



# Gofal Cymdeithasol Cymru Social Care Wales

## PUBLIC BOARD MEETING

21 July 2022

Virtual meeting - Zoom

09:00 – 13:00

**09:00 Private session** – Board members only

Public session			Page
09:30	1.	Welcome and opening comments from the Chair	Oral
09:35	2.	Apologies and Declaration of Interests	Oral
09:40	3.	<a href="#">Minutes of the Board meeting 28 April 2022</a> To endorse	SCW/22/19 3
09:45	4.	<a href="#">Action log</a> & Matters arising	SCW/22/20 23
	-	<a href="#">Chairs Action</a>	26
09:50	5.	Update from Committee Chairs To note and receive	Oral
10:05	6.	Context setting and key messages from the Chief Executive To note and receive	Oral
10:20	7.	New and emerging business activities and Remit Letter update To note and receive	Oral
10:30	8.	<a href="#">Business Plan Q1 progress report</a> To consider and approve	SCW/22/21 29
<b>11:00 – 11:15 Comfort Break</b>			
11:15	9.	<a href="#">Draft Annual Report and Accounts 2021-22, audit of accounts report and Management Letter Appendix 1 Appendix 2</a> To consider and approve	SCW/22/22 57

11:40	10.	<a href="#">Annual Chair of Audit and Risk Committee Assurance Report to Board Appendix</a> To consider and approve	SCW/22/23	153
11:50	11.	<a href="#">Changes to the Social Care Wales Registration and Fitness to Practise Rules</a> To consider and approve	SCW/22/24	179
12:15	12.	<a href="#">Equal Pay Review Report 2022</a> To note and discuss	SCW/22/25	344

**For information only:**

	13.	<a href="#">Board development sessions synopsis</a> To note	SCW/22/26	359
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**12:30 – 12:40 Break**

**For discussion:**

12:40	14.	Meeting effectiveness To discuss	Oral
12:55	15.	A.O.B	Oral

**Date of next meeting:**

**Thursday 20 October 2022 – Social Care Wales offices, Cardiff**



## Gofal Cymdeithasol Cymru Social Care Wales

### **PUBLIC BOARD MEETING**

**28 April 2022**

**Hybrid meeting – Social Care Wales Offices, Cardiff & Zoom**

**09:30 - 13:30**

#### **Present:**

##### **Board Members:**

Mick Giannasi, Chair  
Abigail Harris  
Carl Cooper  
Damian Bridgeman  
Donna Hutton  
Emma Britton (items 1 – 11)  
Grace Quantock (items 1 – 11)  
Jane Moore  
Joanne Kember  
Maria Battle  
Peter Max  
Simon Burch  
Trystan Pritchard

##### **Social Care Wales Officers:**

Sue Evans (Chief Executive Officer)  
Andrew Lycett (Director of Finance, Strategy and Corporate Services)  
David Pritchard (Director of Regulation)  
Sarah McCarty (Director of Improvement and Development)  
Kate Salter (Assistant Director Corporate Services)  
Llinos Bradbury (Governance Senior Officer - minutes)

##### **In attendance:**

Aled Jones, Cymen (simultaneous translation)  
Lynwen, Cymen (simultaneous translation)  
Lora Payne

#### **Public session:**

##### **1. Welcome and Opening Comments from the Chair**

- i. The Chair welcomed everyone to the hybrid meeting and particularly extended a warm welcome to Kate Newman who has recently joined as a Health and Wellbeing Officer and Joseph Wilton, Head of Wellbeing and Improvement from Welsh Government. The Chair encouraged contributions in Welsh making use of the simultaneous translation service which was available.
- ii. The Chair informed Board members that a Jamboard would be used to capture feedback about the effectiveness of the meeting. Three questions had been asked; members were asked to contribute their comments as the meeting progressed and these would be discussed at the end of the meeting.

##### **2. Apologies and Declarations of Interest**

- i. Apologies were noted from Social Care Wales officers, Geraint Rowlands and Rhianon Jones.

- ii. Officers in attendance had declared an interest in relation to item 10 on the agenda - Independent Pay and Reward Benchmarking Review and would leave the meeting for the discussion on that item.

### **3. Minutes of the Board Meeting 03 February 2022**

- i. The minutes of the meeting of 03 February 2022 were discussed and endorsed by the Board as an accurate record of the meeting.

### **4. Action Log and Matters Arising**

- i. Members' attention was drawn to the rolling action log which provided updates on the progress which had been made against outstanding actions since the last meeting.
- ii. The Chair asked for an update on action 05/21/SCW which was in relation to increasing cyber security awareness on the Board; this action had been open for a while. AL updated the Board that the outcome of the Board recruitment process had been awaited. As this had now been concluded, he would be making contact with an individual who has relevant experience in this area to see whether they would still be interested in providing advice to Board on cyber security issues.
- iii. AH asked about the role of Digital Health and Care Wales (DHCW) in supporting the organisation with this agenda. AL advised the Board that he had been in discussion with the Centre for Digital Public Services (CDPS). The organisation does not have in-house resources and uses the same consultancy organisation that was used to provide the Board with cyber security awareness training last autumn. As such, resource sharing with the organisation was not an option.
- iv. SB made reference to the Strategic Risk Register which was an agenda item later in the meeting. Given that this was categorised red in the risk register, he asked whether AL was content with the pace of work in relation to cyber security both in the short and longer term.
- v. AL advised the Board that there were a couple of items that were slightly behind schedule, one being replacing the firewalls due to issues of the new firewalls working with Skype for Business which the organisation currently uses as its main telephone system. A lot of progress has been made over the last 12 months with additional specific internal audit in place for the organisation's Information Security Management Systems (ISMS).
- vi. During the first quarter for 2022-23 work will progress on gaining Cyber Essentials accreditation alongside the ISO27001 certification which the organisation currently holds. The organisations Business Continuity Plan will also be revised, and the organisation is currently tendering for support to review the plans, adopting the ISO 22301 business continuity management system (BCMS) standard as a framework. As the advice in relation to cyber security is that 'you should always assume that you will be the subject of an attack' the likelihood therefore is never likely to reduce and therefore it is important to increase the organisations resilience.

- vii. CC referred back to the earlier discussion on cyber security expertise for the Board, which was originally intended as sourcing an individual with the expertise who could be co-opted possibly onto the Audit and Risk Committee, which then progressed to possibly having a new Board member with the necessary background and skills and therefore wanted clarity on whether it is someone to support the Audit and Risk Committee or someone who would join the Board.
- viii. The Chair said that while considering the future skills required at Board level cyber security skills was noted as desirable during the current round of recruitment. However, as there was no-one with this skill set during the recruitment then co-opting that skill and expertise onto the Audit and Risk Committee will be explored.
- ix. GQ asked whether there was a need to revisit this action given the increased cyber risk due to the war in Ukraine. AL advised the Board that the internal Information Governance Group has a consolidated action plan from all the internal audits undertaken on this area as well as future ICT investment plans, the National Cyber Security Centre toolkit is regularly reviewed to ensure that all actions are covered.
- x. There was an international cyber vulnerability identified during the Christmas period which resulted in a lock down of some of the organisation's systems, there are no connections with third party organisations, which reduces the chances of cross-infection. More applications are also moving to the cloud which improves "bouncebackability". A staff training programme is also in development for all staff on cyber security.
- xi. GQ thanked AL for the update and asked whether it was something to pick up with DHCW, to see what other health and care organisations of a similar size are doing in response to the situation, as it seems that certain health organisations are being targeted.
- xii. AL added that he was having introductory one to one meetings with his equivalents in Scotland, Northern Ireland and England over the coming weeks to not only look at common issues but also any areas for potential collaboration over future data and information developments; Scotland are ahead in terms of its digital journey.
- xiii. The Chair thanked everyone for their comments and questions recognising the importance of cyber security currently.
- xiv. There were no further comments or questions on the action log and members agreed that they had **noted and received** the updates against the actions.

## 5. Update from Committee Chairs

- i. The Chair updated the Board on the discussions which took place at the Remuneration Committee meetings on 3 and 24 March. At the 3 March meeting the Committee discussed the 2021 People Survey results, which had also been shared on the members portal; the results of the survey were very positive for the organisation with further detail included within the quarterly HR report.

- ii. The Committee was also briefed on the development of a Hybrid Working Policy which had been developed in partnership with staff and implemented. The third item was the independent pay and reward benchmarking report the outcome of which is on the agenda for discussion at item 10 at today's meeting.
- iii. The Chair invited CC as the new Chair of the Audit and Risk Committee to provide an overview of the Committees discussion at its March meeting, he highlighted the following:
  - the Committee received a number of internal audit reports as Deloitte's contract came to an end at the end of March;
  - the relationship with the new internal auditors (TIAA) is beginning alongside the development of the internal audit plan for 2022-23;
  - the new format risk register has been developed with support from the Committee and it was hoped that the new register would further support the work of the Board and Committee in relation to risk.
- iv. As Deputy Chair of the Improvement Committee, DB provided a summary of the March Committee meeting and highlighted the following: -
  - a valuable discussion had taken place following a paper from Lisa Trigg, Assistant Director of Research, Data and Intelligence on the strategic approach to social care data; he also recognised Lisa's knowledge and experience on these issues which is a great asset to the organisation;
  - DB also highlighted the quality of the input which provided by Bec Cicero on the dementia support programme.
- v. As Chair of the Regulation and Standards Committee, SB said that the discussions at the September meeting had been focused around:
  - the organisation's relationship with the police forces across Wales and the plan to develop a Wales Accord on the Sharing of Personal Information (WASPI) agreement to enable information to be exchanged in a timelier manner.
  - the work to 'chase-up' Debtors resulting in a number being removed from the Register and others paying their fee and remaining on the Register;
  - a review of themed and trends for Fitness to Practice referrals which has resulted in proactive work such as in the misuse of social media where guidance has been produced for the sector;
  - an overview of developments in Scotland.
- vi. There were no further comments or questions from members on the updates provided.

## **6. Context Setting and Key Messages from the Chief Executive**

- i. SE set the context for the meeting, supplementing the briefing document which had been shared with Board members prior to the meeting with some verbal updates. She highlighted the following issues which she thought would be of particular interest to members:

- The Accolades event on 21 April provided the opportunity to celebrate innovation and the excellent work that is undertaken across Wales within the sector. SE thanked officers involved in the organisation of the event, especially the Communications team. Hearing from those either working in the sector or receiving care and support through the videos provides a good opportunity for the Board to hear voices from the front line.
- The Expert Reference Group focussing on a national care service free at the point of need have been tasked with coming up with solutions and once the report has been published there will be an opportunity for the Board to consider what it means for Social Care Wales; there will be wide and extensive engagement following the expert reference groups report. Sarah McCarty is providing input into the task and finish group looking at the workforce.
- The National Commissioning Board across health and social care has received resources to allow it to progress with supporting the programme for government going forward; the focus is on the rebalancing of care and what considering what can be done to develop more consistent service models across Wales, as well as social value and what is the true cost of care.
- Judith Paget, Director General of Health and Social Care's recent speech at the NHS Confederation conference has been well received and was worth listening to if members are interested.
- The UK alliance continues to share best practice across the different countries.
- Work continues with Care Inspectorate Wales (CIW) with a focus on helping providers think about positive cultures, learning environments and the wellbeing of the workforce.
- The joint consultation on the Mental Health Workforce Plan with HEIW has ended and the Boards will meet jointly on 26 May to approve the strategy following the consultation.

ii. Looking forward to the agenda for the meeting, SE drew members attention to the following:

- The remit letter is awaited and until that is received the Business Plan for 2022-23 cannot be finalised; feedback on the draft plan has been received from some Board members and is open for comment until the 6 May.
- As the Chair of the Audit of Risk Committee had reflected, the new Strategic Risk Register format should provide better insight for both the Committee and the Board going forward.
- Work has begun with the new internal auditors TIAA who have been asked to consider how to develop mechanisms for demonstrating benefits realisation for improvement activities.
- Key elements of the report of the 'Board Listening Exercise' have been shared with staff at the CEO Briefing. Staff are pleased that the Board is taking an interest in staff wellbeing as well as providing opportunities for discussions with the Board.
- Abu Askira will be leaving the organisation on 6 May having secured a position with Health Inspectorate Wales, and Karen Wakelin will be retiring later in the Summer.

- The HR report references the positive results from the recent staff survey; however, the new PDP system needs time to bed in with adjustments being made to help managers use the system more effectively. There has been a 9% turnover compared to 5.3% the previous year which was something to keep an eye on. Although well within the 15% target, it is higher than it has been previously. Staff absenteeism rate has also increased to 4.62% compared to 2.3% the previous year which probably reflects the COVID context.
- iii. The Chair thanked SE for the overview and suggested that on behalf of the Board he would write a letter of thanks to Abu Askira for his work especially in relation to equality and diversity which the Board has appreciated. **ACTION** He also suggested he write to the Communications team on behalf of the Board for their work on the Accolades and thanked the Board members who had been part of the judging panel for their work. **ACTION** Members supported both suggestions.
- iv. EB suggested that the Chair should also write to Karen Wakelin as she approached retirement to thank her for her work which has been instrumental in driving the qualifications agenda forward over the years and the Chair agreed to write on behalf of the Board. **ACTION**
- v. There were no further comments or questions and Chair thanked SE for the comprehensive update which was **noted** by the Board.

## 7. Business Plan 2022 -23

- i. The Chair reminded the Board that they had received a presentation on the outline of the Business Plan for 2022-23 at the February meeting, with the plan now further developed for consideration at the meeting today. He mentioned that JK had already sent detailed feedback and asked that if other members had any additional feedback relating to style, grammar or minor they should share those with the Corporate Team outside the meeting and by 06 May.
- ii. SE added that the four audiences described in previous Business Plans continue to provide the focus in the new plan as well, those being the direct workforce, the managers, leaders and owners, the strategic leaders and owners as well as the organisation's own workforce. The plan reflects the new Strategic Plan that was launched on 27 April. It sets out a clear framework for the organisation's regulatory role as well as supporting the workforce in social care and early years, leading and supporting improvement particularly with data and evidence.
- iii. Appendix 1 provides the detailed activities with the targets and indicators which will be used to hold the organisation to account for delivery, recognising that there are gaps still to be completed. The Business Plan is intended to be a live iterative document for the Executive team and the Board to closely monitor progress across 2022-23.
- iv. The Chair thanked SE for the overview and asked for any questions or comments. The following points were discussed:



- JK said that the comments which she had provided in advance of the meeting were editorial comments which hopefully were helpful, but she supported the substance within the plan;
- CC asked how and where impact was being measured in the Business Plan given that the measures and targets currently within the plan are focussed on outputs or actions rather than the impact.
- SE mentioned a previous paper that had been shared which provided the sources that would be used to measure impact, such as surveys or critical friends. Other input measures will relate to our own work, such as regulation activity which will be reported in detail to the Regulation and Standards Committee.
- KS also added that within the Strategic Plan there are a range of indicators for measuring impact and progress against these will be presented to the Board for consideration at the year-end through the annual impact statement. This will also be discussed as it is developed as part of the Board Development programme. Work is also underway on the performance framework for 2022/23 which will be reflected in the quarterly update received by the Board.
- CC thanked the Officers for the update but asked whether the Board would be receiving information on impact within the quarterly report rather than as part of considering the impact report at year end. The Chair agreed that the document feels a bit light on quantifiable measures as it is currently, with the impact statements needing to be more transparent within this document.
- PM referred to a recent discussion at an Improvement Committee meeting which highlighted the risk of the organisation not being seen to be in touch with pressures and issues within the sector and felt that such issues was lacking in the business plan. He specifically referenced advocating on behalf of the sector; being visible on issues such as terms and conditions and pay. He also felt that the references to health may appear tokenistic within the plan and that there was no reference to the National Care Service within the Business Plan. He also requested clarity on the Employer Support Service activities for the year.
- SE thanked the Board for their comments which provided the opportunity to check whether significant issues had been missed. One of the challenges is describing those longer-term outcomes which will have an impact on the sector as activities today within the business plan. SE thought it would be useful following the comments to maybe develop some examples of longer-term outcomes, impact and activities. The Strategic Plan details the longer-term outcomes and impact which the organisation is seeking to bring about whilst the business plan details the annual activities which will influence the long-term strategic outcomes as well as having an issues log that identifies sector issues that are not directly within the organisation's control. She agreed to give some thought to whether the organisation's role in influencing and advocating could be added to the current business plan, which is an on-going daily activity for members of the Executive Management and Leadership team.
- SE also suggested looking at the Strategic Risk Register which details IF this happened THEN this will be the outcome. SE suggested a Board development session to discuss the longer term aims and impact, the activities which should lead to the longer-term impact as well as the gaps. She thought that a context piece at the start of the Business Plan may also be useful to capture the organisation's influencing and advocacy role.

- DP reminded the Board that the Social Care Forum has been developed as the key forum for taking forward work in relation to terms and conditions; Social Care Wales is a member and is leading on the development of a pay progression framework for the sector and therefore influencing and contributing to the work.
- DP also provided an update on the Employer Support Service. It was hoped that an announcement on the team will be made in the next couple of weeks following a recruitment exercise which would enable activity to commence in the current financial year.
- CC thanked SE for her response and acknowledged that there were various pieces to the jigsaw and therefore the Business Plan shouldn't be read in isolation. However, he still felt as a Business Plan was exclusively output focussed, and it was important within the document to more explicitly connect the activities and outputs in the Business Plan to the outcomes in the Strategic Plan.
- AH reflected on the challenge of getting a golden thread through the various documents. The Strategic Plan had just been launched with eight outcomes, and it was important to know at the end of the year to what extent progress has been made on the Strategic Plan outcomes through the activities within the Business Plan. There may therefore be a need to strengthen the connections between the Strategic Plan outcomes and the annual Business Plan as the activities cannot be easily connect to the outcomes currently.
- SE agreed that although the Strategic Plan and the Business Plan are separate documents there is a need to better demonstrate the links between the two documents. SE also agreed to reflect on PMs comments but noted that it is difficult sometimes to capture the work undertaken in influencing and advocating.
- GQ agreed with previous comments that the context is important whilst recognising that there are limits to any one document and it maybe that links or signposting can be used where appropriate.

v. The Chair thanked everyone for their contributions and summarised the key points as being:

- a context piece is needed to help link some of the golden threads as described;
- there is an ongoing opportunity for members to provide additional comments up to 06 May;
- an amended plan following comments received today will be shared with the Board via email in mid-May;
- the detailed presentational issues identified by JK need to be considered and reflected in the final version where appropriate;
- there was a strong steer from members about the need for the greater visibility of the longer-term outcomes within the annual plan;
- the opportunity to signpost and use links to other documents should be considered where appropriate.

vi. Subject to the issues identified by members being addressed and there being no significant amendments required when the remit Letter had been received, the Board delegated authority for the sign off of the finalised version of the Business Plan for 2022/23 delegated final approval to the Chief Executive and Chair.

## **8. Strategic Risk Register**

- i. The Chair emphasised that this paper was intended to provide the Board with an insight into the revised risk management process, recognising that the responsibility for regularly scrutinising the risk register was delegated to the Audit and Risk Committee via its quarterly meetings.
- ii. SE highlighted the appendices within the paper which included definitions of the various terms used to categorise and manage risk level and to define the level of risk appetite associated with each risk. She reminded members that they had been involved in developing and assigning the various levels of risk appetite via a Board Development session last year. She also emphasised that the format of the “IF and THEN” approach enables some of the contextual issues discussed earlier in the meeting to be captured.
- iii. It was important to note that where issues were out of the organisation’s control, such as the pay and conditions for the sector, the organisation can seek to use it to influence policy makers to address those issues. In such circumstances, the risk is a reputational one, linked to our reach and relevance and how we demonstrate we are using evidence to influence those who have the power to make the changes. The Risk Register needs to be read in conjunction with the Strategic Plan and the annual Business Plans.
- iv. SE said that the issues log was still in development and would include context. However, as the risks are mapped, the context may change meaning that this will need to be a live document. For example, cyber security continues to be high risk as it is for every public and private organisation but the impact of the war in Ukraine is likely to make those risks even higher. There is a wide range of work internally as well as with the Welsh Government Sponsored Bodies (WGSBs) network and the CDPS and DHCW partners, which provides assurance on internal mechanisms.
- v. The Chair thanked SE for the overview and asked CC as Chair of the Audit and Risk Committee for his perspective. CC felt that the development of the new Strategic Risk Register had significantly strengthened the way in which the organisation manages risks. He welcomed the additional information on levels of assurances and the risk appetite and therefore felt that the process was strengthened as a result.
- vi. The Chair invited questions or comments and the following discussion took place:
  - MB asked why the risks in relation to recruitment and retention were in yellow rather than red given the current crisis in the sector.
  - SE said that this was a reflection of the risk to the organisation not the risk to the sector. A range of actions had been taken by Social Care Wales to mitigate the risk, including for example, the active contribution of the We Care campaign. Whilst recognising that there were significant issues in the sector, these were largely outside of the organisation’s control, so what is here is the impact of what the organisation can control i.e., our own activities to support the sector.
  - The Chair asked whether it is clear enough that this risk register is about the risks to the organisation.

- SE agreed to consider whether there was a need to describe better that this risk register is about Social Care Wales as an organisation and its ability to deliver against the remit letter. As such, a context piece setting out what the risk register is and what it isn't may be helpful.
- AH agreed that it would be helpful for the cover report to make it clearer that the register is about identifying and mitigating proportionately the organisations' risks as opposed to the risk faced by the sector. She also asked in light of the assurance provided earlier in the meeting on the cyber security risk whether the residual risk should be scored as 20.
- AL felt that there were a couple of critical activities to be undertaken before the scoring could be reduced; these were staff awareness and training programme on cyber security, as well as updating the organisation's business continuity plans as the plan is currently based on physical locations which are less relevant now in a hybrid working model. Once these actions had been completed, it might then be appropriate for the residual risk score to be reduced.
- AL also added that the Audit and Risk Committee will receive the full risk register. This includes details of the control measures which exist for each risk and highlights where additional controls need to be developed to enable the Committee to monitor changes in the level of assurance over time. The new internal audit plan for 2022-23 is also based on the risk register and looking at gaps of control and assurance.
- PM asked whether the Board should see the full report as well as the Audit and Risk Committee. He also raised hybrid working potentially not working effectively for everyone and the effect on team dynamics and whether this needs to be included on the register in more detail.
- The Chair noted that the Audit and Risk Committee has been delegated the function of scrutinising the Risk Register in detail with the Board only receiving an overview. The detailed report is made available on the members portal, and he was reluctant for the Board to receive too much detail. However, he was happy for the matter to be discussed further at the next Chairs Coordinating Group (CCG) meeting **ACTION**.
- AL also added that as the Board papers were public documents which meant that exposing gaps in controls identified could cause further risks and issues for the organisation. The full register could be added to the portal should anyone want the full detail.
- AH agreed that the Board should not duplicate the work of the Audit and Risk Committee in scrutinising the full register; however, where there was a high risk, she felt it was appropriate that the Board should receive assurance and that the record in the public meeting should confirm that the right mitigating actions were being taken.
- Reflecting on the discussion, SE suggested that the Chair of the Audit and Risk Committee could highlight the discussions on the high-level risks from the most recent Committee meeting as part of the Committee Chair's updates at the start of each Board meeting.
- SB felt that the climate change risk could do with some further work to reflect the importance of this issue as even with the mitigating actions the scoring is still the same.

