wales.

Our analysis suggested that times had now changed. There was evidence of improvement; local government had a clearer grasp on social services and on performance management. The Welsh Assembly Government (2006) had published a new ten-year strategy for social services – *Fulfilled Lives, Supportive Communities*. The context had changed. We concluded therefore that the way in which inspection and review should work should also change.

This required thinking through our role in performance management. Ten years ago social services in Wales lacked a performance management framework. SSIW led the creation of a performance measurement and management framework and, in particular for children's services, the national data set to underpin it. The last couple of years have seen these labours come to fruition. Local government social services have, in the main, taken control of their performance measurement and management roles. This allows CSSIW to move away from inspection as largely oriented towards performance management. Inspection is much less the vehicle by which the authority finds out how it is doing. The development of ICT-based solutions has also helped in laying out this path. For example, the development of an ICT solution called 'Ffynnon' which holds performance data giving simultaneous access across Wales, within local authorities from front-line to senior management. We also have access to this. The inspectorate is no longer the major holder of information. Four major implications for the role of CSSIW flowed from this.

Firstly, time, energy and resources are freed to allow us to focus much more on the citizen/service user's experience of services - what it is like on the ground. This provides a much stronger basis for our public assurance role.

Secondly, we can concentrate more on the quality of practice. This is forcing us to think through the professional basis of our work, the need for inspectorates to have the expertise to consider and encourage the improvement in *practice*.

Thirdly, it allows us to concentrate more on the meaning of the information. This provides us with a much stronger basis for our role in providing professional advice to Ministers. The information is free; the value we add is through interpretation.

Fourthly, and crucially, it has given us the confidence to locate clearly the responsibility for reporting on performance and owning of that performance with those accountable for running or commissioning that service. This is a key change. This change is underpinned by the Welsh Assembly Government's proposed Local Government Measure that will impose this duty and also Welsh Government's clarification of the role of the Director of Social Services.

Our joint review programme is halted and is being replaced by a modernised model of review for local government. We are currently consulting on a new model in which the authority reports itself annually and publicly on progress and on plans to tackle the issues faced by the local authority. We will review this plan and produce a bespoke inspection plan for each authority, using the authority's own statement but also the knowledge that we have put together from our work with regulated services in the area, plus other experiences we and other regulators may have had. The outcomes will also feed into the Wales Programme for Improvement, which comprises a wider regulatory plan for the authority.

The integrated CSSIW reflects a fundamental reorientation of our relationship with local authorities; it is a significant repositioning of the role. In

essence, the environment that inspection and regulation once occupied has changed, allowing the nature of inspection and regulation itself to change. It is more than a simple adaptation to that environment. The inspectorate has played a major part in changing that environment.

To repeat, the relationship between the inspectorate and the inspected bodies has altered, and so has the nature of inspection. Underpinning that is a shared understanding that, in the field of social services, there is an inherent complexity and challenge in supporting people who are often not well placed to articulate their needs or defend their interests. The damage of service failure is well known, not only to the service user, clearly the paramount concern, but also to the organisation, its leadership and to the professionals within it. There is, therefore, a shared interest and expectation of external scrutiny. Robust challenge has to be a normal part of our service.

We also agreed that, at the end of the day, change has to come from within, that improvement is likely to be more self-sustaining if it is embraced by those who have got to deliver it. This has allowed a move away from the sterile debate about burden, to one of proportionality. A proportionality model not based on burden to the provider but one based on proportionality to citizen need has driven the thinking. The discussion has not been about less or more inspection but what is necessary, at this point in time, to encourage improvement.

The strategic changes outlined above are also being integrated within a much wider set of partnerships. The Care Council for Wales has played a key role in building up the confidence and skills of the workforce. Our WAG-sponsored Social Services Improvement Agency (separate from CSSIW) has provided practical support to assist change across Wales. The development of increasingly confident

professional leadership through the Association of Directors of Social Services (Cymru) and the Assembly Government's ten-year strategy for social services, *Fulfilled Lives and Supportive Communities* make up a whole systems strategic response. We have positioned CSSIW as an integral partner in these arrangements, not as an external and separate body but as a member of the social services 'family'. We have positioned ourselves as a particular family member, however, with a distinct role. We see ourselves as a member who has particular knowledge of what services are like on the ground and also one who sometimes has to say difficult things and deliver challenging messages to other family members.

The opportunity presented in Wales to deliver what Sir Jeremy Beecham's review team called 'small country governance' has informed the debate. Wales is a country where people know each other and, if that can be combined with mechanisms that build in challenge, then what at times can be difficult conversations can happen in a constructive way. The wider recognition of the importance of engaged leadership is echoed in the engaged nature of inspection.

The final aspect of integration comes from our location as part of the Welsh Assembly Government where we have an explicit role in providing professional advice to Ministers on social services and social care. One of the aims of integration was "more resilience over sustaining and deploying independent professional advice". Integration must not, however, be absorption. It has been important to define the particular contribution of CSSIW, taking care to avoid the twin bear traps of becoming simply another policy advisor or of falling back on (challengeable) claims to privileged viewpoints by dint of professional expertise. Our particular contribution, therefore, comes from our ability to share with policy-makers the reality of service user's experience.

CSSIW's immersion within Assembly Government policy networks has provided closeness to decision-makers which lends this aspect of our integration significant power.

The integration agenda has also required much closer working with other inspectorates. This is a theme worthy of its own consideration. Suffice to say, a growing use of joint inspection and also the development of joint inspection frameworks, for example in children's services, are key parts of the strategic change being delivered.

Regulation and inspection are an integral part of the wider processes of public service improvement. They have their own accountabilities for public assurance, for safeguarding and for improvement. These do not, however, stand alone; they exist in relationship with others. Their roles are not static, they are constantly being negotiated and changed as the environment inspectorates create and exist in changes. This brief reflective note provides an outline of one inspectorate's recent journey through a particular and dynamic landscape. There may be similar or different developments across the other countries of the UK – it would be good to hear about them – perhaps RPP should have a regular spot in their journal for updates from the world of inspection and regulation?

Notes on Contributor

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