**Update from the RISCA Stakeholder Reference Group – Melanie Minty**

The group met on 15 March to discuss progress with CIW. Here are the highlights:

Re-registration and registration of new settings

* Advice surgeries about re-registration have been well attended and will continue in May. It is important to be aware that completion of last year’s SAS does not replace re-registration and everyone must apply online.
* The online application system was launched in February and 333 providers are in the process of applying. However, of the 50 applications that have been completed, 22 have had to be rejected – mostly because the organisation details must exactly match the information with Companies House; the RI section is incomplete; names have been spelt differently throughout document; SOP not downloaded. CIW are looking into some systems issues (slowness, not being able to submit) and have set up IT support for providers. Further advice for providers will follow.
* Registration guidance is now being drawn up for new provisions (as opposed to existing re-registrations).
* It is likely that some new registrations under RISCA will involve settings where building works were carried out under the Care Standards Act. CIW is looking at a proportionate process to deal with these applications, but our advice is to contact CIW if your setting does not meet the new standards.
* CIW are receptive to the idea put forward by some members that there should be a (optional) standardised template for RI’s to use as part of their quality assurance regimes and that can feed into part B of the annual report. This is unlikely to be available for a few months, so providers need to make sure they have systems in place.
* CIW will be looking at some of the providers who are out of scope of RISCA (nurse agencies, hospices and supported living) with a view to providing more detailed guidance for those that may have to register if, for instance, they are providing direct care in someone’s home.
* Phase 3 (regulation of Adoption services, advocacy etc.) will be out for consultation in the summer. There will also be a consultation on the Code of Practice for Inspection of Local Authorities.

Inspections

* All inspectors have undergone 7 days contemporaneous training on RISCA, inspection, and the new frameworks to improve consistency. The final version of the Code of Practice for inspectors will be published by 2 April. The principles for inspection include proportionality, transparency, clarity, consistency, timeliness and fairness.
* There will be a period of overlap between inspections under RISCA and CSA until all the re-registrations are complete, but CIW has already introduced the outcomes framework which can be tracked against either act. The emphasis of inspection will be on wellbeing. The three other themes - care and support; leadership and management; and environment (care homes only) - will be a reflection of how wellbeing is achieved.
* The inspection framework will be piloted across 66 care home and domiciliary care providers between September and December prior to full implementation in April 2019 and CFW will be involved in working groups to evaluate the process.

**Improvement and Enforcement**

* The new process has a greater focus on helping providers to improve and a more proportionate approach to first time non-compliances when there is a minor issue (e.g. around systems/paperwork) that is not impacting on people in care. It will allow for a more nuanced approach that does not insist that the provision is either compliant or non-compliant and can instead lead to recommendations for improvement following a first inspection. If the provider continues to cause concern at the review meeting a non-compliance notice will be issued. If, however, the non-compliance is more serious and has a greater impact, the inspector will issue a non-compliance notice at the first visit. A non-compliance decision framework is being developed for inspectors to ensure consistency and proportionality. CIW will also be monitoring consistency across Wales through a quality assurance framework.
* Failure to meet compliance by the second inspection will normally lead to a Service Provider meeting.
* Urgent or repeated non-compliances will be referred to a Local Improvement and Enforcement Panel with statutory powers to take civil action that can include urgent action; improvement notices or extensions; imposition of conditions; provider inspection and intensive monitoring. Ultimate sanctions could include removal of a service or an RI; cancellation of registration of the service or providers; and variation and imposition of conditions. Providers can appeal the decision to the Health and Social Care Tribunal.
* If there are issues across a number of settings within a providers’ portfolio or if criminal prosecution is being considered the non-compliance will be considered by the National Improvement and Enforcement Panel. Where criminal action is being considered, the panel has statutory powers to arrange fact finding, recommend prosecution and issue penalty notices. Penalty notices will not be introduced before 2019.
* The enforcement policy will be published this month. Detailed guidance is being devised for each stage of the enforcement process with a single overview document bringing all together. The process requires 23 new legal notices which are under development.

**Don’t forget, CIW will be attending all our Essential Updates in April to give members an opportunity to hear about the changes first hand and to ask questions.**