- AH added that from her own experience, adaption plans are having to be written as the climate is going to change more quickly than expected, creating a need to have plans to respond to more adverse weather conditions, sooner. She thought it would be helpful in future to spend a bit of time on this agenda.
- The Chair suggested that the Audit and Risk Committee could look in more detail at the risk element at its next meeting as well as scheduling a future Board development session discussion. **ACTION**
- CC referred back to the earlier discussion on what is within the organisation's control and what is not, and climate is very much not in control of the organisation. However, he also recognised that it was important to discuss further in terms of what the organisation can change that is within its control.
- CC also added that the Committee has been discussing how it can better understand the way risks move from the Strategic Risk Register to the Operational Risk Register and the process and procedures that are used to make such decisions.
- GQ agreed with previous comments in relation to climate issues and the importance of the organisation responding to those aspects which are in its control. She also requested that the discussion during a development session is done so in a trauma informed way, recognising that it can be a difficult conversation.

vi. The Chair thanked everyone for their questions and comments and felt that the Risk Register has developed to become a much more meaningful document. It was important that the Board continued to receive a regular overview with the scrutiny of the full register document delegated to the Audit and Risk Committee.

viii. Members agreed that they had discussed and noted the Strategic Risk Register 2022–23.

## 9. Business Plan Q4 progress report

- i. KS highlighted the end of year performance report that set out performance against the business plan for 2021-22 as at the end of March 2022. The performance commentary focused on areas where the targets were not met as expected.
- ii. AL thanked both the finance teams and the wider organisational teams for their work in meeting the 2% cash carry forward requirement. There was a surplus of £469k at year end which has enabled a £450k carry forward into the 2022-23 budget to support the delivery of the activities for the new financial year.
- iii. The Chair thanked KS and AL for the overview and asked for any questions or comments:
  - CC said that the report suggested that the number of bursaries allocated are less than the number available but noted that 100% of those eligible have been paid. He wondered how the two things were connected and asked for an update on discussions around the future of the bursaries. He also asked what the plan was to progress the work on supporting the sector to work bilingually given the capacity issues noted within the report.

- SMcC responding to the queries, recognising that allocating the full numbers of bursaries available has been a challenge over a number of years now. A report has been commissioned to better understand the issues and this was likely to be made public following the local government elections. Work had already begun looking at the recommendations within the report, such as how the visibility of the bursary can be improved, and work experience required in order to start a degree. There are also discussions with Welsh Government on opportunities to increase the bursary investment to create parity with other publicly funded courses. As such, it was hoped that by the Summer it would be clearer whether further investment could be made.
- In terms of the Welsh language work there has been an operational capacity gap during the year which has impacted on progress. In addition, work currently being undertaken by Welsh Government on the Welsh voice (which will result in a shift away from defining whether you are a Welsh speaker to a position where everyone is assumed to be a Welsh speaker but at different part of the journey) will require the organisation to ensure that its resources are framed in that way
- SMcC said that another key piece of work has been supporting the Mwy Na Geiriau task and finish group. Social Care Wales has been a part of the task and finish group, with significant contributions made to the workforce elements of the plan. Work has also been undertaken to identify more capacity within our Engagement and Development Officers to support this work going forward now the strategic plans are in place.
- Welsh Government has also indicated that they may have additional resources to support the programme for government ambition to recruit more Welsh language speakers into the sector and have asked for ideas and suggestions on what Social Care Wales could do to support this agenda.
- The Chair noted that it seemed there was a dip in performance around regulation processing times for applications and ask for assurance that this was to do with current circumstances or timing rather than becoming a trend.
- DP stated that the Registration team are working on the registration of adult care home workers which will see an additional 20-25k workers coming onto the Register by October; this presents challenges to the team around capacity and ensuring those that need to are submitting applications. There were 2k adult care home workers on the Register at the end of March when around 1.5k had been expected and therefore applications are ahead of the curve expected at this point. Additional temporary recruitment has been made to the Registration team with eight new members of staff to help with the registration peak. Longer term there is a commitment to reviewing the registration process due to the increased register ensuring that there is the right capacity and capability within the team. The review will be similar to the review undertaken of Fitness to Practise processes.
- TP said that he would welcome the opportunity to have further discussion on working bilingually. He also felt that the performance commentary provided narrative on progress against work and recognition that it can be dependent on other organisations. SMcC said that a session in a development day would be useful and would cover both the expectation on the organisation as a public sector organisation and well as the work undertaken with the sector.

- iv. KS provided an update on the preparation of the annual report and accounts for 2021-22, which includes a performance commentary where there is the opportunity to reflect on the successes, achievements and lessons learned over the year to support the accounts. The narrative to support the performance commentary is being drafted and will be discussed at the July Audit and Risk Committee before it comes to the July Board meeting for approval.
- v. Members agreed that they had scrutinised and approved the progress against the Business Plan 2021-22 at the end of year stage.

## **12. Corporate Governance Policies**

- i. At the Chair's request and with the agreement of members, this item was moved up the agenda in order to enable consideration to be given to whether the Board wanted to add Senior Management Pay (Leadership Team members grades C2 and above) to the 'Matters Reserved' for the Board. This resulted from a proposal from the Remuneration Committee in recognition of the sensitivities surrounding any changes at this level. This was relevant as the next item on the agenda asked members to consider Senior Management Pay issues.
- ii. LIB provided an overview of the paper noting that it was timely to review the Corporate Governance policies which are contained within the members handbook. No major changes were proposed but some with minor adjustments were. These were highlighted as tracked changed on the relevant policies within the Boardbook.
- iii. The Chair added that the paper was self-explanatory with consideration of senior management pay to be added to the Matters Reserved for Board, he asked if there were any questions, of which there were none and asked whether the Board supported the recommendation which everyone did. Therefore, the Board reviewed and approved the policies and guidance within the report and in particular, approved the addition of Senior Management Pay (Leadership Team members grades C2 and above) to the Matters reserved for the Board from here in.

## **10. Independent Pay and Reward Benchmarking Review**

**Note – All officers left the meeting at this point.**

- i. Due to the decision of the Board in the earlier item, this item was now a matter for Board decision rather than a request for the Board to scrutinise and support the Remuneration Committee's decision as noted in the paper.
- ii. The Chair hoped that the paper was self-explanatory but highlighted that the independent report on pay and reward was commissioned due to recruitment issues across the organisation during 2021. A similar report was commissioned in 2018 when pay disparity was highlighted in the higher pay grades. However, the Remuneration Committee at the time decided not to take any action. The latest benchmarking report has highlighted the same issues in the higher grades.

- iii. The Remuneration Committee had looked at this issue in some detail and concluded that most of the organisation's pay grades were within a reasonable range of the market median. However, for Assistant Directors and Directors (Grades C2 and D) there is a significant variance against the market median.
- iv. The Remuneration Committee considered various options for addressing this variance as well as being updated on ongoing work within Welsh Government to align lower pay bands across the sponsored bodies in Wales. It is clear from the staff survey result that there is dissatisfaction from staff with the current job evaluation scheme which is not aligned with the Welsh Government. Based on this, the Committee recommended that the current job evaluation scheme is reviewed alongside a review of the organisations pay mechanisms as this is not aligned to Welsh Government.
- v. The Committee considered the issue of senior pay and came up with the proposal within the paper to create internal parity. The Chair added that there has been consultation with Welsh Government through the Sponsor team and through the Sponsor team to the Public Bodies Unit. The Chair has also consulted with the Staff Partnership Council (SPC) where they were provided with an overview of the paper that was for discussion at today's meeting. There a was recognition of issues around the current job evaluation scheme and pay mechanism and the case for addressing the disparity as senior level pay was acknowledged understood.
- vi. Following the overview, the Chair asked for any comments or questions the following was noted:
  - TP said that he was supportive of the proposals and the basis upon which they had been made. He felt that as the organisation was growing and expanding its remit and considered as a high performing organisation and in order to ensure continuity of leadership then it was fair that those roles were remunerated appropriately.
  - DB supported the approach as an overarching method of implementation rather than as a staged approach.
  - JM appreciated all the work that had already been completed by the Remuneration Committee on this; she agreed with the principle as it was the right thing to do but felt that there was a reputational risk unless the senior management pay was considered as part of the wider pay review for the organisation in the Autumn.
  - CC felt somewhat of an internal conflict on this issue recognising that the staff are diligent, talented and dedicated and deserve to be treated in a fair and equitable way. At the same time, he felt that there were broader principles to consider. He wasn't entirely comfortable that the market alone was dictating pay, as he was hearing arguments for the market dictating lower rates of pay for the social care sector. However, this was the world that we live and work in and therefore felt that JM's proposal of including senior management pay into the wider pay review later in the year was a sensible one.
  - The Chair understood the nervousness around relying on the market and questioned whether there was any further work that could be done to validate the market as the comparison.
  - PM added that he had looked at other sponsored bodies and ranges of pay and what that would mean for Social Care Wales pay scales but in doing so his



outcome was very close to the figures the Committee were comfortable with. PM noted that there is an equity concern with market-based pay for senior executives as remuneration committees across the UK increase the pay significantly quicker for senior pay when compared with the general workforce. He also felt it important to set this within the wider context of a commitment to review the pay mechanism and process within the organisation.

- AH again thanked the Remuneration Committee for its work in considering this issue. She referenced the reason why the report was originally commissioned due to recruitment issues across all levels within the organisation and therefore it was appropriate to see whether the salary ranges were a hindrance to recruitment into the organisation. The report seemed fair and transparent with the evidence base seeming robust in terms of the conclusions reached that it was at the top tiers where there was disparity and that consideration needed to be given to ensuring that the organisation was able to attract people of the right calibre to come and work for it. She felt that what was being proposed at Director level was reasonable in terms of ensuring that the organisation is able to attract and retain the right calibre of staff, with fair and appropriate remuneration for those roles within the organisation. Where Directors have moved on it has been for career progression rather than dissatisfaction with pay and it is recognised that pay is only one factor in making individuals satisfied within a role. She felt that action should be taken to address the balance at senior pay and agreed that timing is an issue with the current cost of living crisis.
- The Chair added that the Committee did consider the recruitment and retention risk but concluded that it was a potential risk rather than actual with no suggestion that senior staff were dissatisfied with their pay. The Committee noted that to the most recent Director role had to be advertised twice. However, the Committee majored on the equity and fairness issue rather than on risk. It was described in the SPC meeting as a 'pay repair' for those within the senior roles rather than a 'pay rise'.
- GQ appreciated the discussion and noted that although no one in senior staff roles had shown dissatisfaction with pay, she was aware that across health and social care organisations there were more roles than individuals to fulfil those roles and therefore the organisation was fortunate to have been able to have been able to recruit and retain individuals of the right calibre, despite the fact that were less well paid than their counterparts. She also felt that any pay review should be happening within the current context taking into account the cost of living as has already been mentioned for all staff and the sector.
- MB said that she supported the recommendation and takes comfort from PM's exercise that looked across public bodies and came to a similar conclusion in terms of pay. She agreed with the importance of timing and that this should be for all employees rather than a few and if it could be afforded it should be backdated for all staff as well. In relation to the discussions on the market, she pointed out that senior executives in the Welsh NHS are paid significantly less than those in the NHS in England which has impacted on recruitment.
- EB agreed with the need for fairness and equity and having listened to the comments agreed that timing was key and if backdated pay could be awarded then was in favour of this.
- JK said that she had struggled with the timing issue during discussions at Remuneration Committee due to the review being undertaken by Welsh

Government on aligning the lower pay grades across the public sector. She was in agreement on timing being when there was consideration of all staff.

- The Chair added that there is information in the paper in relation to the Welsh Government pay review of lower pay grades which wouldn't affect the higher level pay scales.
- SB felt that there had been excellent discussion and that the Board were moving towards a consensus where they wanted to address the anomaly in pay at senior levels, albeit a little later in terms of timing and as part of a wider package at all levels. The model used to determine at what level the pay should be set seemed to be appropriate.

vii. The Chair summarised the discussions and actions as follows:

- SE would be asked to undertake a review of the pay mechanism and job evaluation scheme for the organisations **ACTION**
- There was an agreement that inequity in senior pay needed to be addressed, and the methodology used to identify the uplift was a considered appropriate;
- However, the implementation of the decision should be considered as part overview of pay for the whole organisation.

viii. AH agreed that this way forward seemed sensible but wanted it to be acknowledged that it should be made clear in any public communication that the senior grades are benefitting more than those who will be rewarded through the alignment of lower grades across the public sector.

**Note - Officers returned to the meeting at this point.**

ix. The Chair provided the officers with an overview of the discussion and noted that the recommendations in relation to the organisations pay mechanism and job evaluation scheme were approved. For the senior pay issue, it had been agreed in principle that the inequity at levels C2 and D should be addressed, and that the methodology recommended by Remuneration Committee was the appropriate way to do that. Following a discussion on the implementation the Board felt that it would be more appropriate for it to be dealt with as a part of a package which dealt with organisational pay as a whole at a same time. It was recognised that would take some time to work through and is also linked to work being undertaken by Welsh Government on aligning the lower pay scales across the sponsored bodies.

**11. Annual Review of Board and Committee Effectiveness 2021-22**

i. The Chair noted that this paper provides the outcomes of the facilitated discussion on Board effectiveness that was held in March, which he felt had been a constructive session. From those discussions opportunities have been identified to further strengthen the governance of the organisation and Board. The Board were being asked to consider whether the seven opportunities identified should be added to the strengthening governance plan, and whether any further opportunities has been missed

ii. The Chair asked for any comments or questions:

- JK queried opportunity one which related to arranging a conversation about the constitution to explore the differentiated roles between Board members and members of the EMT but was concerned that there was no opportunity to change the constitution as this is agreed by Welsh Government.
- The Chair agreed that the wording could be improved on this as it was meant to be about exploring individual and collective responsibilities with the governance arrangements and considering whether the relationship between the Executive team and the non-execs on the Board was appropriate in terms of the balance between critical friendship and scrutiny and challenge.
- AH agreed that it was important to have the discussion about the application of the constitution as EMT do not sit as part of the Board in this organisation whereas in Health Boards the make-up is different. AH thought that it was about re-in forcing what Board needs to do, i.e., setting the strategy and ensuring that this remains on course, receiving assurance that the organisation is delivering on the strategy and setting the culture of the organisation. As such, she felt that looking at it through that lens would be helpful.
- CC felt that the third opportunity 'consider ways to introduce the voice of those who use care and support more into the Board's work' was broader and should include the voice of the sector which would include those using services but also the workforce, employers, providers, etc.
- MB agreed with CCs observation that it should be voices from the sector.
- CC shared a view that dynamic purchasing causes issues for the third sector when used by local authorities. Although this was outside the control of Social Care Wales, he wondered whether this was something which should be considered.
- SE said that the organisation would look to use its influence in this particular case and feed that through the National Commissioning Board as it looks to develop good practice guidance on procurement and commissioning. It is always useful for Board members to bring their experience and intelligence to Board but there is also a need to be careful about capturing the collective voice through partners rather than what could be seen as tokenism, with a small number of individuals attending Board.
- JM agreed with SE's comments that it wasn't about individual issues but more about what do front line staff think about Social Care Wales and what impact does the organisation have given the number on the Register.
- PM though that this linked to the organisation's wider work on engagement as it should be a two-way liaison, using existing structures; he felt that it may be useful in a future development session to explore the current engagement undertaken. The Employer Support Service will ensure feedback from employers as well as continuing to attend events where employers are in attendance but asked how this is being done with the workforce, with citizens in general. Part of it will be from the Board's ambassadorial role, as well as qualitative evidence gained through improvement committee, but PM felt it needed to be done holistically as a bigger piece of work of the organisation's engagement.
- AH said that she often highlighted the value of the patient story as seen in the NHS Board's meeting; she saw it as a reminder of what the organisation is there for rather than an opportunity to concentrate on the specifics of individual's story. She felt it important to hear the voices of those that Social

Care Wales provides a direct service to, such as front-line workers, as well as knowing if the organisation is a good partner to work with as well as feeling the impact of the organisation's work on the service user.

- SE thanked the Board members for their comments and noted that one of the people on the list to attend a future Board development session is Mark Llewellyn who is Professor of Health and Care Policy at the University of South Wales. He has been leading on the evaluation of the Social Services and Wellbeing Act, which is about the user experience.
- SE said that videos were also a useful way to share information, and for those who did not attend the Accolades there were a number of videos available featuring the voice of the user. On the voice of the workforce, there is a regular e-bulletin that is sent as well as an annual survey being planned, and the organisation was starting to develop a systematic approach to getting the user voice within the capacity and resources available. This was also an area being discussed with the new internal auditors about the benefits realisation of engagement and improvement activities, which may be added to the internal audit plan for 2022-23.

- iii. The Chair thanked everyone for their comments and questions. There was agreement that the opportunities identified should be added to the strengthening governance programme of work whilst reflecting that opportunity three should be adjusted to make it clear that it included the voice of the voluntary sector.

### **13. Committee Terms of Reference**

- i. The Chair noted that minor changes have been proposed to the Committees terms of reference. The proposal of inviting the Chair of the SPC as a participating observer to Board and Remuneration Committee is for consideration. This was raised as part of the facilitated workshop on the Board's effectiveness and something that has been discussed for some time so seemed timely to do so now. They would be participating observers and therefore wouldn't make any decisions but would be there to share views on behalf of staff.
- ii. JM agreed with the proposal, noting that the individual attending may need some support and guidance on sharing the information from Board to staff. SE confirmed that terms of reference for the SPC and Chair will be developed as part of their participating observer role at future meetings.
- iii. There were no further questions or comments and the terms of reference for the Committees was approved as well as agreement that the Chair of the Staff Partnership Council should be routinely invited as a participating observer at Remuneration Committee and Board meetings.

### **14. Senior Independent Member proposal**

- i. This item was deferred to next meeting due to time constraints during the meeting.

## **15. Board listening exercise feedback**

- i. The Chair provided an overview of the paper which summarised the key themes and issues which had emerged from the Board's scheduled meetings with staff during November and December 2021.
- ii. This was generally felt was an enjoyable experience from the Board members perspective and there had been positive feedback from staff about the opportunity to talk to the Board. It was reassuring to see similarity between what staff had told the Board during the engagement sessions with the outcomes of the annual staff survey. These things triangulate and indicate a healthy organisation with high levels of satisfaction and confidence in the organisation's leadership. There were themes around the provision of ICT and emerging themes on pay parity and concerns on feedback loops. Those themes have been picked out as an appendix to the paper with a response from EMT against each one in taking those issues forward.
- iii. The Chair asked if Members felt that the process should now be undertaken on an annual basis given that the Board had done this for the last two years with some success, if it doesn't become repetitive and lose its meaning. JM hoped that some of the engagement would be undertaken face to face next time.
- iv. The Board noted the report and agreed to undertake engagement with the staff again whilst giving thought to the content and the possibility of face-to-face sessions.

## **16. Meeting effectiveness**

- i. Members had been asked to contribute their observations to a Jamboard as the meeting progressed in order that the effectiveness of the meeting could be evaluated.
- ii. Three questions were asked, as follows: -
  - (i) Is there anything you would have liked to focus more on in this meeting?
  - (ii) Is there anything that you think we should have focused less on at this meeting?
  - (iii) Do you feel there was sufficient challenge in the meeting?
- iii. In summary, the comments on the Jamboard suggested that:
  - the Board had demonstrated flexibility in adjusting the agenda to ensure that critical items had the necessary time to consider everyone's views;
  - the pre-meeting just for Board members worked well as it offered the opportunity to focus the time during the meeting on the important issues;
  - there had been some technical challenges in holding a hybrid meeting in an external venue, especially sound related problems;
  - it was felt that there was sufficient challenge within the meeting given the agenda items and that there was evidence to support the discussions;
  - it was also felt that it may be easier to provide challenge in person rather than when joining virtually.

- iv. The Chair thanked members for their contributions and said that the feedback would be considered by CCG at its next meeting to identify any action which need to be taken.

## **17. Any Other Business**

- i. No other business was discussed.

### **Date of Next Meeting:**

Thursday 21 July 2022

### **Actions**

<b>Number</b>	<b>Item</b>	<b>Action</b>	<b>Who</b>
04/22/SCW	Item 6 - Context Setting and Key Messages from the Chief Executive	Write letters to Abu Askira (leaving the organisation), Karen Wakelin (retiring) Malcolm Williams (in recognition of the success of the Accolades)	Chair
05/22/SCW	Item 8 – Strategic Risk Register	CCG to discuss level of detail to be received by the Board	CCG members
06/22/SCW	Item 8 – Strategic Risk Register	Climate change risk to be discussed in more detail at next Audit and Risk Committee and scheduled for a future development day	Andrew Lycett
07/22/SCW	Item 10 - Independent Pay and Reward Benchmarking Review	Review the pay mechanism and job evaluation scheme for the organisation	Sue Evans

## Social Care Wales Board meeting actions

### Rolling action Log 2022-23

Action number	Meeting date	Item	Action required	Action by	Target date	Outcome / update	Current status	Date completed
04/22/SCW	28.04.22	Item 6 - Context Setting and Key Messages from the Chief Executive	Write letters to Abu Askira (leaving the organisation), Karen Wakelin (retiring) Malcolm Williams (in recognition of the success of the Accolades)	Chair	May	Letters written and sent to the individuals	Closed	03.05.22
04/22/SCW	28.04.22	Item 8 – Strategic Risk Register	CCG to discuss level of detail to be received by the Board	CCG members	May	Discussed at 5 May CCG meeting and agreed that overview at Board level with detail on portal was appropriate as Audit and Risk Committee scrutinises the detail.	Closed	05.05,22
04/22/SCW	28.04.22	Item 8 – Strategic Risk Register	Climate change risk to be discussed in more detail at next Audit and Risk Committee and scheduled	Andrew Lycett	September	Climate change discussion on the agenda for the September Audit and Risk Committee and on the forward plan for a Board development session (date tbc)	Open	

			for a future development day					
04/22/SCW	28.04.22	Item 10 - Independent Pay and Reward Benchmarking Review	Review the pay mechanism and job evaluation scheme for the organisation	Sue Evans	2022-23	The HR Manager is liaising with WGSB colleagues to inform our approach.	Open	
03/21/SCW	29.04.21	Item 6 - Context setting and key messages from the Chief Executive and Directors	Discuss further the engagement work of Social Care Wales and how to better engage with the RPBs and explore the benefits of a stronger partnership.	Mick Giannasi & Sue Evans	2022-23	<p>We agreed to use the Strategic Plan as the focus for RPB dialogue in 22/23, and once membership of the RPBs in known following the Local Government Elections in May 2022.</p> <p>There may be further discussion when we see the Welsh Government response from the White Paper consultation and the report of the Expert Reference Group.</p>	Open	
05/21/SCW	29.04.21	Item 10 - Information Security Management System update	CCG to develop proposals in the short, medium, and long term to discuss further at	Members of the Chairs Coordinating Group	June 2022	The Audit and Risk Committee at it's June meeting approved to appoint an additional independent member to	Closed	June 2022



			a future Board development day as a supplement to the strengthening governance programme of work.			the Committee with the specific skillset relating to significant, relevant and recent strategic experience at a senior level, ideally including digital transformation and cyber resilience.		
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**Gofal Cymdeithasol Cymru**  
**Social Care Wales**

## **CHAIRS ACTION PROCESS MEETING**

**06 June 2022**  
**Zoom meeting**  
**14:00 – 14:35**

### **Present:**

#### **Board Members:**

Mick Giannasi (Chair)  
Emma Britton  
Grace Quantock

#### **Social Care Wales Officers:**

Sue Evans, Chief Executive  
David Pritchard, Director of Regulation  
Sarah McCarty, Director of Improvement and Development  
Gemma Halliday, Assistant Director Early Years, Welsh  
Language, Equality and Diversity  
Llinos Bradbury (Board Secretary - minutes)

### **Private session:**

- 1. Consideration to expand Social Care Wales's remit to include playwork workforce**
  - i. The consideration to expand Social Care Wales's remit to include playwork workforce paper had been provided to Members prior to the meeting, with a request for comments to be sent prior to the Chairs Action meeting if there were any from members not attending the meeting.
  - ii. The Chair noted the need to agree that this was a legitimate need for Chairs Action before proceeding to a decision and asked DP to provide the background to the request.
  - iii. DP noted that within the Regulation and Inspection of Social Care (Wales) Act (RISCA) is a list of occupations and tasks that define a range of social care workers in Wales. Regulations use definitions of social care workers as defined within RISCA, reference to early years workers was added during the development of the original Act. An opportunity has arisen to update primary legislation and Social Care Wales has suggested a number of areas for consideration, including defining more clearly an early years and childcare worker within the legislation, Welsh Government have come back to us recently to ask whether we would consider supporting in principle clarifying the definition to include those who work within the play sector. DP confirmed that an agreement in principle at this point would not lead to any changes but would give Welsh Government greater legal confidence to remit Social Care Wales to undertake work in these areas in future should they wish.

- iv. The Chair thanked DP for the overview and asked what the rationale was for the urgency on this decision.
- v. SMcC advised that civil servants are looking at a window of opportunity to propose changes to RISCA where policy hasn't worked out in practice as intended within the Act and to make changes. Advice on recommended changes is due to go to the Deputy Minister this week and policy colleagues have seen an opportunity to clarify the definition of an early years and childcare workers as well as considering if play workers can be added. SMcC noted that if this was not supported then there is likely to be no room in the legislative programme for a further update for another 4 years.
- vi. SE added that currently this is about the definition of the early years and childcare workforce and doesn't commit the organisation to work in the future. It is also worth reflecting on the organisation's different functions namely regulation, workforce development and research and data, and as noted in the paper the organisation is already undertaking a workforce development role for the early years and childcare sector.
- vii. The Chair said that the organisation is seen as being flexible and responsive and this request demonstrates the good working relationship with Welsh Government. DP mentioned that Welsh Government don't need Social Care Wales's endorsement to add playworkers into the definition of an early years and childcare worker, but they have specifically asked for our view, which is positive.
- vii. GQ said that the governance of having to make this decision due to time constraints was not ideal, but that this meeting and seeking views of other Board members was mitigating those concerns as much as it could.
- ix. EB agreed with GQ's comments on the governance but was comfortable with the rationale for the Chairs Action, she felt that as the risk of approving in principle is low and that the opportunity should not be lost to be able to support the play workforce in future given that this will not be re-looked at for at least 4 years.
- x. Following the questions and comments the Chair therefore confirmed that this was suitable for Chairs Action and asked whether the members supported the decision in principle. EB recognising that this was about the definition and wouldn't entail any changes immediately but wanted assurance that if any additional work was remitted to the organisation, then there would be further discussion at full Board.
- xi. SE confirmed that there would be a separate discussion on any additional work and resources required should Social Care Wales be asked to undertake further work in relation to the early years, play and childcare sector. The Board has previously discussed the benefits to children and young people in having the workforce being supported by one organisation.
- xii. GQ said that she was supportive as it was best for the children of Wales but some discomfort remained that due to timing the usual governance route of a full discussion at a Board meeting was not able to take place.

- xiii. The Chair referred to responses received from other members (5 responses were received) which were all in principle supportive of the addition of play workers but that additional resources would be required for the organisation should further work be expected to support the sector.
- ix. In response to comments from other members GH wanted to provide reassurance that there has been a move towards a strategic direction for funding on a 3-year basis. In terms of questions on the registration of playwork settings with CIW currently not all providers are registered but it is a conversation that can be held with CIW in future, however closed access which provides most of the provision are mostly registered with CIW.
- x. The Chair thanked GH for the update and asked GQ and EB to confirm whether they were content to support the inclusion of playwork workers in the social care worker definition in RISCA, both indicated their support and therefore was **approved** by the Chairs Action group.



CYFARFOD / MEETING	Board meeting				
	PREIFAT / PRIVATE		CYHOEDDUS / PUBLIC		
			√		
DYDDIAD / DATE	21.07.22				
EITEM AGENDA AGENDA ITEM	8				
TEITL / TITLE SCW/22/21	Business Plan 2022-23: Quarter 1 update				
AWDUR / AUTHOR	Sue Evans, Chief Executive				
CYFRANIADAU GAN/ CONTRIBUTIONS FROM:					
PAPURAU CEFNOGOL / SUPPORTING PAPERS	Appendix 1 – Business Plan Progress: 3 months update Appendix 2 – Budget Report for the period to 30 June 2022 Appendix 3 – HR Quarter 1 performance dashboard				
GWEITHGAREDD CYNLLUN BUSNES / BUSINES PLAN ACTIVITY	All Business plan activities.				
GWEITHRED / ACTION REQUIRED	CYMERADWYAETH / APPROVAL	DARPARU LLYW / PROVIDE A STEER	DARPARU SICRWYDD / PROVIDE ASSURANCE	TRAFODAETH / DISCUSSION	CRAFFU / SCRUTINISE
	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
ARGYMHELLIAD / RECOMMENDATION	Members are asked to <b>scrutinise</b> and <b>approve</b> the progress against the Business Plan 2022-23 at the three-month stage.				
PRIF BWYNTIAU; MATERION ALLWEDDOL I DYNNU SYLW ATYNT; CWESTIYNAU I'W YSTYRIED  MAIN POINTS; KEY ISSUES TO DRAW TO ATTENTION:	This performance report provides an update against: <ul style="list-style-type: none"><li>progress against all priority themes including exception reporting of amber and red activities in Appendix 1</li><li>our financial position at three months in Appendix 2</li><li>HR Quarter 1 performance dashboard</li></ul>				

<b>QUESTIONS TO CONSIDER</b>	
<b>ASESIADAU EFFAITH / IMPACT ASSESSMENTS</b>	Impact assessments are completed for specific pieces of work.

## Business Plan 2022-23: Quarter 1 update

### 1. Purpose of report and recommendation

- 1.1 This report provides Members with the quarter 1 performance progress against our 2022-23 business plan.
- 1.2 A short performance analysis from the Leadership Team is included for each priority theme and exception reporting of amber and red activities.
- 1.3 At the three months stage the majority of activities are progressing well and to plan. The performance analysis for each priority theme provides further information on any amber targets.
- 1.4 Members are asked to consider and approve the progress against the Business Plan 2022-23 at the three-month stage.

### 2. Context

- 2.1 The Business Plan 2022-23 sets out our priority themes, activities and budget for the year. It is the tool through which our Board and the Welsh Government monitor our performance in delivering the targets set.
- 2.2 Since the Board meeting in April 2022 two additional business plan activities have been approved by Welsh Government which includes additional funding. These activities relate to:
  - Social Care innovation and research
  - Rapid scoping study for supporting improvement in services for vulnerable children and families
- 2.3 Within this paper we have outlined these additional high-level activities which will be included within our Business Plan. These activities will be included within the performance framework from quarter 2 onwards.

### 3. Performance against business plan as at three months

- 3.1 As at three months the overall status of Social Care Wales's progress against activities is:

	Activities	On track	Requires additional support	Major concerns
<b>Business plan targets</b>	51	47	4	-
% as at 3 months		<b>92%</b>	<b>8%</b>	-

- 3.2 The indicators used in this report is to assess how well we are performing as an organisation to deliver the activities in the Business Plan 2022-23. The indicators provide quantitative data on our activities and outputs, assist in assessing if key milestones are met, compliance with legislation/regulations and whether remedial action is required in certain areas.
- 3.3 A more detailed narrative is only provided on targets and activity which require additional support or where we have major concerns.

#### **4. Role of the Board**

- 4.1 Two of the four collective responsibilities of the Board, as set out in the Governance Framework, is to:
- make sure that Social Care Wales' activities are conducted efficiently and effectively
  - monitor performance to ensure that Social Care Wales fully meets its aims, objectives and performance targets.



## Priority theme 1: social care and early years workforce

### Quarterly Data Set

Performance Indicators / Milestones / Outputs	QTR 3 21/22	QTR 4 21/22	QTR 1 22/23	Comparator / Target
Processing times of applications (From complete form being received to registration being granted/renewed)	86.20%	74%	59%	90% within 5 days
Number of open applications (This includes all applications submitted including those awaiting further information etc)	523	1920	3641	Less than 600 open at any one time
Numbers of the new groups on the Register	234	897	1682	On-going
Numbers of total registered – Adult Care Home Workers (ACHW)	1409	2306	3988	On-going
Number of fitness to practise cases open	294	306	323	Last quarter
Percentage of active cases open longer than 18 months	9.70%	13%	15%	Less than 10%
Number of active cases open longer than 18 months	29	39	49	Previous quarter

Number of appeals lodged to Care Standards Tribunal (CST) and % upheld	1 (withdrawn)	0	0	Previous quarter
Hearings Held	89	60	71	Previous quarter
Claims for certification are approved/rejected within 10 working days	100%	100% (2551 applications processed for 21/22)	100%	90% within 10 working days
No. enrolled for the new digital version of the Social Care Worker card	19,050	22,186	24,684	Increase the number from 22,000 figure to 34,000 by year end.
Digital learning data	-	-	<b>Digital technology</b> = 7 users completed; 45% of people will use technology in their day-to-day work  <b>Introduction to Infection, Prevention and Control</b> = 128 learners completed; 45% of learners agree their understanding has improved following learning  <b>Basic knowledge and application of Infection, Prevention and Control</b> = 87 learners completed; 51% of learners agree their understanding has improved following learning  <b>Sound knowledge and understanding of Infection,</b>	Baseline data

			<b>Prevention and Control = 99</b> learners completed; 53% of learners agree their understanding has improved following learning  <b>Group A Safeguarding eLearning =</b> 1,189 certificates issued following successful completion of module	
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### Performance Analysis

During Quarter 1 the number of applications increased significantly from the previous quarter with 3641 open applications compared with the previous figure of 1920. The average time to process applications is currently at 22 days. The increase in applications and the knock-on effect to meeting target timescales is as expected. We have held nearly 100 engagement events to promote the date for registering adult care home workers and the engagement has clearly helped to encourage such a high volume of applications.

The number of open investigations is increasing steadily to 323 cases with 157 of those relating to domiciliary care workers. Additionally, there was a jump of 10 in the number of active cases open longer than 18-months.

It is anticipated that these patterns will continue during the year, with the expansion of the Register bringing significant operational challenges during the first three quarters of 2022/23; these challenges are not unexpected as previously reported to Board. In the longer term the planned expansion of teams, allied to system changes such as those recommended by the Fitness to Practise (FtP) Review, should return these metrics to expected levels in 2023/24. We are already seeing positive effects of the streamlining of our hearings processes both in workload efficiencies and financial savings.

During this challenging period, our focus will be to firmly promote public protection by prioritising high risk cases.

Business plan activity	Narrative	Quarter 1	Quarter 2 Predicted status
Maintain an accurate Register of social care workers	We are experiencing very high volume of applications, so as expected the performance targets have been impacted. For this quarter 59% of applications were registered within 5 days, and 38.3% applications processed within 5 days of receipt (processed means being worked on by a processor with the applicant being informed of the status). There are 3,641 outstanding applications. This is significantly more than our business-as-usual target, but due to adult care home worker registration we aren't in a business-as-usual period at the moment		
Undertake investigations of allegations against social care registered professionals	The number of open investigations is increasing steadily to 323 cases with 157 of those relating to domiciliary care workers. There is also a turnover of staffing within the Fitness to Practise team but recruitment to new and vacant posts is underway. All high-risk cases are allocated.		

### Scheduled Marcomms Activities – Promoting our resources and outputs

Marcomms Activity	Quarter 1
Promote the date for registering adult care home workers and revise messages as needed	Have held almost 100 events to-date. For the next quarter we are expecting to run over 30 registration surgeries. We have had very positive feedback on the paper welcome pack, as well as significant numbers viewing the videos produced. The amount of engagement has clearly helped to encourage such a high volume of applications to-date.
Press releases to alert media to fitness to practise hearings (pre-hearing)	On-going
Events for registered people	Reconnect to innate resilience programme for registered people (January to May 2022)  51 participants over 8-week programme period

	For those attending 3 or more sessions, wellbeing improved significantly, with the average level of wellbeing rising from 3.1 (out of 5) to 3.7
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Strategic risks	Inherent score	Residual score
There is a risk that IF our wellbeing interventions are not effective, THEN they will not be adopted or accessed, RESULTING in reputational risk to Social Care Wales over our effectiveness and value for money.	Yellow (12)	Green (6)
There is a risk that IF the extension of the register is not aligned with commensurate awareness of regulatory principles, processes and procedures amongst the workforce and providers, THEN there will be potential for inappropriate individuals remaining working in the sector, RESULTING in harm to individuals and to the reputation of Social Care Wales.	Yellow (12)	Yellow (8)
There is a risk that IF the extension of the register is not aligned with increased efficiencies to allow for the expected proportionate fall in income, THEN there will be potential for funds being diverted from other functions of the organisation, RESULTING in inability of Social Care Wales to deliver against its remit.	Yellow (12)	Yellow (8)
There is a risk that IF the sector and partner capacity issues remain, THEN it will not be possible to implement changes or improvements in a timely manner, RESULTING in slow turnaround of projects, a disenfranchised workforce, a risk of harm to the public and significant reputational damage for Social Care Wales.	Yellow (12)	Yellow (12)

## Priority theme 2: social care and early years managers, leaders and owners

### Quarterly Core Data Set

Performance Indicators / Milestones / Outputs	QTR 3	QTR 4	QTR 1	Comparator / Target
	21/22	21/22	22/23	
WeCare website visitors	-	-	33,412	Baseline data
Jobs portal views	6123 (a combined figure between registered employers and job seekers)	6922 (a combined figure between registered employers and job seekers)	19,664 views of the jobs portal	Baseline data
Jobs Portal – Published jobs	-	-	1856	Baseline data
Jobs Portal - Applications	-	-	113	Baseline data
Introduction to Social Care Cohort data	-	-	177 learners completed the training to end of June  Website visits increased by 100% from 732 visits in April to 1500 visits in May	Baseline data
No of Ambassadors	-	-	7 regions have adopted the programme. Being run on a regional level	In discussion with regions on data collection
Support workshops to employers and learning providers	-	-	Monthly employer engagement workshops in April, May and June; Best Practice network June.	Baseline data (also including feedback on effectiveness of event engagement)

Number of Early Years and Childcare (EYCC) qualification queries received	-	-	29 to <a href="mailto:eycc@socialcare.wales">eycc@socialcare.wales</a> We have identified the vast majority of queries are in relation to equivalency from other home countries Systems have been put in place to support processing	Baseline data (also including average response times)
Number of interactions with the EYCC All Wales Induction Framework (AWIF)	-	-	1115 page views 789 unique views 26 certificates of completion (Jan 2022 - June 2022)	Base line data

### Performance Analysis

All activities across this priority area are progressing to plan.

Workshops to support employers and learning providers have taken place in quarter 1 to increase understanding of the Learner Journey and share learning/best practice across the sector. Registration colleagues have also joined the employer engagement workshops to support with registration queries.

The number of Childcare Play Learning and Development (CCPLD) apprenticeship frameworks completed is down compared to this period last year and previous years. There is a natural reduction in completion of the legacy frameworks and an increase in the completion of the current frameworks at levels 2 and 3. Levels 4 and 5 were started later (2020) and there have not been any completions to date.

We have been supporting employers to consider and adopt values-based approaches within their work. Training has been completed with employers and considerations will be made about next steps. 1 taster session and 4 workshops were held with a total of 217 people present across all sessions.

We continue to roll out the Introduction to Social Care training programme across Wales which is building momentum. Work has been carried out in order to target various audience groups including those from ethnic minorities, Ukrainians and younger people via the Princes Trust etc. 177 people completed the training up to the end of June with the website visits increasing by 100% from 732 visits in April to 1500 visits in May.

The 2022 Accolades were well-received by those who attended, with an average score of 9.2 being given for the awards ceremony. There were very few suggestions for improvement in 2023, but there will be a meeting in the next quarter to gather any further feedback about the judging and marking processes. There will also be a meeting of the internal working group to discuss categories and judges for 2023.

### Scheduled Marcomms Activities to promote our products and outputs

Marcomms Activity	Quarter 1
Recognise the value of the workforce through organising the 2023 Accolades	Evaluation score for the event was 9.2.
Deliver on an attraction, recruitment, retention framework for social care, early years and childcare	Support employers to consider and adopt values based approached within their work - 1 taster and 4 sessions held with a total of 217 people present across all sessions.
Updating five of our mobile apps for Apple and Android users and making them more accessible: Code of Professional Practice plus easy-read version; Code of Practice for employers; the Domiciliary Care Manager and the Social Care Manager	All successfully reviewed and updated. We will be able to provide further analytics in the next quarter.
Employer events	<p>Marie Curie Bereavement webinar for social care managers (funded by Social Care Wales)</p> <p>41 attendees over 4 webinars (quite a high dropout rate as each webinar could accommodate 30 and were fully booked)</p> <p>74% would highly recommend 44% of attendees feel better equipped</p>

Strategic risks	Inherent score	Residual score
There is a risk that IF the pay, reward and conditions for care and early years workers are not addressed, THEN our routine activities will be adversely impacted by increased social care worker turnover, RESULTING in reduced effectiveness and efficiency in terms of our value for money and improvement activities	Orange (16)	Yellow (12)



There is a risk that IF the sector is unable to attract and retain sufficient workers, THEN services will not have the capacity to provide the level and standard of care required, resulting in potential harm due to loss of service provision and quality	Yellow (12)	Yellow (9)
There is a risk that IF Social Care Wales do not strengthen the connection/relationship with employers, THEN the impact and Value for Money (VFM) of our recruitment/retention campaigns may be lost, RESULTING in the impact and value of our activities being lost	Yellow (12)	Yellow (8)
There is a risk that IF Social Care Wales do not develop a proportionate and positive set of expectations for registered people, such as CPD, THEN care workers and employers will struggle to deliver requirements, RESULTING in a loss of confidence in regulation and an increase in remedial actions required by employers, workforce and social Care Wales	Yellow (12)	Green (6)
There is a risk that IF we do not develop and maintain our social care and health networks and stakeholders, THEN we will not contribute to the aspiration of developing one public service RESULTING failure to support the wider programme for government and achieve best outcomes of the people of Wales	Orange (16)	Yellow (12)

## Priority theme 3: strategic leaders and stakeholders

### Quarterly Data Set

Performance Indicators / Milestones / Outputs	QTR 3	QTR 4	QTR 1	Comparator / Target
	21/22	21/22	22/23	
Data from Portal	-	-	No data – officers will discuss with Grant Thornton on data collection	TBC to develop baseline
Workshops and events	-	-	Aspiring middle manager programme - Workshops have been held as part of the development phase	Ongoing

### Performance Analysis

We launched the continuity portal in June. We've distributed a survey and arranged some engagement events to gather feedback on the continuity portal and shape the improvements being planned for Phase 2 of the portal (the discovery portal).

We have commissioned a provider to develop and deliver an aspiring middle manager programme. Workshops have been held as part of the development phase and we have established an advisory group for the collective leadership programme. We have agreed a dedicated space for our leadership work on the Gwella health and social care leadership portal.

Social Care Institute for Excellence (SCIE) produced evidence summaries on trauma informed approaches and mental capacity for us this quarter. Work continues to establish the Evidence Community together with our advisory group, with an event held in Quarter 1 and further planning with researchers will continue in Quarter 2.

Business plan activity	Narrative	Quarter 1	Quarter 2 Predicted status
Develop the data discovery platform	Predicted Amber for quarter 2 - We launched the continuity portal in June. We've distributed a survey and arranged some engagement events to gather feedback on the continuity portal and shape the improvements being planned for Phase 2 of the portal (the discovery portal). Executive Management Team (EMT) has approved the internal 'data as an asset' report. The Leadership team will discuss the recommendations in July. We're continuing with our work to provide better Fitness to Practise data in parallel.		
Co-design and launch of the Social Care Research and Development Strategy	Predicted Amber for quarter 2 - We will begin this work in Q2. We are exploring the opportunity to develop a strategy that incorporates both research and innovation, now that we have had innovation approved. This would allow us to develop a joined-up strategy which would make more sense to people working in social care. From a practical perspective it would also lessen the burden on people working in social care. We have marked quarter 2 as amber as our Research Manager will not be starting until quarter 3 and they an important resource in driving this work forward.	To start in quarter 2	
Leading the strategic approach to social care data in Wales	Predicted amber for Quarter 2 - We have not commissioned this work yet - it's important to make sure it works for our stakeholders, and we will be raising it with the Association of Directors of Social Services (ADSS) Cymru in early July. We are going to recommend that we move quickly to 'trailblazer' projects in data sharing that will help current operational imperatives, while supporting the delivery of the Statement of Strategic Intent and high-level roadmap. We prepared an Invitation to Tender for the citizens' juries in Quarter 1. However, we are engaged in discussions with the Digital team in Welsh Government about adopting a deliberative approach to support the Data Promise project. We will decide in Quarter 2 whether to go ahead with a specific social care project, or whether to jointly run this process to cover both health and social care.		

**Scheduled Marcomms Activities on promoting products and outputs**

<b>Marcomms Activity</b>	<b>Quarter 1</b>
Data portal and promoting data work	Data portal launched

<b>Strategic risks</b>	<b>Inherent score</b>	<b>Residual score</b>
There is a risk that IF the pay, reward and conditions for care and early years workers are not addressed, THEN our routine activities will be adversely impacted by increased social care worker turnover, RESULTING in reduced effectiveness and efficiency in terms of our value for money and improvement activities	Yellow (9)	Green (6)
There is a risk that IF the sector is unable to attract and retain sufficient workers, THEN services will not have the capacity to provide the level and standard of care required, resulting in potential harm due to loss of service provision and quality	Yellow (12)	Yellow (12)

## Priority theme 4: the Social Care Wales workforce

### Quarterly Data Set

Performance Indicators / Milestones / Outputs	QTR 3 21/22	QTR 4 21/22	QTR 1 22/23	Comparator / Target
Surveys of stakeholder perceptions relating to awareness, understanding and support among key stakeholders held	Wales Omnibus Survey	MS Survey delayed	MS Survey carried out in April and May.	Maintain recognition position level from previous year – 39% 2021/22. Increase recognition by 3% to 42%.  Increase the % of awareness of our work from 23% to 25%.
Budget reports	N/A	2%	4%	2% cash balance achieved at the end of the financial year; 4% balance achieved on a monthly basis
Cyber resilience data	-	-	On target	
Internal audits	100%	92%	No internal audits conducted to date	80% of Internal Audit receive substantial and moderate rating
ISO27001 accreditation (Information Security Management)	Accreditation maintained	Accreditation maintained	Accreditation maintained	
Staff sickness levels	2.30%	1.78% This is the figure for the whole year	2.38%	Less than 3%
Staff Turnover	8%	9%	15.52%	Less than 15%

## Performance Analysis

The Strategic plan was launched in April at an event in the Senedd with 10 MS's attending. Work has begun on developing the data collation and information to support impact report analysis which will be discussed in quarter 2 for the publication of our annual impact report in quarter 3.

The ISA 260 which reports on the audit of the Annual Accounts by Audit Wales has been received and gives a clean audit opinion and reports that there were no material misstatements. Accounts on track to be signed by the Auditor General on the 29 July

The new 5-year Learning and Development Strategy has been developed, setting our corporate learning priorities for the next 5 years and a set of programmes and activities to support delivery. This was approved at EMT on 11 April. The Hybrid Working policy has been approved by EMT and work is ongoing on its effective implementation.

Staff turnover has increased above our target of less than 15%. 6 employees left the organisation this quarter, which is two more than during the same period last year; 2 were retirements and 4 left for new jobs (one of which was relocating overseas). Following analysis, we have not identified any particular trends to the higher turnover.

Due to the volume of vacancies that we are planning to advertise this year, we have engaged with a recruitment partner to support the delivery of our recruitment needs, initially for a 6-month period. In Quarter 1, prior to appointing a recruitment partner we advertised and closed 9 vacancies and have another 7 currently live through our new recruitment partner.

Business plan activity	Narrative	Quarter 1	Quarter 2 predicted status
Implement our Digital strategy	Job descriptions for digital team posts have been developed. Currently being reviewed along with advice from Digital architect, Digital learning advisor and recruitment partner. Aim for recruitment July onwards. CARREG work programme produced and oversight on progress by monthly CARREG steering group and feeds into the effective and efficient programme board.		

Maintain compliance with statutory organisational requirements and organisational standards	Quarterly report on data/security incidents = 4. Minor incidents and none reported to ICO. 0 stage 2 complaints. 2 stage 1. 2 Fols received and in process of responding within timescales. Organisational policy register scrutinised by Audit and Risk Committee in June. Target marked as amber as there are a number of policies which require review, but we have timescales against when they will be going through the approval process which was discussed at Audit and Risk Committee		
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### Scheduled Marcomms Activities on promoting products and outputs

Marcomms Activity	Quarter 1
Publication of Strategic Plan	Launch event held at Senedd with Deputy Minister launching the Strategic Plan. 10 MS's attended the event
Update and maintain main website	On-going
Promote work to highlight our approach to equality – Pride month	Message from CEO on social channels Change to corporate logo Internal briefings

Strategic risks	Inherent score	Residual score
There is a risk that IF Welsh Government funding does not align to the scope and future changes to our remit, THEN we will see a lack of resources and limited capacity to invest in non-statutory activities RESULTING in Social Care Wales being unable to fulfil its role to lead in evidence-based practice being development within the sector	Yellow (9)	Green (6)
There is a risk that IF Social Care Wales fail to create effective regulatory systems and processes, THEN objectives will not be met, risks may go unmanaged and/	Red (20)	Green (6)

or data inappropriately accessed, RESULTING in potential harm to individuals and reputational damage.		
There is a risk that IF our cyber detection, prevention and response arrangements are inadequate, up to date and effective, THEN our systems may be compromised RESULTING in a permanent or sustained loss of data, systems and processes preventing us performing our functions	Red (25)	Red (20)
There is a risk that If new models of care are not researched and promoted in response to the impacts of climate change, THEN the demand for social care will increase RESULTING in cost and capacity issues that are unmanageable for the sector without significant increase in capacity and changes to delivery models services	Orange (16)	Orange (16)
There is a risk that IF we can't recruit the right people, with the right skills, THEN it will be difficult to support sustained change and improvement within the sector, RESULTING in substandard delivery of our services and the sector as a whole.	Yellow (12)	Yellow (9)
There is a risk that IF the current pandemic prevalence continues to impact services, THEN Social Care Wales will continue to focus on response reactions to immediate short term crisis management RESULTING in reduced oversight of workforce and loss of longer-term improvement initiatives	Orange (16)	Orange (16)



## **Addendum to Business Plan activities 22/23**

Additional high-level activities for inclusion within Business Plan following receipt of additional funds. The reporting on progress for accountability will be included in future quarterly performance reporting. The high-level activities are below along with current outputs from this work.

### **Social care innovation**

#### **Policy framework**

- Approach to supporting innovation in social care co-designed with stakeholders
- Policy developments informed by authentic social care voice
- Programme management and engagement model and advisory panel established
- Evaluation criteria and process developed
- Overarching innovation community established

#### **Support for innovation**

- Overarching innovation community established
- focussed communities in partnership established
- Digital community management approach and products produced
- Digital platform to support data, evidence and innovation established

#### **Targeted investment for innovation**

- Co-design approach for identifying areas for targeted investment co-designed
- Innovation investment identified with Welsh Government

#### **Promoting and rewarding innovation**

- Approach for promoting and rewarding innovation co-designed with digital communities
- Approach aligned with the national commissioning framework
- Innovation priorities aligned with the Social Care Accolades

#### **Skills and capacity**

- Increase internal capacity to deliver work
- An innovation skills framework for social care co-produced and published
- Recommendations made for professional development

#### **Working in partnership**

- Implementation approach implemented for evidence-based guidelines
- Partnerships developed with organisations in wider innovation ecosystem
- Partnerships developed with key social care organisations to align approaches
- Research approach scoped and co-designed

### **Research approach scoped and co-designed**

- Research approach scoped and co-designed

### **Rapid scoping study for supporting improvement in services for vulnerable children and families**

- Rapid scoping study commissioned
- Scoping exercise held with key individuals and groups (initially within statutory sector)
- Report produced
- Implementation plan with clear priorities for action agreed

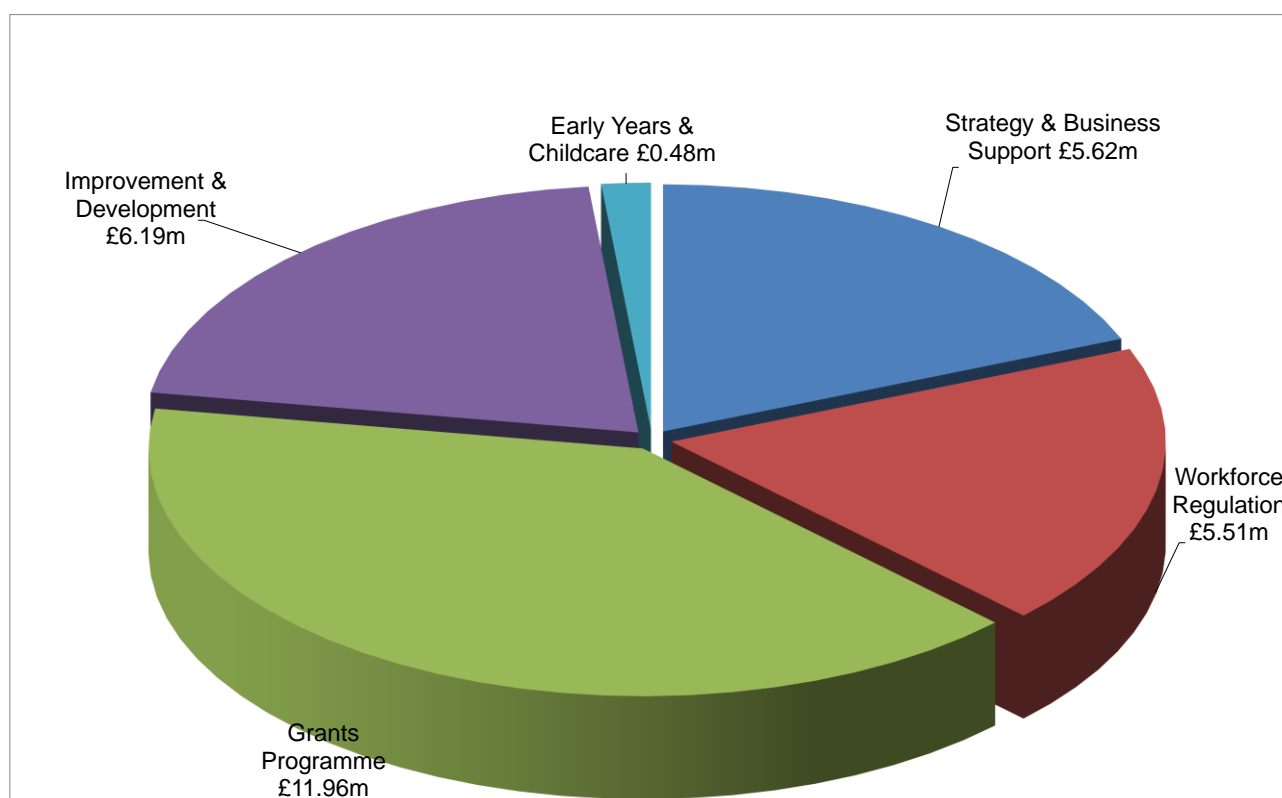
## Budget Report for the period to 30 June 2022

This is the first budget monitoring quarterly report for the financial year 2022-23. The report covers income and spend for the first three months to 30 June 2022. The report is based on a total annual budget of £29,760,000. This is financed from £26,569,000 initial Grant in Aid (including £450k internal carry forward), £2,102,000 registration fee income, £40,000 Apprenticeship certification income and £73,000 in relation to our Workforce Strategy Mental Health Work. In addition, Foundation Economy funding of £125,000 has been allocated for the introduction to Social Work Training programme and we will be in receipt of £180,000 from Digital and Health Care Wales for National Data Resource.

In the first quarter of the financial year additional Grant In Aid was allocated of £646,000 for our Innovation work and £25k for a Children and Young People services transformation pilot.

The final total annual budget differs from the financial allocations presented as part of the draft Business Plan previously presented to Board due to the additional funding awarded noted above, confirmation of an increased allocation for our Early Years and Childcare work and finalisation of budgets with budget holders. In addition, an 8% vacancy factor (previously 4%) has now been assumed in relation to the Salary Budget.

The amended financial allocations are as follows :-



## Appendix 2

	Financial Allocations as per draft Business Plan	Final Financial allocations	Reallocation
<b>Total Income</b>	<b>£28,949,000</b>	<b>£29,760,000</b>	<b>£811,000</b>
Grants Programme	£11,998,000	£11,961,000	(£37,000)
Workforce Regulation	£5,783,000	£5,514,000	(£269,000)
Improvement and Development	£5,233,000	£6,184,000	£951,000
Early Years and childcare	£345,000	£478,000	£133,000
Strategy and Business Support	£5,590,000	£5,623,000	£33,000
<b>Total Expenditure Budget</b>	<b>£28,949,000</b>	<b>£29,760,000</b>	<b>£811,000</b>

A high-level summary of performance for the financial year is reported below and a more detailed analysis is also attached: -

Financial Summary to 30 June 2022					
	Annual Budget	Actual YTD	Budget YTD	Variance	Predicted outturn
	£'000	£'000	£'000	£'000	£'000
<b>Income</b>	29,760	2,574	2,584	(10)	29,760
<b>Expenditure</b>					
Grants Programme	11,961	47	67	20	11,961
Workforce Regulation	5,514	970	1,068	98	5,514
Improvement and Development inc Res and Data	6,184	830	930	100	6,184
Early Years and Childcare	478	87	98	11	478
Strategy and Business Support	5,623	976	986	10	5,623
<b>Totals</b>	<b>29,760</b>	<b>2,910</b>	<b>3,149</b>	<b>239</b>	<b>29,760</b>

### Income Analysis

Income	Annual Budget £'000	Actual YTD £'000	Budget YTD £'000	Variance £'000	Predicted Income £'000
<b>Grant In Aid</b>	26,569	2,100	2,100	0	26,569
<b>Additional Funding- Innovation</b>	646	0	0	0	646
<b>Additional Funding- Transform Pilot</b>	25	0	0	0	25
<b>Additional Funding-Intro to Social Care</b>	124	0	0	0	124
<b>Additional Funding -NDR</b>	180	0	0	0	180
<b>Apprenticeship Certificate Income</b>	40	5	12	(7)	35
<b>Registration Fee Income</b>	2,102	465	472	(7)	2,102
<b>Mental Health Workforce</b>	73	0	0	0	73
<b>Other Income</b>	0	4	0	4	5
<b>Total Income</b>	<b>29,760</b>	<b>2,574</b>	<b>2,584</b>	<b>(10)</b>	<b>29,760</b>

£10k of Income has been received less than budgeted in the financial year. This predominately relates to Registration Income and Apprenticeship Certification Income being lower than budgeted. The Apprenticeship Certification income variance reflects the suspension of essential skills as a mandatory element of the apprenticeship qualifications which has led to a drop in certification. The outturn prediction has been reduced but it is predicted that in totality income will be as budgeted at the end of the financial year.

### Expenditure Analysis

As at the end of the first quarter there was an underspend of £239k against budget. There were underspends in all budgets, but the most significant variances were in the Workforce Regulation and Improvement and Development budgets. Analysis in respect of the main headings is provided below: -

Expenditure	Annual Budget	Actual YTD	Budget YTD	Variance	Predicted Outturn
	£'000	£'000	£'000	£'000	£'000
<b>Grants Programme</b>					
SCWWDP	7,149	-	-	-	7,149
People Using Services and Carers	68	-	-	-	68
Regional Facilitation	1,465	-	-	-	1,465
Student Funding	2,050	38	45	7	2,050
PLOF	1,215	9	22	13	1,215
SfCD	14	-	-	-	14
<b>Sub-total</b>	<b>11,961</b>	<b>47</b>	<b>67</b>	<b>20</b>	<b>11,961</b>

- The Grants Programme shows an underspend of £20k with underspends in the Student Funding (Bursaries) and Practice Learning Opportunity Funding budgets (PLOF). These variances are a matter of timing and at this time it is projected that the budget will be spent in full. At the mid-year point we will have a clearer picture of student uptake of bursaries and the outturn will then be amended accordingly

Expenditure	Annual Budget	Actual YTD	Budget YTD	Variance	Predicted Outturn
	£'000	£'000	£'000	£'000	£'000
<b>Workforce Regulation</b>					
Administration	105	17	26	9	105
Hearings	903	116	130	14	903
Projects	292	-	-	-	292
Salaries	4,214	837	912	75	4,214
<b>Sub-total</b>	<b>5,514</b>	<b>970</b>	<b>1,068</b>	<b>98</b>	<b>5,514</b>

- The Workforce Regulation budget has a £98k underspend with the majority of the underspend relating to the Salaries budget. This reflects in the majority savings in

relation to Panel Member salaries but in addition salary vacancy being higher than the 8% budgeted for.

- There is an underspend in the Hearings budget reflecting the streamlining of more cases. This budget will be closely monitored in the next few months and at the midterm point, with a clearer picture emerging regarding future hearings, a prediction regarding future outturn can be calculated more accurately

Expenditure	Annual Budget £'000	Actual YTD £'000	Budget YTD £'000	Variance £'000	Predicted Outturn £'000
<b>Improvement and Development</b>					
Administration	37	9	7	(2)	37
Intelligence and Data Admin	31	3	1	(2)	31
Projects	3,146	186	293	107	3,146
Salaries	2,970	632	629	(3)	2,970
<b>Sub-total</b>	<b>6,184</b>	<b>830</b>	<b>930</b>	<b>100</b>	<b>6,184</b>

- The Improvement and Development budget was underspent by £100k primarily due to underspends in the projects budget but this is a matter of timing. A major contributor to the underspend is in relation to a delay in Phase 2 of the Data Portal project.

Expenditure	Annual Budget £'000	Actual YTD £'000	Budget YTD £'000	Variance £'000	Predicted Outturn £'000
<b>Early Years and Childcare</b>					
Projects	169	22	21	(1)	169
Salaries	309	65	77	12	309
<b>Sub-total</b>	<b>478</b>	<b>87</b>	<b>98</b>	<b>11</b>	<b>478</b>

- The Early Years and Childcare was underspent by £11k due to a delay in the recruitment of one post to the team however it is anticipated that this budget will be fully spent at the end of the financial year.

Expenditure	Annual Budget £'000	Actual YTD £'000	Budget YTD £'000	Variance £'000	Predicted Outturn £'000
<b>Strategy and Business Support</b>					
Premises	584	149	148	(1)	584
Governance	93	24	21	(3)	93
Communications	143	35	47	12	143
Carreg and IT	1,066	145	152	7	1,066
Digital	127	-	-	-	127
Finance & Grant Admin	9	-	-	-	9
Human Resources	290	41	43	2	290
Projects	485	11	19	8	485
Salaries	2,827	572	557	(15)	2,827
<b>Sub-total</b>	<b>5,623</b>	<b>976</b>	<b>986</b>	<b>10</b>	<b>5,623</b>

- Strategy and Business support shows an underspend of £10k but it is still anticipated that this budget will be fully spent at the end of the financial year.

Therefore, despite the underspend of £238k to date, at this point we are still predicting a break-even position at the end of the financial year

We will be closely monitoring all budgets in the next quarter in respect of actual and projected underspends to inform outturn position at the mid-year point. At the mid-year point we will have a clearer picture of progress on recruitment, likely uptake of bursaries and Panel hearing activity for the financial year.

## Financial Summary to 30 June 2022

Income	Annual Budget £'000	Actual YTD £'000	Budget YTD £'000	Varian ce £'000	Predicted Income £'000
Grant In Aid	26,569	2,100	2,100	0	26,569
Additional Funding- Innovation	646	0	0	0	646
Additional Funding- Transform Pilot	25	0	0	0	25
Additional Funding-Intro to Social Care	124	0	0	0	124
Additional Funding -NDR	180	0	0	0	180
Apprenticeship Certificate Income	40	5	12	(7)	35
Registration Fee Income	2,102	465	472	(7)	2,102
Mental Health Workforce	73	0	0	0	73
Other Income	0	4	0	4	5
<b>Total Income</b>	<b>29,760</b>	<b>2,574</b>	<b>2,584</b>	<b>(10)</b>	<b>29,760</b>

Expenditure	Annual Budget £'000	Actual YTD £'000	Budget YTD £'000	Varian ce £'000	Predicted Outturn £'000
<b>Grants Programme</b>					
SCWWDP	7,149	-	-	-	7,149
People Using Services and Carers	68	-	-	-	68
Regional Facilitation	1,465	-	-	-	1,465
Student Funding	2,050	38	45	7	2,050
PLOF	1,215	9	22	13	1,215
SfCD	14	-	-	-	14
<b>Sub-total</b>	<b>11,961</b>	<b>47</b>	<b>67</b>	<b>20</b>	<b>11,961</b>
<b>Workforce Regulation</b>					
Administration	105	17	26	9	105
Hearings	903	116	130	14	903
Projects	292	-	-	-	292
Salaries	4,214	837	912	75	4,214
<b>Sub-total</b>	<b>5,514</b>	<b>970</b>	<b>1,068</b>	<b>98</b>	<b>5,514</b>
<b>Improvement and Development</b>					
Administration	37	9	7	(2)	37
Intelligence and Data Admin	31	3	1	(2)	31
Projects	3,146	186	293	107	3,146
Salaries	2,970	632	629	(3)	2,970
<b>Sub-total</b>	<b>6,184</b>	<b>830</b>	<b>930</b>	<b>100</b>	<b>6,184</b>
<b>Early Years and Childcare</b>					
Projects	169	22	21	(1)	169
Salaries	309	65	77	12	309
<b>Sub-total</b>	<b>478</b>	<b>87</b>	<b>98</b>	<b>11</b>	<b>478</b>
<b>Strategy and Business Support</b>					
Premises	584	149	148	(1)	584
Governance	93	24	21	(3)	93
Communications	143	35	47	12	143
Carreg and IT	1,066	145	152	7	1,066
Digital	127	-	-	-	127
Finance & Grant Admin	9	-	-	-	9
Human Resources	290	41	43	2	290
Projects	485	11	19	8	485
Salaries	2,827	572	557	(15)	2,827
<b>Sub-total</b>	<b>5,623</b>	<b>976</b>	<b>986</b>	<b>10</b>	<b>5,623</b>
<b>Total Expenditure</b>	<b>29,760</b>	<b>2,910</b>	<b>3,148</b>	<b>238</b>	<b>29,760</b>

## HR Quarter 1 performance dashboard

Key achievements in Quarter 1	Priority focus for Quarter 2
<ul style="list-style-type: none"> <li>• We have appointed a supplier to support our recruitment activity this year.</li> <li>• We have developed a year one action plan to support delivery of our Learning &amp; Development Strategy</li> <li>• We have undertaken an equal pay review.</li> <li>• Desktop Software Training contract awarded</li> <li>• HR System upgraded which offers more functionality</li> </ul>	<ul style="list-style-type: none"> <li>• Supporting further recruitment to the organisation by working in partnership with our external provider</li> <li>• Progressing activities in our Learning and Development Plan with a specific focus on the skills analysis.</li> <li>• Undertaking listening exercises to kick start development of our Health and Wellbeing Strategy</li> </ul>
Staff turnover	Staff absence
<p>Our year-to-date turnover rate is 15.52%</p> <p>Our target turnover rate is to remain under 15% for the year.</p> <p>We have had 6 leavers this year.</p>	<p>We have stayed within our &lt;3% target for absences excluding long term sickness.</p> <p>Our overall absence rate is 2.38%</p> <p>Total excluding long term absence is 1.5%.</p>





<b>Cyfarfod / Meeting</b>	<b>Board meeting</b>				
<b>Lefel dosbarthiad / Openness Level</b>	<b>Preifat / Private</b>		<b>Cyhoeddus / Public</b>		
	<input type="checkbox"/>		<input checked="" type="checkbox"/>		
<b>Dyddiad / Date</b>	<b>21.07.22</b>				
<b>Eitem Agenda / Agenda Item</b>	<b>9</b>				
<b>Teitl / Title</b> <b>SCW/22/22</b>	<b>Draft Annual Report and Accounts 2021-22 and Audit of Accounts Report and Management Letter</b>				
<b>Awdur / Author</b>	Geraint Rowlands, Assistant Director of Finance and IT				
<b>Cyfraniadau Gan/ Contributions From</b>	Audit Wales				
<b>Papurau Cefnogol / Supporting Papers</b>	<b>Appendix 1 - Draft Annual Report and Accounts 2021-22</b>				
	<b>Appendix 2 - Audit of Accounts report and Management Letter</b>				
<b>Gweithgaredd Cynllun Busnes / Business Plan Activity</b>	Priority theme 4: Our organisation				
<b>Gweithred / Action Required</b>	<b>Cymeradwyaeth / Approval</b>	<b>Darparu Llyw / Provide A Steer</b>	<b>Darparu Sicrwydd / Provide Assurance</b>	<b>Trafodaeth / Discussion</b>	<b>Craffu / Scrutinise</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Argymhelliad / Recommendation</b>	Board is invited to <b>scrutinise</b> and <b>approve</b> the Draft Annual Report and Accounts and <b>scrutinise</b> and <b>approve</b> the Audit of Accounts report.				
<b>Prif Bwyntiau; Materion Allweddol i Dynnu Sylw Atynt: Cwestiynau l'w Ystyried</b>  <b>Main Points: Key Issues to Draw to Attention; Questions to Consider</b>	<p>The Draft Annual Report and Accounts, further to external audit, incorporate any corrections that were required to be made to the accounts.</p> <p>The Audit of Accounts Report outlines that the Auditor General intends to issue an unqualified audit report. No recommendations were raised arising from the audit work.</p>				

Goblygiadau Risg y cynigion / Risk Implications of Proposals	Teitl y Risg / Risk Title		Cyfeirnod cofrestr Risg/ Risk Register Reference	Sgoriau risg gweddilliol Residual Risk Scores	
				Cyfredol Current	Dyfodol Future
Asesiadau Effaith / Impact Assessments Considered	Cyfle cyfartal / Equality of Opportunity	Diogelu data / Data Protection		Iaith Gymraeg / Welsh Language	Arall / Other (e.g climate change / future generations)
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	Not applicable.				

## **DRAFT ANNUAL REPORT AND ACCOUNTS 2021-22 AND AUDIT OF FINANCIAL STATEMENTS REPORT AND MANAGEMENT LETTER**

### **1. Context**

- 1.1 The Draft Annual Report and Accounts are presented in Appendix 1. Further to external audit these accounts incorporate any corrections which were required to be made to the Accounts.
- 1.2 The Audit of Accounts Report and Management Letter reports that it is the Auditor General's intention to issue an unqualified audit report on the financial statements. No recommendations were raised arising from the audit work.
- 1.3 In Audit and Risk Committee the draft Audit of Accounts Report relayed two areas of work outstanding being the external audit assurance regarding the Rhondda Cynon Taff Pension Scheme and outstanding figures in relation to changes to accounting standards not yet effective (Leases). The assurance in relation to the Pension scheme has now been received as is the case in relation to the Leases figures. These are reflected in the final Audit of Accounts Report.
- 1.4 After approval by Board the Accounts are planned to be signed by the Accounting Officer on the 27 July for signing by the Auditor General on the 29 July. It is anticipated that the accounts will be laid before the Senedd Wales on the same day as they are signed by the Auditor General.
- 1.5 One section of the Annual Report and Accounts is the Performance Report which contains a Performance analysis of our performance against objectives. However, a more detailed analysis of our impact will be contained in our annual impact report. This report will be discussed at our September Board Development Session prior to publication in October 2022.

### **2. Resource implications**

- 2.1 The external audit cost of £21,543 was resourced for within the Governance budget.

### **3. Risk considerations**

- 3.1 There would be a risk to our reputation if it were the intention of the Auditor General to issue a qualified audit opinion.

### **4. Engagement**

- 4.1 The external audit involved engagement with the Finance Team but primarily the Assistant Director of Finance and IT and members of the Executive Management Team.

## **5. Impact**

- 5.1 The External Audit provides a key role in demonstrating that we are a transparent organisation and are held accountable for our decisions.

# Annual Report and Accounts 2021 – 2022

## **Regulation and Inspection of Social Care (Wales) Act 2016**

Annual Report and Accounts of Social Care Wales prepared pursuant to Schedule 2, Part 6 Paragraph 16 (1-3) of the Regulation and Inspection of Social Care (Wales) Act 2016, for the year ended 31 March 2022 together with the Report of the Auditor General for Wales thereon and laid before Senedd Cymru pursuant to the Regulation and Inspection of Social Care (Wales) Act Schedule 2, Part 6 Paragraph 16 (4)

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## Performance report

### Overview

#### Statement from the Accounting Officer

We are the national leadership organisation in Wales for social care workforce regulation, supporting service improvement through research and data, and delivering workforce development for the social care and early years sectors. Everything we do is focused on making a positive difference for high quality care and support in Wales.

This represents the fifth Annual Report and Accounts that have been prepared by Social Care Wales since our inception in 2017. This year, as all previous years, we can be pleased to have met our statutory obligations in full and to deliver meaningful support for the social care and early years sectors and those who use their services.

We have continued, despite the challenges of the period, to embed the framework to transform care and support in Wales, as set out in the Social Services and Well-being (Wales) and Regulation and Inspection of Social Care (Wales) Acts. We have worked hard with others to develop and plan the future development of social care and early years, through “A Healthier Wales” and the Welsh Government’s “10-year Childcare, Play and Early Years” workforce plan, as well as evolving partnerships across Wales.

We continue to build on our national leadership role and our relationships with the social care and early years workforce, employers and strategic leaders across Wales to improve practice, increase workforce resilience and make sure the care profession is as highly valued as it should be. Working with others is central to how we operate, and partnership has been at the heart of the delivery of our business plan in 2021-22. We are committed to working with partners to positively influence the social care and early years services to improve outcomes for children, adults, families and unpaid carers who rely on care and support. The majority of our work is produced in partnership across public, private and third sector organisations throughout Wales.

Social care and early years workers help children, young people and adults live the lives they want, supporting people to develop, remain active and independent, stay safe and well connected to their community and wider networks. They do this alongside family, friends, volunteers and other public services. Early years workers help give our children a great start in life and provide valuable support for parents.

At Social Care Wales, we will continue to do all we can for the workforce, their employers, and strategic leaders during this difficult time and help them to continue to focus on caring for and supporting some of the most vulnerable people in our communities.

**Sue Evans**

Chief Executive and Accounting Officer

Date: 27 July 2022



## Role of Social Care Wales – Who we are



## Our vision and purpose

### Our vision

is to make a positive difference to care and support in Wales for children, adults and their families and carers.

### Our purpose

We provide national leadership and expertise in social care and early years. We lead on regulating and developing the social care workforce, service improvement, data and research to improve care.

## Key issues and risks that we face

Information about our risk management and the main risks we face is provided in the Governance Statement on page 22.

The factors we think will have the greatest influence over the way we work and how we achieve our vision over the next five years are:

- the ongoing impact of Covid on the social care and early years sector alongside the continued growth in demand for social care
- remaining in a period of financial constraint for public services
- the ambitious policy landscape.

## Performance analysis

Our annual Business Plan for 2021-22 set out our strategic objectives, along with our high-level activities and achievement measures. Throughout the year, we provided quarterly reports about the progress we made against our strategic objectives to our Executive Management Team, and these are scrutinised by our Board and the Welsh Government.

Whilst many of our existing activities delivered effectively and at pace in year, we took a decision to slow down some activities and carry them forward into our business delivery for 2022-23 to make sure that the outcomes are truly co-produced with the sector. This was in recognition that continued impact on the ability within the sector to participate in the level of engagement required.

## Providing public confidence

We want people to have confidence in the social care sector and in the effectiveness of Social Care Wales.

## Registration

Registration is part of our ongoing commitment to continuously develop the social care workforce and raise the status of workers. We recognise the need to make sure we have a sufficient workforce that is ready to meet new challenges, with the right skills and confidence to practise.

With the increased size of the Register, we will continue to identify ways in which we can better interact with registered people, helping them understand the expectations and standards set by the *Code of Professional Practice* by supporting their learning and development.

**35,261** people were on our Register (as of March 2022)

## Temporary changes to registration

During the year we temporarily extended the period of registration for social care workers in Wales from three years to four years. We also made temporary changes to the continuing professional development (CPD) requirement for workers. The temporary changes mean that:

- the period of registration for all social care workers who were registered with us as of 31 March 2021 (except social work students) is being extended from three to four years
- the amount of CPD workers have to complete during their registration period (90 hours) is not increasing and will stay the same for the four-year period
- any worker who worked through the pandemic will automatically achieve 50 per cent of their CPD requirement for re-registration – these workers will only have to complete an additional 45 hours of CPD to reach the 90 hours required.

These changes reflect the challenges faced by social care workers during the pandemic. They also respond to the very difficult circumstances currently facing the social care sector and in particular, the challenges posed by staff recruitment and retention. We want to make sure social care workers, managers and social workers can focus on the work they do, without worrying about their registration at this time. We also want to make sure everyone who is registered with us has the time they need to complete their qualifications or CPD.

## Improving our registration process

We currently have more than 35,000 workers on the Register of Social Care Workers. This number is set to increase significantly as all adult care home workers must register with us by October 2022. This will mean that most of the social care workforce in Wales will be regulated.

As the social care workforce continues to grow, we know how important it is to make our registration process simpler, to make it as easy as possible for people to work in the social care sector. During February and March 2022 we consulted on some proposals including a new way to register and reducing the time to register and continuous professional development for social care workers.

We want to continue to make sure our registration system is fit for the future, and the responses to this consultation have been extremely informative in shaping a new approach. The results of the consultation will inform our approach which we will set out in 2022-23.

## Fitness to practice

A central part of our regulatory function is ensuring that those providing social care are competent and safe to practise. This requires an effective and efficient Fitness to Practise (FtP) process. Throughout 2021-22 we implemented recommendations following our review, in the previous year, to make sure that our current FtP processes are both efficient and timely. The review also looked for new and different ways of carrying out our functions to maximise resources and measure our efficiency.

In total we removed 45 people from the Register, ensuring they could no longer work in our sector.

**313** (0.9% of Register) the number of registered persons about whom we received allegations that called into question their fitness to practise and suitability to remain on the Register

**179** of referrals related to registered persons who were subject to disciplinary processes

**56** final hearings were held

**45** removed from the Register

Of those removed, their registered roles were:

**29%** (13) - residential child care workers

**2%** (1) - residential child care manager

**13%** (6) - adult care home managers

**4%** (2) - social workers

**7%** (3) - domiciliary care managers

**45%** (20) - domiciliary care workers

## Promote recognition of the workforce

All care workers in Wales were offered an updated recognition card that identifies them as key workers and gives them access to money-saving offers. The care worker card is the next version of a similar card launched last year to help support care workers as they faced huge personal and professional challenges from the pandemic.

In response to feedback from users of the first card, we arranged for cardholders to benefit from a cashback card, as well as a wide range of retail offers, through dedicated discounts provider, Discounts for Carers. Cardholders also have access to preferential shopping arrangements at certain supermarkets where those still apply. They were also updated on resources, such as mobile applications, that can be used to help them maintain their physical and mental well-being. The new card offers the benefits to social care and childcare, play and early years workers in Wales, whether or not they are registered with Social Care Wales.

## Launching the 2022 Accolades

In September 2021 we launched the 2022 Accolades, the awards that recognise, celebrate and share notable work in social work, social care and childcare, play and early years in Wales. The awards are open to any paid worker or volunteer in social work, social care or childcare, play and early years in Wales who make a positive difference to people's lives through the care and support they provide. The 2022 Accolades gives an opportunity to showcase the excellent work that's been happening across Wales, and recognising, celebrating and sharing that practice. The accolades were held on 21 April 2022.

## Care Stars 2021

Care Stars 2021 was created to shine a light on the social care and early years workers who have made a truly positive difference to people's lives during the past 15 months when the whole country struggled with the challenges of the pandemic. In June 2021, employers, colleagues and members of the public were invited to nominate the paid care workers they felt deserved to be recognised for their work over the past 15 months.

As a result, 120 care workers from across Wales were nominated. A panel of judges, made up of Social Care Wales Board members and representatives from partner organisations, then whittled them down to the 12 Care Stars they thought deserved widespread recognition for the inspirational work they had done. They included a care assistant who went above and beyond at a care home, a support worker who used arts and crafts to enhance people's lives, and a residential child care worker who moved in with vulnerable children during lockdown.

## Working with you to be effective

### Strategy and governance

Following a consultation on our future priorities during 2020-21 our Board approved our new Strategic Plan for 2022-2027. The Plan sets out our priorities and proposals for what we want to achieve, where we suggest we focus our energies and how we want to work with people over the next five years to realise our vision.

Considerable work has been done to ensure that our financial resources reflect our ambitions to support reforms to improve delivery and increase the sustainability of services across the social care and early years sector. We continue to evolve as an organisation and 2021-22 has been a year of consolidation to make sure we have effective and efficient services for our customers. We have recruited 40 new employees to develop existing workstreams and take forward new areas of work, and we have reformed and invested in some of our processes and infrastructure to improve efficiency of services.

### Digital by choice

During the year we have further progressed our commitment to being a 'digital by choice' organisation. We developed our Digital Strategy and our approach to Digital training and learning for the social care and early years sector. These set out a roadmap for what this means for the forward direction of the organisation, our users and services we offer to our customers. Several discovery reports were prepared to assist in developing our strategic thinking. In developing our online services we want to make sure they align with our growing audiences and meet each of their needs in terms of content, accessibility and experience. In maturing our approach we will aim for our users to select 'digital by choice' whilst still continuing to support those who need to access our service by alternative methods.

### Strategic Equality Plan

We consulted on our draft equality objectives in order to help us develop our five-year Strategic equality plan for 2022 to 2027. The consultation was part of our commitment to becoming an organisation that actively seeks to improve the lives of people with protected characteristics by tackling discrimination, promoting equality and diversity and creating a more inclusive society. We recognise our role is to be a leader in these areas in social care and early years, and to work with others in the sector to create real and meaningful change.

## Staff well-being

As a public service organisation, we are committed to demonstrating the Welsh public service values in the way we work with the sector and the way we work within the organisation. Staff wellbeing has been the core principle in managing business continuity and business operations whilst working remotely. We achieved an engagement score of 90% in our annual people survey this year with a response rate of 86%.

With full staff consultation we developed a new Hybrid Working Policy during the year to make sure we can continue to operate effectively and efficiently whilst adapting to current and future working requirements.



## Engagement and communication

In developing our 5 year Strategic Plan we wanted to set out how we would approach marketing and communications with our customers and stakeholders. In October 2021 we agreed the key principles of our approach. Since then, work has focused on developing the detail underpinning the strategy. This has included identifying audiences, messages, channels, services and touchpoints with our digital work. This work ties in closely with the outcomes agreed as part of our new five-year strategic plan. To help inform the marketing and communications strategy it also incorporates some of the key findings from the most recent Wales Omnibus Survey, which showed high levels of public support and confidence for the social care and early years workforce. The findings helped inform the content and direction of the marketing and communications strategy.



**1,539,613**  
website page views



**6,914**  
followers on Twitter



## Developing the workforce

We want Wales to have a sufficient, high quality and skilled social care, and early years and childcare workforce.

### Support and promote the sector as a career

Throughout the year we have been utilising and building on the WeCare Wales brand to support attraction and recruitment to the sector during this time.

We developed a WeCare Wales job portal in response to the pandemic to enhance the ease at which employers can advertise their job vacancies and people can see the vacancies available within their area. Further development of the portal has been ongoing throughout the year with a campaign focused on advertising the jobs Portal with TV, radio and cinema adverts. The campaigns' focus in February concentrated on raising awareness of apprenticeships across social care and early years.

**300,000+** visitors WeCare Wales website

**6,200+** jobs posted on the jobs portal

**30,000+** engagements on Social media

**50+** films with **2.2 million+** views of films

**ITV Wales, S4C, Sky, All4 coverage**

### Introduction to Social Care

Following the success of a pilot programme trialled in partnership with Local Authorities in 2020-21 we have rolled out a new online training programme for anyone interested in a career in social care. The three-day "Introduction to Social Care" programme gives anyone in Wales, who's interested in working in social care, an overview of what working in the sector is like and help them decide if a career in care may be right for them. The course looks at what social care is and the different roles available in the sector, along with an introduction to relevant topics such as safeguarding, health and safety, the use of Personal Protective Equipment (PPE), the importance of language choice and communicating with people who use care and support.

The programme aims to support staff retention in social care by giving people interested in working in the sector an idea of the work they would be doing before they start a new role. It also aims to challenge misunderstanding about social care and help people find out what it really means to work in the sector. An additional programme will be available for young people aged between 15 and 19 years old. Young people can contact their local careers advisor for more details.

**"I learned so much about the social care sector, the different roles available, practical skills and knowledge of the legislation. It's really inspired me and helped me secure an offer of employment already."**  
(Participant in pilot programme)

## Online safeguarding training

Launched as part of National Safeguarding Week 2021, the safeguarding e-learning module is mainly aimed at those working in the public and voluntary sectors. This includes those looking to work in social care, early years and childcare, as well as in health, the emergency services and local councils. The module will give learners a practical understanding of safeguarding and has been developed by Social Care Wales in line with the Wales Safeguarding Procedures, launched in 2019.

Safeguarding training is mandatory for most staff working in social care and early years and childcare, as well as other roles in the public and voluntary sectors. The pandemic has underlined the importance of increasing options for workers and potential recruits to undertake online training, giving them greater flexibility for when and where they can learn.

We have been working with partners to develop a series of e-learning packages on different topics. In the case of the safeguarding training, it has been developed with the Wales Safeguarding Procedures Board and representatives from a wide range of statutory and third sector agencies.

## Workforce plans

In response to specific actions outlined in 'A Healthier Wales – Our Workforce Strategy for Health and Social Care', October 2020; In partnership with Health Education Improvement Wales (HEIW) we have worked with the sector to develop Direct Care, mental health and social work workforce plans. The workforce plans were developed following a programme of engagement that started with a range of interviews with key stakeholders and partners. Their input and feedback supported us in shaping the content of an initial documents and formed the basis of an extensive period of engagement. This was with the workforce across statutory, private and voluntary providers, partner agencies, professional bodies, trade unions, employers, workforce leads and commissioners, who all helped to shape the content of the workforce plans.

The intention of the plans are to focus primarily on building and nurturing excellent professional practice. Whilst also recognising that this needs to include supporting all workers to feel cared for, to work in a compassionate and inclusive culture, and to feel valued for their contribution. The plans will be published early in 2022-23.

## Investing in the workforce

We invested in supporting the social care workforce, so they have the right knowledge, skills, understanding and approach to provide good care and support.

This included **£7,149,350**, which was paid to local authorities through the Social Care Wales Workforce Development Grant (SCWWDP) and was match funded by £3,064,007 local authority funding.

In addition, there is a regional facilitation grant that does not attract match funding, in 2021-22 this was £1,172,000.

### SCWWDP Review

The over-arching aim was to undertake a comprehensive review of the SCWWDP grant, providing recommendations for how the workforce investment could be most effectively utilised for the sector from 2022. The review also considered the priorities of the grant and approaches to the application and monitoring processes, as well as how the grant and the regional facilitation grant could be best aligned to the themes of the health and social care workforce strategy, including identifying any gaps between current SCWWDP priorities and the workforce strategy recommendations. The review also took account of the impact of Covid, other ongoing workforce initiatives and trends apparent in the SCWWDP monitoring and reporting.

## Leading and supporting improvement

We want improved outcomes for children and adults who use care and support, their families and carers.

### National Social Care Data Portal

Social Care Wales launched the National Social Care Data Portal in 2018, which sought to bring together a range of aggregate data about social care into a single publicly accessible web-portal. In 2021 we reviewed the current data portal to determine if it provided what our users needed, to recommend improvements, and ensure that the platform was technically fit for purpose. From October we have been working on a two-phase approach to a new product which would be undertaken, that the continuity portal would be created to improve functionality, widen usability, and start to offer more insights into existing data; and the discovery portal will allow users to interact with data in novel and intuitive ways to discover more insights and understanding from the data and work to address some of the data gaps identified by the sector. The continuity portal is being finalised ready for launch in early June.

### Research and evidence

We carried out research and engaged with people working in social care to find out about the barriers and enablers to using research and evidence. In response, we developed an evidence offer, which outlines our approach which will be delivered over the next three years.

We worked with partners to learn about community management and launched an Evidence Community which will go live on a digital platform this summer. The community offers a space for networking, collaboration and sharing, bringing people working in and researching social care together, with Social Care Wales playing an enabling and convening role.

Welsh Government's Performance and Improvement Framework requires local authorities to demonstrate how they incorporate research, data and evidence into the design and delivery of social care. We are working with partners to develop a model for research skills and capability building, providing the workforce with learning and development opportunities suitable for social care.

## Outcomes focused practice

### Maintain and develop All Wales Network of Mentors

For those who Mentor / champion the strengths based approach within their organisation we support them via an all Wales mentors' network. The network comes together on-line to share practice and learning. Membership consists of representatives from 19 local authorities and Credu Cymru (carers organisation). During 2021-22 the network has shared practice and discussion on following areas including outcomes focused case recording, running reflective practice groups, and safeguarding and strengths based practice. Those who attend the network have provided extremely positive feedback and welcome the opportunity to share and learn from others.

## Resources to support leaders and managers of homecare providers

Following partnership working with domiciliary care managers and people who lead and influence practice in domiciliary care, we have developed the resource; *Understanding and using an outcomes approach: One-stop-shop for people who lead and influence practice in domiciliary care*. This resource covers topics that managers need to know about such as cultural change and conversations with partners, including commissioners and inspectors. It also includes ways to support staff teams through recruitment, supervision, learning and reflection to embed strengths based practice.

This resource supplements the guides we have already developed for domiciliary workers, which are used to support staff who are completing the All Wales induction Framework for Health and Social Care (AWIF).

## National Management Development Framework

The past 12 months have seen continued success for our national management development framework. The framework sees the bringing together of both accredited and professional development opportunities for, in the main, social services departments and their managers across the 22 local authorities. Work continues to develop the management development framework and to look at what offers are currently available to sector wide leaders other than formal route leading to qualifications with an aim to map that availability and identify whether there is a further need for senior leader peer learning/development on a cross sector basis.

## Our approach for 2022-23

Our new five-year Strategic Plan, launched this year, sets out our ambition and the differences and changes we want to see. These changes are dependent not just on Social Care Wales, but also on the hard work of many organisations, each with their own remit and responsibilities. But we also need to understand, and set out, our role in bringing about these changes.

We have set out the changes we want to see using national outcomes. We have described what it means for the sector during 2022-23, who we will work with during the year to do this work and what we will be doing during the year through the lens of our stakeholders:

1. empower the **workforce** to achieve the best person centred care
2. enhance the provision of services through **managers, leaders and owners**
3. enable **strategic leaders** with evidence and skills to improve planning, service development and quality
4. ensure continuous improvement and transformation of how we deliver the **work of Social Care Wales**.

# Accountability Report

## Corporate Governance Report

### Directors Report

#### History and Statutory Background

The Care Council for Wales was renamed Social Care Wales in accordance with the Regulation and Inspection Act (Wales) 2016 and this Annual Report and Accounts will be the fifth prepared as Social Care Wales. Seventeen Annual Report and Accounts were previously prepared as the Care Council for Wales.

The Annual Report and Accounts has been prepared under Schedule 2, Part 6, Paragraph 16 (1-3) of the Regulation and Inspection of Social Care Wales Act 2016. It is presented in a form directed by Welsh Ministers, with the approval of HM Treasury.

#### Chief Executive and Accounting Officer

The Chief Executive and Accounting Officer for the financial year was Sue Evans.

#### Social Care Wales Board Members

At 31 March 2022 there were fifteen members including the Chair who have been appointed by the Minister for Public Health and Social Services with two members terms ending on the 31 March 2022.

#### Members serving 1 April 2021 to 31 March 22

##### Members

Mick Giannasi - Chair (term ending 31 July 2023)  
 Abigail Harris (term ending 31 March 2025)  
 Carl Cooper (term ending 31 March 2025)  
 Damian Bridgeman (term ending 31 March 2024)  
 Donna Hutton (term ending 31 March 2024)  
 Emma Britton (term ending 31 March 2025)  
 Grace Quantock (term ending 31 March 2025)  
 Joanne Kember (term ending 31 March 2025)  
 Jane Moore (term ending 31 March 2024)  
 Kate Hawkins (term ending 31 March 2022)  
 Maria Battle (term ending 30 June 2023)  
 Peter Max (term ending 31 March 2024)  
 Rhian Watcyn Jones (term ending 31 March 2022)  
 Simon Burch (term ending 31 March 2024)  
 Trystan Pritchard (term ending 30 June 2023)

In addition, Daxia Varsani is an independent member of the Audit and Risk Committee and her term will end on the 30 April 2023.

A register of the declared interests of members is available on our website.

In line with best practice and guidance, Social Care Wales established an Audit and Risk Committee at its inception. Membership is drawn from Board Members plus a co-opted independent member. Meetings are attended by representatives of internal and external audit and Executive Management Team.



## Statement of the Responsibilities of Social Care Wales and the Chief Executive

Under Schedule 2, Part 6 Paragraph Section 16 (1-2) of the Regulation and Inspection of Social Care (Wales) Act 2016 Social Care Wales is required to prepare a statement of account for each financial year in such a form and on the basis directed by Welsh Ministers with the approval of HM Treasury.

The accounts are prepared on an accruals basis and must give a true and fair view of Social Care Wales state of affairs at the period end, and of its income and expenditure and cash flows for the period.

In preparing the accounts, Social Care Wales is required to comply with the requirements of the Government Financial Reporting Manual, and in particular to:

- observe the accounts direction issued by Welsh Ministers, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis
- make judgments and estimates on a reasonable basis
- state whether applicable accounting standards as set out in the Government Financial Reporting Manual have been followed, and disclose and explain any material departures in the financial statements
- prepare financial statements on a going concern basis, unless it is inappropriate to assume Social Care Wales will continue in operation.

The Principal Accounting Officer for the Welsh Ministers has designated the Chief Executive as Accounting Officer for Social Care Wales. Her relevant responsibilities as Accounting Officer, including the propriety and regularity of the public finances for which the Accounting Officer is answerable and for keeping proper records and for safeguarding Social Care Wales assets, are set out in Managing Welsh Public Money.

I confirm that as far as I am aware there is no relevant audit information of which Social Care Wales auditors are unaware and that I have taken all steps to make myself aware of any relevant audit information and to establish that the auditors are aware of that information.

I confirm that the Annual Report and Accounts as a whole is fair, balanced and understandable and that I take personal responsibility for the annual report and accounts and for the judgements required for determining that they are fair, balanced and understandable.

**Sue Evans**

Chief Executive and Accounting Officer

Date: 27 July 2022

## Governance statement

This statement sets out the control structure of Social Care Wales and provides an account of corporate governance and risk management, alongside a description of the strategic risks we face.

My responsibilities as Accounting Officer are set out in the Model Governance Framework. It sets out the broad framework within which we work and details the terms and conditions under which Members of the Senedd provide Grant-In-Aid to Social Care Wales. This governance statement sets out:

- the basis by which we were established
- the way in which we are governed and managed
- how as the Accounting Officer, I am accountable for what I do.

## Our organisation

We are a Welsh Government Sponsored Body (WGSB). This means we receive funding from Welsh Government to complete specific priorities, which are set out on an annual basis in a remit letter.

We were set up under the Regulation and Inspection of Social Care (Wales) Act 2016 in April 2017 “to continue the work previously undertaken by Care Council for Wales regulating and developing the social care workforce, while also taking on a new responsibility to lead and support improvement across the sector. This involves a range of activities from presenting data and evidence, advising on priorities for social care research and showcasing best practice.”

My governance statement is written in the context of the ongoing pandemic. Our business plan 2021-22 activities, like the previous year, has been focused on supporting the social care and early years during this unprecedented time to make sure we make a positive and lasting contribution to the quality of services in Wales.

The continuing impact of Covid meant that during 2021-22 our focus was on:

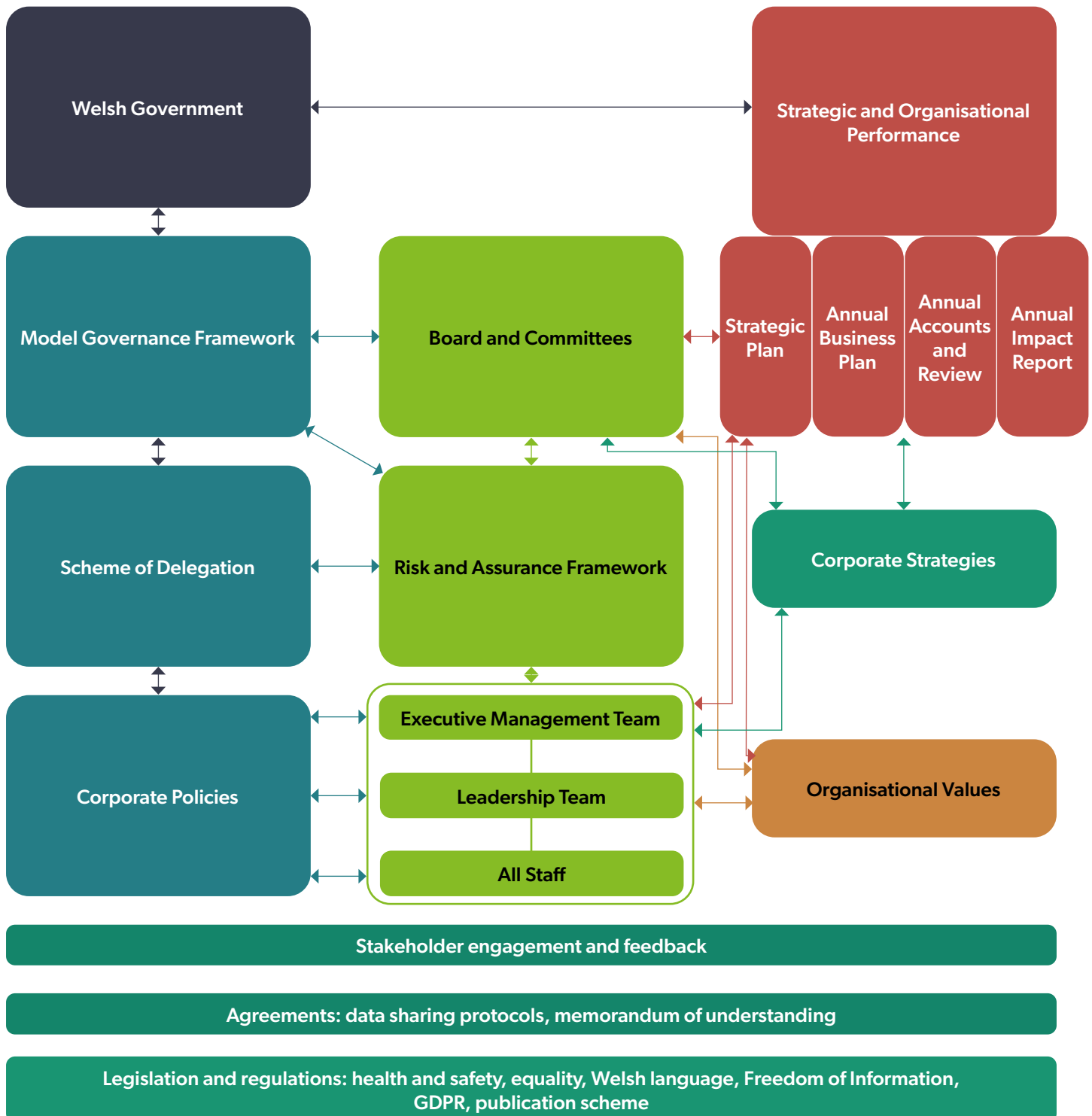
1. delivering our core and statutory functions: adapted as required in light of Covid, including changes to our regulatory system so that it was appropriate for the sector during the emergency.
2. Covid rapid response initiatives: the things we are doing as an immediate response to the sectors needs now
3. supporting recovery and sustainability following Covid: supporting the sector and our organisation to be equipped for sustainable recovery.

Covid also impacted on the way in which we operated as a business during the year with all staff continuing to work remotely. Our annual business plan sets out in more detail the activities we identified to support the sector and our organisation during 2021-22, in light of Covid. Our performance was monitored and scrutinised by our Board and Welsh Government throughout the year, including through formal quarterly meetings.

## Our governance and accountability framework

In accordance with the 'International Framework: Good governance in the public sector' governance 'comprises the arrangements<sup>1</sup> put in place to ensure that the intended outcomes for stakeholders are defined and achieved'.

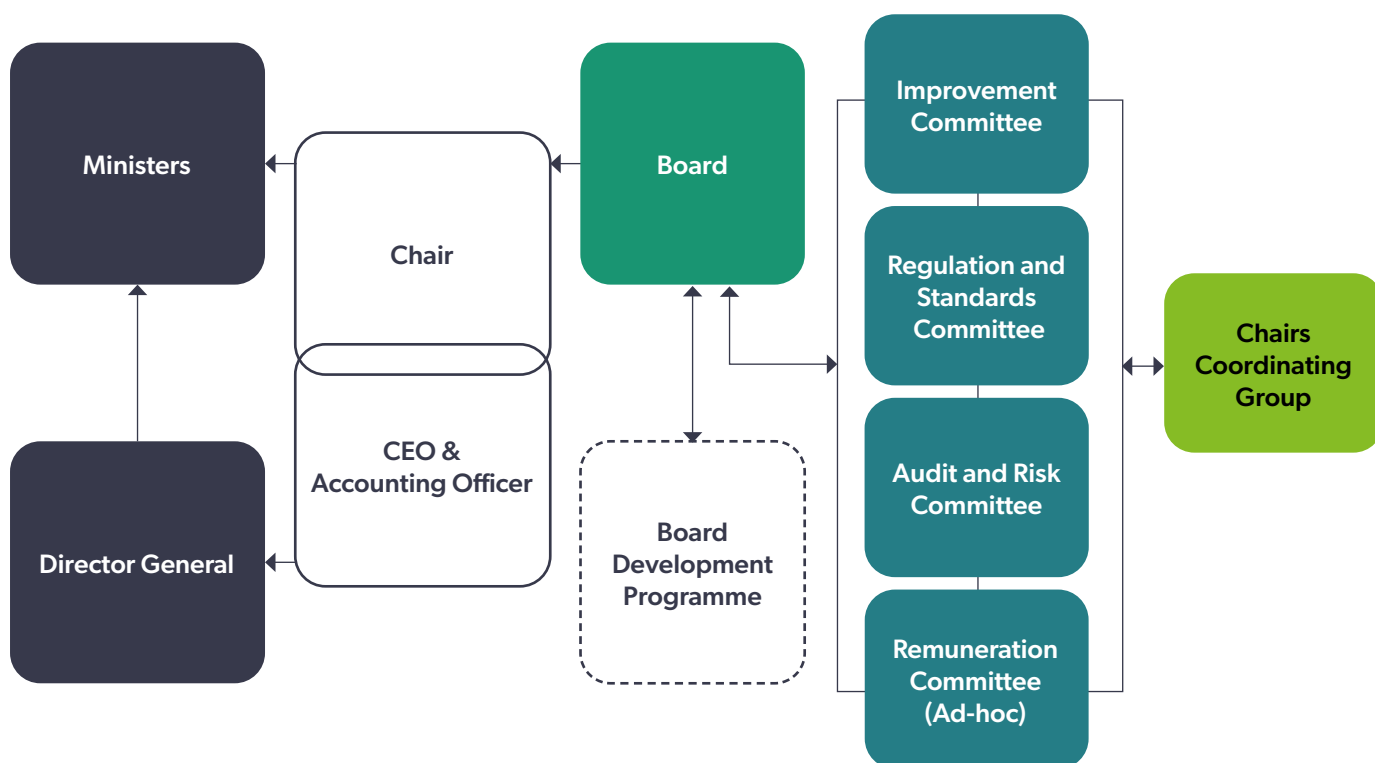
Our governance and accountability framework, including information on the coverage of our Board's work and that of its committees, is summarised in the next few pages.



1. Includes political, economic, social, environmental, legal, and administrative structures and processes, and other arrangements, as encapsulated in the principles define.

## Accountability

As a WGSB, we are accountable to the taxpayer and must make sure our work achieves value for money. Below, we have mapped out the accountability structure of our Board and for me as Chief Executive in my role as accounting officer.



During the year, these are the steps we took to ensure our accountability with Welsh Government:

- Our Executive Management Team met with representatives from our sponsorship division at Welsh Government every three months to go through our business plan performance and our budget spend to date.
- Regular meetings were held with the Chair of Social Care Wales and the Chief Social Care Officer at the Welsh Government.
- The Chair and I attended our annual meeting with the Deputy Minister for Social Services in October 2021.
- Our Board had its annual meeting with the Deputy Minister for Social Services in October 2021.

## Our Board and committees

Our Chair and 14 Board members are responsible for providing us with leadership and direction. They work closely with the Executive Management Team to set our strategic and business plans, allocate our resources, and monitor our performance. Our work is scrutinised, steered, and approved by the Board and its sub-committees.

Due to the pandemic all Board and Committee meetings during 2021-22 have continued to be held successfully virtually.

This diagram illustrates our Board and Committee structure as of 31 March 2022:

### Board

- makes decisions on those matters reserved for the Board
- provides leadership and direction by setting our strategic and business plan
- scrutinises resources and performance – through regular business plan performance reports (including financial, risk management and HR data)
- demonstrates high standards of corporate governance – agreeing Board and Committee terms of reference
- receives messages and advice from the Executive Management Team

### Audit and Risk Committee

#### Advises the Board on:

- the effectiveness of risk management, internal control and governance
- the integrity of the Annual Report and Accounts
- the adequacy of the response to issues that have been identified at audit assurances relating to the corporate governance requirements for the Board
- appointing internal audit provision and reviewing their effectiveness on an annual basis

### Improvement Committee

#### Advises the Board on:

- strategies and policies relating to principles for investment, improvement and national learning and development programmes
- the quality assurance of the research, development, and improvement programmes
- the implementation of the Regulation and Inspection of Social Care (Wales) Act 2016 and the Social Services and Well-being (Wales) Act 2014

### Regulation and Standards Committee

#### Advises the Board on:

- strategies and policies in relation to the registration of social care workers and fitness to practise matters
- the quality assurance of the regulation of training programme and receive regular reports on regulation matters
- the implications of developments in the field of regulation and how these may affect the Board's responsibilities
- the implementation of the Regulation and Inspection of Social Care (Wales) Act 2016

### Remuneration Committee

#### Advises the Board on:

- matters relating to the review of the pay of the Executive Management Team, and consider the staff annual payment recommendations in line with our policy

## Board development and engagement

Board members continued their learning and development during the year with a series of seminars all held virtually. The topics of these seminars were:

- Risk appetite
- 3-year budget strategy 2021-24
- Strategic Plan 2022-27 – developing outcomes and measures
- Board skills for the future
- Social Care Wales Workforce Development Programme (SCWWDP) review
- Strategic performance management framework
- Scrutiny role of the Board – Future Generations Commissioner Scrutiny Framework
- Discussions with the Chief Social Care Officer
- Cyber security awareness training
- Joint session with Health Education and Improvement Wales (HEIW) with a focus on the Workforce Strategy and the Mental health workforce plan
- Strategic risk register 2022-27
- Reflections from individual Board members
- Horizon scanning – longer term context
- Supporting the sector in the current context
- Strength based practice – in-depth presentation
- The journey to qualify as a social care or early years worker
- Presentation from the Children’s Commissioner for Wales
- Feedback on the organisation’s Marketing and Communications Strategy
- Facilitated session to consider the Board’s effectiveness for 2021-22.

## Board and committee effectiveness

As a learning organisation, we regularly reflect on the effectiveness of our policies, processes, and meetings. The 2021-22 annual review of Board and Committee Effectiveness was conducted by an externally facilitated group discussion based on the analysis of individual feedback provided by Board members through a structured questionnaire completed in advance.

This analysis, combined with the product of a ‘stop, start, continue’ exercise which was also completed in advance by members, was used to identify key strengths to build on and opportunities for further improvement which informed the group discussion process.

The results of the questionnaire indicated a generally positive assessment of the effectiveness of the organisation’s corporate governance arrangements and reasonably high levels of satisfaction and commitment amongst Board members.

Three key themes were identified for further exploration:

1. Connection with stakeholders
2. Demonstrating impact (obtaining ‘assurance not re-assurance’);
3. How we work together (tension not cosiness, inclusivity, governance and relationships).

Following the review of Board effectiveness the following opportunities have been added for the continuous strengthening of our Board corporate governance action plan:

- **Opportunity 1** - arrange a Board conversation on the application of the constitution to explore the differentiated roles of members and officers and consider whether the relationship is appropriately balanced and whether the level of scrutiny and challenge is right
- **Opportunity 2** - arrange a Board conversation to seek to define the ambassadorial role of members more clearly
- **Opportunity 3** - consider ways to introduce the voice of the sector more into the Board's work
- **Opportunity 4** - introducing the Senior Independent Member role
- **Opportunity 5** - building a 30-minute pre-meeting into the Board meetings, when needed, to enable members to informally discuss the agenda
- **Opportunity 6** - looking again at the balance between in-person and remote meetings to find new ways to introduce more person-to-person contact
- **Opportunity 7** - co-opting the Staff Partnership Council (SPC) Chair as a participating observer to the Board and Remuneration Committee.

Meeting effectiveness also appears as a standing item on agendas for every Board and Committee meeting, and the chairs of each Committee and Board Secretary ask members for feedback during and after each meeting.

## Members' attendance at Board and committees

Board members are paid the equivalent of two days' work a month. In addition to our 15 publicly appointed members we have several people who are co-opted onto our Committees:

- Daxa Varsani is an independent co-opted member, without voting rights, with a professional financial qualification and background who supports the Audit and Risk Committee.
- Margaret Rooney, Deputy Chief Inspector at Care Inspectorate Wales (CIW), sits on the Regulation and Standards Committee as a co-opted member.
- the Improvement Committee has two co-opted members, a representative from the Association of Directors of Social Services (ADSS) Cymru and Fiona Verity, Professor of Social Work and Social Care at Swansea University who brings a background in research to support the Improvement Committee.

The Standing Orders for the Board set out the expected attendance level for Board members at meetings at 60 per cent. This table shows members' attendance at Board and Committee meetings during 2021-22.

To assist members in making effective decisions, papers for every Board and Committee meeting are posted onto a digital portal, with a wide range of supporting technical documents.

Name	Committee membership	Attendance at Board meetings	Attendance at Board development sessions	Attendance at Committee meetings	Overall meeting attendance (inc. Committees)	Term of appointment ends
Mick Giannasi (Chair)		4/4	10/10		100%	31.07.23
Abigail Harris	Improvement, Audit and Risk	3/4	9/10	2/4 and 4/4	82%	31.03.25
Daxa Varsani (Independent Audit and Risk Committee Member)	Audit and Risk	n/a	n/a	4/4	100%	30.04.23
Carl Cooper	Audit and Risk; Improvement;	4/4	10/10	4/4 and 3/4	95%	31.03.25
Damian Bridgeman	Improvement (Deputy Chair), Audit and Risk	4/4	10/10	3/4 and 4/4	95%	31.03.24
Donna Hutton	Regulation and Standards; Improvement	4/4	8/10	3/4 and 4/4	86%	31.03.24
Emma Britton	Audit and Risk (Deputy Chair); Regulations and Standards	3/4	7/10	4/4 and 4/4	82%	31.03.25
Grace Quantock	Regulation and Standards (Deputy Chair); Audit and Risk	4/4	9/10	4/4 and 4/4	95%	31.03.25
Jane Moore	Improvement; Regulation and Standards	4/4	9/10	4/4 and 4/4	95%	31.03.24
Joanne Kember (Deputy Chair)	Regulation and Standards; Improvement	3/4*	10/10	4/4 and 3/3	95%	31.03.25
Kate Hawkins	Audit and Risk; Regulation and Standards	4/4	9/10	3/4 and 3/4	86%	31.03.22
Maria Battle	Improvement	4/4	8/10	3/4	83%	30.06.23
Peter Max	Improvement (Chair); Audit and Risk	3/4	9/10	4/4 and 3/3	90%	31.03.24
Rhian Watcyn Jones	Audit and Risk (Chair)	4/4	10/10	4/4 and 3/3	100%	31.03.22



Name	Committee membership	Attendance at Board meetings	Attendance at Board development sessions	Attendance at Committee meetings	Overall meeting attendance (inc. Committees)	Term of appointment ends
Simon Burch	Regulation and Standards (Chair)	4/4	8/10	4/4 and 3/3	90%	31.03.24
Trystan Pritchard	Audit and Risk; Regulation and Standards	4/4	9/10	4/4 and 3/4	91%	30.06.23

\*Joanne Kember was not able to attend one Board meeting as she was on other Board business.

## Effectiveness of our governance framework

The pandemic continuous to have a major impact on the social care and early years sector. Our staff have continued to work from home whilst also maintaining strong governance and control.

During the year I have continued to hold fortnightly staff briefings to share decisions made by the Board and Executive team, to update on our performance and to provide an opportunity for questions from staff members.

Our people survey is an annual survey to collect staff thoughts and opinions on how we work in Social Care Wales. We last ran this survey in 2019. We didn't run it in 2020 as it was replaced by a series of shorter more targeted surveys to support staff through the early stages on the pandemic.

The survey is based on the Civil Service People Survey (People Survey) that takes place around October time each year. Although we don't formally take part in the Civil Service People Survey, we are able to access the results of other participating organisations, so we use the same questions in our own survey so that we can benchmark against others. Further benchmarking analysis will follow in 2022, when the results are made available.

We had a very high response rate of 86% and the table below summarises the score as an average per section and the results from the previous survey.

Results	% Change	November 2021	April 2019
Response rate	+7	86%	79%
My work	+7	90%	83%
Objectives and purpose	-	97%	97%
Line management	+6	89%	83%
My team	+6	96%	90%
Learning and development	+9	83%	74%
Inclusion and fair treatment	+6	93%	87%
Resources and workload	+1	89%	88%
Pay and benefits	-3	74%	77%
Leadership	+7	92%	85%
Managing change	+10	84%	74%
Engagement	+18	90%	72%
Taking action	+16	79%	63%
Organisation culture	+6	93%	87%

I have also met with the Board members on a frequent basis to keep them informed of activities of the organisation in responding to the pandemic.

Throughout the year I receive assurance that our business and strategic objectives are being met via internal management meetings, budget and performance reports, and project updates. I operate a 'virtual open-door policy' where any member of staff can contact me with any matter that may concern them. I also promote the Staff Partnership Council and Staff Forum as a way of making sure we clearly engage with staff about our priorities across the organisation.

We use a scheme of delegation and financial instructions to carry out our work to make sure our decision making is appropriate and proportionate to the level of risk associated with it.

We also maintain and review registers of interest for employees and Board members to identify any potential or perceived conflict with our decision-making processes, so we can take steps to mitigate them.

Recognising the impact of Covid I will be asking our internal auditors to produce an advisory report on how we have demonstrated accountability using the Welsh Government's Covid accountability framework which covers what have we done, how we have done it and what we have learnt. We will use the learning from this advisory report to inform how we work in future. The report will be presented to our Audit and Risk Committee in 2022-23.

## Internal audit

The Internal audit plan has been based on a risk-based approach and was agreed by the Audit and Risk Committee. Our internal auditors submit regular reports about the adequacy and effectiveness of our systems (financial, corporate and workforce regulation) of internal control, together with recommendations for improvement.

During 2021-22, 12 internal audits were carried out on our policies and procedures for:

Work area	Level of assurance
Corporate Governance	Substantial
Risk Management	Moderate
Financial systems: banking and cash management	Substantial
Financial systems: budgetary control	Substantial
Financial systems: fixed assets	Moderate
Tendering and procurement	Moderate
IT general controls: network security	Limited
IT general controls: access controls	Moderate
IT general controls: back up	Moderate
IT general controls: IT disaster recovery planning	Moderate
Data protection	Moderate
Grant Management	Substantial

## Definitions of assurance level

- **Substantial:** There is a reasonable framework of governance, risk management and control, which should make sure that objectives are achieved
- **Moderate:** Some improvements are required to enhance the adequacy and effectiveness of the framework of governance, risk management and control
- **Limited:** There are significant weaknesses in the framework of governance, risk management, and control such that it could be or could become inadequate and effective.

Only limited assurance was received in relation to the IT generals: network security internal audit as limited evidence was provided that server patching was conducted on a timely basis and cyber security training had not been received by all staff since late 2019.

New procedures are in place to ensure that patching is conducted on a timely basis and a log created to record the patching. Cyber security training has been put in place for all staff and will be now take place on a yearly basis.

The Head of Internal Audit, based on the audit work carried out during the year, concluded we had moderate assurance overall in relation to the organisation's arrangements for risk management, governance and internal control.

## External audit

We receive an Audit of Financial Statements Report and Management letter, which reports on issues that are picked up during the audit of our financial statements.

## Risk management

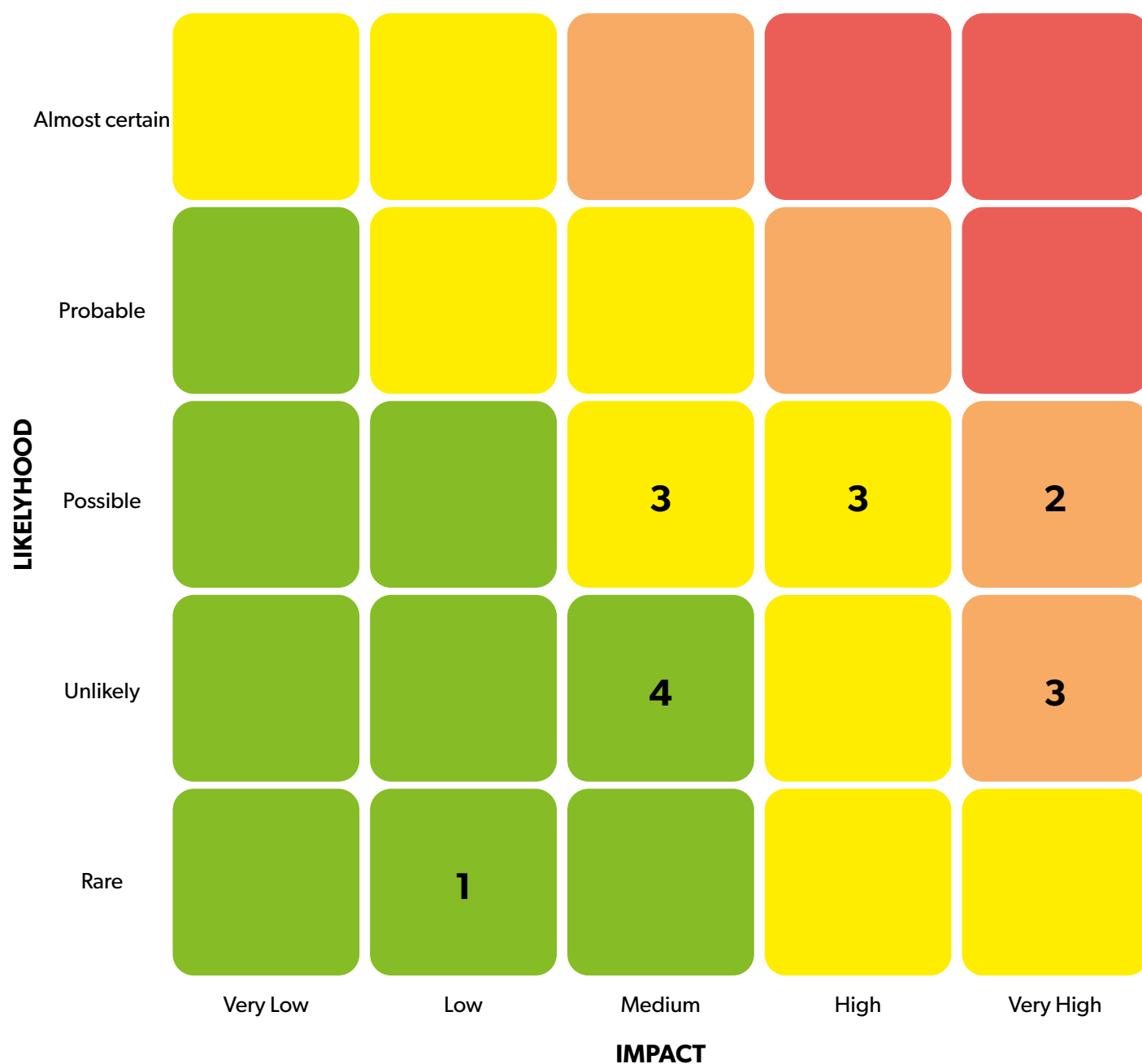
During the year we have taken the opportunity to review and refresh our risk management approach with the new Risk Management and Assurance Policy gaining approval from our Audit and Risk Committee in June 2021. The key changes within the revised policy are:

1. The revised risk appetite matrix
2. Revised Impact matrix
3. Change of focus from mitigations to controls in the risk register
4. Inclusion of an assurance framework within the risk register.

Our positive approach to risk management means we not only look at the risk of things going wrong, but the impact of not taking opportunities or not capitalising on corporate strengths. Our strategic risk register is reviewed every month by our Executive Management Team and is subsequently scrutinised by the Audit and Risk Committee.

## Strategic Risk profile

A summary of our risk profile as of end of March 2022 is provided in the following heat map, which highlights the number of strategic risks and the assesses levels of residual risk following the application of controls to mitigate their impact and likelihood.



We measure our operational risks in line with the recommendations of HM Treasury's Orange Book. Our senior management reviews the register of these risks every month.

## Risk Appetite and Management

Given the nature of our business, our tolerance of risk in areas of governance and reputation is low. In other areas, such as in relation to workforce improvement we are prepared to accept more risk to take advantage of opportunities to pursue our ambitions.

The Board has adopted 5 assurance areas as a framework around which to structure an assurance map summarising existing controls and sources of assurance and highlighting any gaps relative to meeting the needs of the Board. For each assurance area, the Board has broadly defined its risk appetite using the classification recommended in the UK Government's Risk Appetite Guidance Note and periodically considers to what extent existing controls align with that appetite.

Assurance area	Risk appetite
Financial / value for money	Cautious / open
Governance	Averse
Operational and policy delivery	Open / hungry
Reputational	Minimal / cautious
Our people	Cautious

## Risk assessment

Several key strategic risks fluctuated during the year and particularly engaged the time of the Board and Executive Management Team. These included risks associated with:

- not keeping the sector engaged in the work of Social Care Wales
- not demonstrating how we are contributing to making a positive difference to the care sector, then we will lose credibility
- Welsh Government removing, or significantly reduce the funding for Level 2 apprenticeships
- qualifications not fit for purpose
- not having an increased budget allocations to meet what is expected from the current and future Government term of office work programme
- refreshing and reforming our regulatory processes
- management of competing Welsh Government priorities and ensure that any new work is within our scope and purpose
- not remaining engaged with 'A Healthier Wales' and maintaining key relationships with Welsh Government and critical stakeholders (HEIW, Public Health Wales (PHW) etc)
- inability to reappoint our Board members who also served as Care Council Members
- being unclear on the implications of the end of the transition period on exiting the EU for the social care and early years sector
- not responding accordingly to the Covid pandemic and being unable to support the social care sector

- not demonstrating how we are supporting the health and wellbeing of the social care and early years
- not supporting our own workforce (Social Care Wales) during this time
- delays to the extension of the register
- inability to recruit Board members with the right skills, experience, and diversity
- inability to recruit the right people, with the right skills into our organisation
- Government, policy agenda and/or commitment changes in relation to early years
- not meeting our ambitions in the area of equality and diversity
- not putting sufficient internal controls in place to mitigate cyber fraud, hacking and scamming.

Several of these risks were successfully managed and removed from the strategic risk register during 2021-22. The risks were either closed completely or de-escalated to the operational risk register for ongoing management by the relevant risk lead officer.

There were several newly identified strategic risks going forward into 2022-23, which have been reflected in our new strategic risk register and are developed to manage risks associated to the delivery of our new Strategic Plan. These include risks associated with:

- adoption of effective wellbeing interventions
- our role in positively influence perceptions of the social care sector
- pay, reward and conditions for care and early years workers not being addressed
- funding from Welsh Government not aligning to the scope and future changes to our remit
- the development of research and data capacity and priorities not being supported
- extension of the register
- sector being unable to attract and retain sufficient workers
- strengthening the connection/relationship with employers
- issues of sector and partner capacity
- development of a proportionate and positive set of expectations for registered people
- effective regulatory systems and processes
- our cyber detection, prevention and response arrangements
- new models of care
- recruiting the right people, with the right skills to our organisation
- developing and maintaining our social care and health networks and stakeholders
- current pandemic prevalence continues to impact services.

We will continue to ensure that risks are generally well managed, that where there are weaknesses, appropriate actions are in place to tackle them, and that our internal controls and assurances are regularly reviewed to ensure they remain effective.

## Information Governance and Security

As a data controller registered with the Information Commissioner's Office (ICO), we make sure we have information governance controls in place to keep the data we collect and process secure and in line with current data protection legislation and are open and transparent with our decision making.

During 2021-22:

- **We recorded 16 data incidents:**

2021-22	
Number of data incidents / incidents	16
Number reported to the ICO	0 by SCW
<b>Type of incident</b>	
Errors by a third party	5
Software/server issue	-
Human error/ training and awareness issue	9
Physical	-
Cyber security inc. spam attack	2

- This year we further analysed the 'human errors' to recommend changes in practice as all were avoidable. The majority were caused by misdirected emails, templates being re-used without 'clearing' the previous data and documents being saved incorrectly in personal files of individuals with the same name. In each case, the member of staff was reminded to give the task appropriate time to avoid errors occurring.
- **None of the above incidents met the threshold to notify the ICO**, however we made recommendations for improvement in practice within our control to staff through Social Care Wales's Information Governance Group.
- We responded to **13 requests under the Freedom of Information Act**, all responded to within 20 working days. This was the same as the previous year. The majority of requests either related to social care workforce information or procurement contracts. We did not hold the information for 2 requests.
- We received **6 Subject Access Requests under the Data Protection Act 2018 (DPA)**, all fulfilled within the 30-day period which was a minor decrease from the previous year (8 requests). Some requests for information, for example copies of registration information, are not dealt with under the DPA and recorded as formal SARs as the information could be supplied quickly as opposed to waiting up to 30 days.

- We embedded our **information governance framework and DPA compliance** with our cross organisational Information Governance Group which oversees our compliance with ISO27001 certification, UKGDPR and data protection legislation accountability and alignment with Cyber (Security) Essentials. A programme of role-based training on managing data protection and information security risks was undertaken throughout the year and will continue next year and a number of information governance and records management processes were established to foster an organisational culture of data protection by design and default.
- Looking ahead to next year, we have identified policies to be refreshed or developed in relation to data protection compliance and will take forward the minor recommendations following an Internal Audit as part of our assurance exercises. Our Audit and Risk Committee will receive quarterly updates on how and when the recommendations are met.

## Customer Service

We aim to provide our customers with the best experience possible, but we are aware we can always learn from feedback. During 2021-22 we received 1 formal complaints under our complaints policy. The complaint related to an open Fitness to Practise case, the Complaints Officer investigated and found no evidence of any wrongdoing. This complaint raised the question whether it was appropriate to investigate complaints relating to an ongoing Fitness to Practise case.

We also use complaints and customer feedback and queries to continuously monitor and highlight opportunities for us as an organisation to test our decision-making involvement, our administration procedures and communication methods to improve the services we provide.

## Whistleblowing

### Internal

All Social Care Wales staff are encouraged to raise issues of concern about wrongdoing that come to their attention while at work. I regard the internal identification of wrongdoing as an important contribution to managing corporate risk and ensuring good governance.

We have established internal whistleblowing policy and procedures which reflects the provisions of the Public Interest Disclosure Act 1998 and sets out a mechanism for staff for raising such matters.

In 2021-22 no staff raised a concern under our Whistleblowing Policy as was the case in 2020-21.

### External

We are listed under The Prescribed Persons Order 2014 as a designated organisation that any worker in the social care sector can approach to report suspected or known wrongdoing. This is also known as 'whistleblowing' or making a disclosure.

As a prescribed person, we have several duties, which are set out in guidance from the Department of Business, Energy and Industrial Strategy (BEIS), one of which is to annually report on the number of whistleblowing disclosures we receive.

For each referral received we consider the information received and in the cases of the 3 received during the year these were in relation to the two same registered workers and one non-registered worker. The complainants had also made complaints to CIW and Safeguarding. The investigation in this case was dealt with by CIW and Safeguarding and no findings were made.

### Sue Evans

Chief Executive and Accounting Officer

Date: 27 July 2022



# Remuneration and Staff Report

## Remuneration Report

### Pay Policy Statement

This is Social Care Wales's pay policy statement for the period 1 April 2021 to 31 March 2022.

This pay policy statement provides the framework for decision making on pay and decision making on senior pay.

### Chief Executive Officer

The Chief Executive Officer and Accounting Officer for Social Care Wales is Sue Evans and was in receipt of a salary of £120,848 per annum in 2021-22. The gross salary cost of the Chief Executive in the period 2021-22 was £172,076 which includes Employers National Insurance and Employers Pension costs.

### The Board

The Board comprises of 15 Board Members led by a lay Chair Mick Giannasi. All have been appointed by the Minister, through the Public Appointments process. The remuneration of the Board members is non-pensionable and is determined by Welsh Government. For enhanced transparency, the remuneration of the Chair of Social Care Wales is disclosed in this report. Board members are remunerated £282 per day and committed to two days a month.

### Social Care Wales Staff

All members of staff are employed by Social Care Wales on such terms and conditions as the Board determines. Remuneration of all members of staff are in line with the organisations scheme for staff pay and grading arrangements that was approved by the Welsh Government in 2004 and applies equally to all staff members.

These arrangements include a salary scale with incremental salary progression during the early years of employment, and a non-consolidated award based on organisational performance. Payment of the Corporate Performance Award was suspended in 2010-11 and consequently no bonuses have been paid since 2009-10.

The pay award is subject to discussion with Staff Council and approval by the Social Care Wales Remuneration Committee and the Welsh Government annually. When determining pay strategies, the Board considers the:

- need to recruit, retain and motivate suitably able, qualified and high-calibre people
- overall affordability
- pay practices in the wider public sector and comparator organisations
- relevant legal obligations including equality and anti-discrimination requirements.

The following sections in the Remuneration and Staff Report are subject to audit.

## Senior Pay Remuneration

Officials	Salary (£000)*		Pension benefits (£)		Total (£000)	
	2021-22	2020-21	2021-22	2020-21	2021-22	2020-21
<b>Chair</b> Mick Giannasi	30-35	30-35	N/A	N/A	30-35	30-35
<b>Chief Executive</b> Sue Evans	120-125	115-120	38,200	36,900	155-160	155-160
<b>Director of Corporate Services and strategy</b> Joanne Oak (to 1 May 2020)	N/A	5-10	N/A	(1,400)	N/A	5-10
<b>Director of Finance, Strategy and Corporate Services</b> Andrew Lycett (from 2 November 2020)	75-80	25-30	24,800	9,400	100-105	35-40
<b>Director of Improvement and Development</b> Sarah McCarty	75-80	75-80	28,900	26,300	105-110	95-100

\*Included in Salary where applicable are any Taxable travel and Subsistence Allowances in accordance with our Travel and Subsistence scheme.

\*\*Not included in the table above is the senior pay remuneration of the Director of Regulation as he is seconded into the post.

The senior pay remuneration of David Pritchard the Director of Regulation is not disclosed above as he is seconded into the post from Welsh Government. The total charge from Welsh Government was £139,302 (2020-21 £126,030) which included Employers National Insurance, Employers Pension and unrecoverable VAT. The pay scales of Social Care Wales are applicable to the seconded Director of Regulation and his salary is in the pay band of £75,000-£80,000 (2020-21 £75,000- £80,000).

The amount of pension benefits for the year which contributes to the single total figure is calculated in a similar way to the method used to derive pension values for tax purposes and is based in information received from our actuaries.

The value of pension benefits accrued during the year is calculated as (the real increase in pension multiplied by 20) plus (the real increase in any lump sum) less (the contributions made by the individual). The real increases exclude increases due to inflation or any increase or decreases due to a transfer of pension rights.

This is not an amount which has been paid to an individual by Social Care Wales during the year; it is a calculation which uses information from the pension benefit table. These figures can be influenced by many factors e.g. changes in a person's salary, whether or not they choose to make additional contributions to the pension scheme from their pay and other valuation factors affecting the pension scheme as a whole.

Salaries consist of gross pay and pay awards agreed by the Welsh Government.

No members of staff responsible for decision making received benefits in kind from Social Care Wales, and a scheme for the provision of motor vehicles to staff or members is not operated.

<b>Pension Entitlements of Directors</b>	<b>Total accrued pension at 31 March 2022</b>	<b>Real increase in pension at 31 March 2022</b>	<b>Total accrued lump sum at 31 March 2022</b>	<b>Real increase/ (decrease) in lump sum at 31 March 2022</b>	<b>CETV at 31 March 2022</b>	<b>CETV at 31 March 2021</b>	<b>Real increase/ decrease in CETV in 2021-22</b>
	£'000	£'000	£'000	£'000	£'000	£'000	£000
<b>Chair</b> Mick Giannasi	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Chief Executive</b> Sue Evans	25-30	0-2.5	-	-	497	437	46
<b>Director of Finance, Strategy and Corporate Services</b> Andrew Lycett (from 2 November 2020)	0-5	0-2.5	-	-	30	8	22
<b>Director of Improvement and Development</b> Sarah McCarty	25-30	0-2.5	15-20	(2.5)-0	284	259	17

\* The pension entitlements of the existing Director of Regulation is not included as he is seconded into his post.

The Chief Executive is an ordinary member of the Social Care Wales pension scheme. The Chair does not participate in the pension scheme.

The Cash Equivalent Transfer Value is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. It is a payment made by a pension scheme, or arrangement to secure pension benefits in another pension scheme, or arrangement when a member leaves a scheme and chooses to transfer the pension benefits they have accrued in their former scheme.

The pension figures shown related to the benefits that the individual has accrued as a consequence of their total membership of the scheme, not just their service in a senior capacity to which disclosure applies. The CETV figures and other pension details include the value of any pension in another scheme or arrangement which the individual has transferred. They also include any additional pension benefit accrued to the member as a result of their purchasing additional years at their own cost. CETVs are calculated within the guidelines and framework prescribed by the Institute and Faculty of Actuaries.

The real increase in the value of the CETV reflects the increase in CETV effectively funded by the employer. It takes account of the increase in accrued pension due to inflation, contributions paid by the employee, including the value of any benefits transferred from another pension scheme or arrangement, and uses common market valuation factors from the start and end of the period.

## Fair Pay disclosure

In 2021-22 all staff including the highest paid director received a pay of award of 2% (2020-21 2.5%).

Pay ratios	2021-22	2020-21
Highest Earner's Total Remuneration (£'000)	120-125	115-120
25 <sup>th</sup> percentile pay ratio	4.6	4.5
Median pay ratio	3.7	3.4
75 <sup>th</sup> percentile pay ratio	2.8	2.6
Range of total remuneration	£21,196-£120,848	£20,780-£118,478

Reporting bodies are required to disclose the relationship between the remuneration of the highest-paid director in their organisation and the median, 25th percentile and 75th percentile remuneration of the organisation's workforce.

The banded remuneration of the highest paid director in Social Care Wales in the financial year 2021-22 was £120,000-£125,000 (2020-21: £115,000-£120,000).

The remuneration used for the 25<sup>th</sup> percentile pay ratio, median and 75<sup>th</sup> percentile pay ratio were £26,612, £32,998 and £43,659 respectively. The corresponding figures in 20-21 were £26,090, £34,555 and £45,288.

The increase in the Median pay ratio and the 75<sup>th</sup> percentile pay ratio represents the relevant remuneration lying one scale point lower than the previous year.

Total remuneration is the salary cost only and does not include employer pension contributions and the cash equivalent transfer value of pensions.

Remuneration ranged from £21,196 to £120,848 (2020-21: £20,780 to £118,478).

## Staff Report

Staff Costs	2021-22					2021-22
	Total costs	Permanent employed staff	Temporary staff and secondees	Chair and Board members	Panel members	Total costs
	£'000	£'000	£'000	£'000	£'000	£000
Salaries and Wages	5,583	5,107	172	129	175	4,956
Social Security Costs	536	529	-	3	4	462
Other pension Costs	2,424	2,424	-	-	-	1,409
Apprenticeship Levy	12	12	-	-	-	9
<b>Sub Total</b>	<b>8,555</b>	<b>8,072</b>	<b>172</b>	<b>132</b>	<b>179</b>	<b>6,836</b>
Less recoveries in respect of outward secondments	(18)	(18)	-	-	-	(50)
<b>Total net costs</b>	<b>8,537</b>	<b>8,054</b>	<b>172</b>	<b>132</b>	<b>179</b>	<b>6,786</b>

Consistent with guidance, employment costs include payments made in respect of contract staff. The total cost of salaries excluding Other pension costs was £6,113k (£8,537k-£2,424k) in 2021-22 in comparison to £5,377k (£6,786k-£1,409k) in 2020-21.

Other pension totalling £2,424k are the service costs (current and past) of the scheme and in addition any pension costs in relation to the increase in the holiday accrual. The £2,424k consists of actual employer contributions based on payroll of £1,490k, lump sum deficit payments of £363k and costs in relation to the holiday pay accrual of £1k. The residual difference of £570k (£10k in 2020-21) is the increased charge which is required to increase the actual contributions paid with the service cost required to be charged under International Accounting Standard (IAS 26). The increased charge in 2021-22 relates to £570k in current service charges. In 2020-21 the £1,409k consisted of employer contributions of £1,399k but increased by £10k as noted above.

Staff numbers - WTE	2021-22			2020-21
	Total No	Permanent No	Other No	Total No
Chief Executive and Directors	4	3	1	4
Workforce Regulation	61	61	0	53
Improvement and Development	40	39	1	34
Corporate Services and IT	36	36	0	33
<b>Totals</b>	<b>141</b>	<b>139</b>	<b>2</b>	<b>124</b>

The table above represents the average number of whole-time equivalent persons employed during the year.

## Staff composition

As at the 31<sup>st</sup> March 2022 of the workforce of 163, 117 (72%) were women and 46 (28%) were men. In comparison as at the 31<sup>st</sup> March 2021 of the workforce of 137, 101 (74%) were women and 36 (26%) were men.

Included in these numbers are the Senior Management Team which consists of the Chief Executive and three directors. Of the Senior Management Team two were women (50%) and two were men (50%) which was the case at 31 March 2021.

Staff Composition by job family is as follows :-

Staff Composition by Job Family	Female	Male	Total	Female	Male
Executive Team	2	2	4	50%	50%
Senior Leadership Team	4	3	7	57%	43%
Management Team	25	12	37	68%	32%
Technical and Development Team	41	15	56	73%	27%
Support Team	45	14	59	76%	24%
<b>Totals</b>	<b>117</b>	<b>46</b>	<b>163</b>	<b>72%</b>	<b>28%</b>

## Sickness absence data

The level of staff sickness during 2021-22 was 4.77% (2020-21: 2.38%) which is based on 1,590 days lost out of 33,319 days. The rise in 2021-22 is due to an increased level of long term sickness.

## Staff Policies, Equality and Diversity

Social Care Wales has 'Investors in People' status and its human resource policies reflect best practice as part of its commitment as a learning organisation. We recognise and value diversity and ensure that all our employment practices and programmes of work embed and demonstrate not just our public duty as set out by the Equalities Act but embraces equality and diversity as a core value underpinning all functions and the delivery of high quality services of our workforce and the sector. We will ensure that in all our work we fully embed a human rights approach. Social Care Wales through its remit, promotes and influences the importance of language choice for service users and sensitivity of language within the social care workforce. We have a leadership role in the delivery of the Welsh Government's More than Just Words - Strategic Framework for Welsh Language Services in Health, Social Services and Social Care. As an employer we are a truly bilingual organisation providing an environment which nurtures and develops staff to learn and improve their bilingual skills and own the bilingual ethos of the organisation.

We have also a responsibility to uphold the conventions set out in the Human Rights Act 1998. We are committed to providing a work environment that values the diversity of all people, both our own staff and those we come into contact during our work, and we fully support the rights of people to be treated with dignity and respect.

We are committed to making sure equality and openness in our pay and grading arrangements. When we considered our Equal pay report in June 2021 we found no evidence of pay discrimination on the

grounds of any protected characteristics. We also considered our gender pay gap in June 2021 which stood at 16.64% (median). This has improved on the position on 31 March 2020 when it was 23.52% (median).

## Employee voice

During 2021-22 our Staff Partnership Council has had a crucial role to play in collecting and feeding back the views of staff on significant issues on key policies such as the Hybrid Working policy. This has been achieved through regular staff forums, meeting with teams individually and producing feedback documents to HR and the Executive Management Team.

## Support and wellbeing

Our Employee Assistance Programme is provided by Care First as part of the National Procurement Service (NPS) Occupational Health and Associated Services Framework.

As part of this framework we are able to utilise the following services:

- Access for all our staff to a 24-hour, 7 day a week telephone counselling service.
- Face to face counselling.
- On-Line resources.

EAP statistics are provided for the year from December 2020 to November 2021. The figures show that:

- 6 calls were made to the EAP telephone line in total.
- Online services and information were accessed 32 times.

In 2022-23 we will continue to actively promote the service through a variety of forums and communications.

## Flexibility and Benefits

- 15% of our workforce worked non standard hours (less than 36 hours a week or compressed hours).
- The childcare voucher scheme has now closed to new entrants with three active members as at 31 March 2022.

## Expenditure on consultancy

Any consultancy costs in relation to expert opinion obtained to assist in business decision making are included in Administration costs (Professional Fees) in the financial statements. In 2021-22 these Consultancy costs amounted to £2k (2020-21:£28k).

## Off-payroll engagements

In 2021-22 Social Care Wales has acted in accordance with Dear Accounting Officer letter 1/14 in relation to Tax Arrangements of Public Sector Appointees and no "off payroll" engagements are required to be reported.

## Exit Packages

There were no exit packages agreed in 2021-22. One exit package was agreed in 2020-21 and the cost of the package fell in the range £25,000-£50,000 and is included in Salary Costs for 2020-21. This related to a staffing matter that was identified for which due process was followed and actions taken to mitigate financial and reputational risks for Social Care Wales.



## Accountability and Audit

### Regularity of expenditure

All expenditure in 2021-22 has been dealt with in accordance with any relevant legislation, the Governance Statement agreed with Welsh Government and Managing Welsh Public Money.

### Fees and Charges

Registration Fee income for the financial year 2021-22 was £1,553k (2020-21: £1,155k). As agreed by Welsh Government the fees received does not cover the full cost of registration and the excess cost is therefore funded by Grant in Aid.

Following a formal consultation (Transforming Care in the 21<sup>st</sup> Century) undertaken on the regulation of the care and support workforce, fee levels were increased from 1<sup>st</sup> April 2018. The increased fee does not cover the full cost of registration and the excess cost continues to be funded by Grant in Aid.

### Remote Contingent Liabilities

Social Care Wales is not aware of any remote contingent liabilities.

### Long-expenditure trends

With the registration of new groups in the next financial year there will be gradual increase in expenditure. The income to fund this increased expenditure will be funded from the additional fees from registrants and additional funding from Welsh Government.

**Sue Evans**

Chief Executive and Accounting Officer

Date: 27 July 2022

# The Certificate and independent auditor's report of the Auditor General for Wales to the Senedd

## Opinion on financial statements

I certify that I have audited the financial statements of Social Care Wales for the year ended 31<sup>st</sup> March 2022 under the Regulation and Inspection of Social Care (Wales) Act 2016 paragraph 16 of Part 6 of Schedule 2. These comprise the Statement of comprehensive net expenditure, the Statement of financial position, the Statement of cash flows, the Statement of changes in taxpayers equity and related notes, including a summary of significant accounting policies. These financial statements have been prepared under the accounting policies set out within them. The financial reporting framework that has been applied in their preparation is applicable law and UK adopted international accounting standards as interpreted and adapted by HM Treasury's Financial Reporting Manual.

In my opinion the financial statements:

- give a true and fair view of the state of Social Care Wales affairs as at 31<sup>st</sup> March 2022 and of its net expenditure, for the year then ended;
- have been properly prepared in accordance with UK adopted international accounting standards as interpreted and adapted by HM Treasury's Financial Reporting Manual; and
- have been properly prepared in accordance with Welsh Ministers' directions issued under the Regulation and Inspection of Social Care (Wales) Act 2016 paragraph 16 of Part 6 of Schedule 2.

## Opinion on regularity

In my opinion, in all material respects, the expenditure and income in the financial statements have been applied to the purposes intended by the Senedd and the financial transactions recorded in the financial statements conform to the authorities which govern them.

## Basis of opinions

I conducted my audit in accordance with applicable law and International Standards on Auditing in the UK (ISAs (UK)) and Practice Note 10 'Audit of Financial Statements of Public Sector Entities in the United Kingdom'. My responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of my report. I am independent of the body in accordance with the ethical requirements that are relevant to my audit of the financial statements in the UK including the Financial Reporting Council's Ethical Standard, and I have fulfilled my other ethical responsibilities in accordance with these requirements. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinions.

## Conclusions relating to going concern

In auditing the financial statements, I have concluded that the use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work I have performed, I have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the body's ability to continue to adopt the going concern basis of accounting for a period of at least twelve months from when the financial statements are authorised for issue.

My responsibilities and the responsibilities of the Accounting Officer with respect to going concern are described in the relevant sections of this report.

## Other information

The other information comprises the information included in the annual report other than the financial statements and other parts of the report that are audited and my auditor's report thereon. Legislation and directions issued to Social Care Wales do not specify the content and form of the other information to be presented with the financial statements. The Accounting Officer is responsible for the other information in the annual report. My opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in my report, I do not express any form of assurance conclusion thereon. My responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or knowledge obtained in the course of the audit, or otherwise appears to be materially misstated. If I identify such material inconsistencies or apparent material misstatements, I am required to determine whether this gives rise to a material misstatement in the financial statements themselves. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact.

I have nothing to report in this regard.

## Report on other requirements

### Opinion on other matters

As legislation and directions issued to Social Care Wales do not specify the content and form of the other information to be presented with the financial statements, I am not able to confirm that the Performance Report and the Accountability Report have been prepared in accordance with guidance.

In my opinion, based on the work undertaken in the course of my audit, the information given in the Performance Report and the Accountability Report is consistent with the financial statements.

Although there are no legislative requirements for a Remuneration Report, Social Care Wales has prepared such a report and in my opinion, that part ordinarily required to be audited has been properly prepared in accordance with HM Treasury guidance.

### Matters on which I report by exception

In the light of the knowledge and understanding of the body and its environment obtained in the course of the audit, I have not identified material misstatements in the Performance Report and the Accountability Report.

I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- adequate accounting records have not been kept or returns adequate for my audit have not been received from branches not visited by my team;
- the financial statements and the audited part of the Remuneration Report are not in agreement with the accounting records and returns;
- information specified by Welsh Ministers regarding remuneration and other transactions is not disclosed; or
- I have not received all of the information and explanations I require for my audit.

## Responsibilities

### Responsibilities of the Accounting Officer for the financial statements

As explained more fully in the Statement of Accounting Officer's Responsibilities, the Accounting Officer is responsible for preparing the financial statements in accordance with the Regulation and Inspection of Social Care (Wales) Act 2016 paragraph 16 of Part 6 of Schedule 2, and Welsh Ministers' directions made there under, for being satisfied that they give a true and fair view and for such internal control as the Accounting Officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Accounting Officer is responsible for assessing the body's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless deemed inappropriate.

### Auditor's responsibilities for the audit of the financial statements

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

Irregularities, including fraud, are instances of non-compliance with laws and regulations. I design procedures in line with my responsibilities, outlined above, to detect material misstatements in respect of irregularities, including fraud.

My procedures included the following:

- Enquiring of management, the audited entity's head of internal audit and those charged with governance, including obtaining and reviewing supporting documentation relating to Social Care Wales' policies and procedures concerned with:
  - identifying, evaluating and complying with laws and regulations and whether they were aware of any instances of non-compliance;
  - detecting and responding to the risks of fraud and whether they have knowledge of any actual, suspected or alleged fraud; and
  - the internal controls established to mitigate risks related to fraud or non-compliance with laws and regulations.
- Considering as an audit team how and where fraud might occur in the financial statements and any potential indicators of fraud. As part of this discussion, I identified potential for fraud in the following areas: revenue recognition, posting of unusual journals;
- Obtaining an understanding of Social Care Wales' framework of authority as well as other legal and regulatory frameworks that the Social Care Wales operates in, focusing on those laws and regulations that had a direct effect on the financial statements or that had a fundamental effect on the operations of Social Care Wales.

In addition to the above, my procedures to respond to identified risks included the following:

- reviewing the financial statement disclosures and testing to supporting documentation to assess compliance with relevant laws and regulations discussed above;

- enquiring of management, the Audit and Risk Committee about actual and potential litigation and claims;
- reading minutes of meetings of those charged with governance and the Board;
- in addressing the risk of fraud through management override of controls, testing the appropriateness of journal entries and other adjustments; assessing whether the judgements made in making accounting estimates are indicative of a potential bias; and evaluating the business rationale of any significant transactions that are unusual or outside the normal course of business;

I also communicated relevant identified laws and regulations and potential fraud risks to all audit team and remained alert to any indications of fraud or non-compliance with laws and regulations throughout the audit.

The extent to which my procedures are capable of detecting irregularities, including fraud, is affected by the inherent difficulty in detecting irregularities, the effectiveness of the Social Care Wales' controls, and the nature, timing and extent of the audit procedures performed.

A further description of the auditor's responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website [www.frc.org.uk/auditorsresponsibilities](http://www.frc.org.uk/auditorsresponsibilities). This description forms part of my auditor's report.

### **Responsibilities for regularity**

The Accounting Officer is responsible for ensuring the regularity of financial transactions.

I obtain sufficient evidence to give reasonable assurance that the expenditure and income have been applied to the purposes intended by the Senedd and the financial transactions conform to the authorities which govern them.

### **Report**

I have no observations to make on these financial statements.

Adrian Crompton  
**Auditor General for Wales**  
 Date: 29 July 2022

24 Cathedral Road  
 Cardiff  
 CF11 9LJ

The maintenance and integrity of Social Care Wales' website is the responsibility of the Accounting Officer; the work carried out by auditors does not involve consideration of these matters and accordingly auditors accept no responsibility for any changes that may have occurred to the financial statements since they were initially presented on the website.

## Financial statements

Statement of comprehensive net expenditure for the year ended 31 March 2022	Note	2021-22 £'000	2020-21 £'000
<b>Expenditure</b>			
Staff costs	14	8,537	6,786
Programme expenditure			
Training support and other grants	4(i)	11,647	11,240
Non grant programme expenditure	4(ii)	3,585	2,400
Administration costs	5	1,224	1,177
Depreciation and amortisation	1(ix)	260	191
Pension interest charge	15	30	30
		<b>25,283</b>	<b>21,824</b>
<b>Income</b>			
Income from activities			
Registration fee income	1(iii)	1,553	1,155
Other income			
Apprenticeship certification	1(iv)	55	73
Mental health workforce		67	24
Introduction to Social Work		57	-
Sundry income		11	6
Pension interest credit	15	-	-
		<b>1,743</b>	<b>1,258</b>
Net expenditure		<b>23,540</b>	<b>20,566</b>
Interest receivable	3(i)	1	1
Interest surrenderable to the Welsh Government	3(ii)	(1)	(1)
Net expenditure after interest		<b>23,540</b>	<b>20,566</b>
<b>Other comprehensive expenditure</b>			
Actuarial remeasurement	15	(2,460)	340
<b>Total comprehensive expenditure for the year ended 31 March 2022</b>		<b>21,080</b>	<b>20,906</b>

The notes on pages 54 to 75 form part of these accounts.

Statement of financial position as at 31 March 2022		2022		2021	
	Note	£'000	£'000	£'000	£'000
Non-current assets:					
Property, plant and equipment	6	260		276	
Intangible assets	7	766		322	
Total non-current assets			1,026		598
Current assets:					
Trade and other receivables	9	699		665	
Cash and cash equivalents	10	365		368	
Total current assets			1,064		1,033
Total assets			2,090		1,631
Current liabilities					
Trade and other payables	11	(456)		(474)	
Total current liabilities			(456)		(474)
Total assets less					
Current liabilities			1,634		1,157
Non-current liabilities					
Pension liabilities	15	(490)		(2,350)	
Total non-current liabilities			(490)		(2,350)
Assets less liabilities			1,144		(1,193)
Reserves					
General reserve			1,634		1,157
Pension reserve			(490)		(2,350)
Total			1,144		(1,193)

Notes on pages 54 to 75 form part of these accounts.

The financial statements on pages 50 to 51 were approved by the Board of Social Care Wales on the 21 July 2022 and were signed on its behalf by:

**Sue Evans**

Chief Executive and Accounting Officer

Date: 27 July 2022

<b>Statement of cash flows</b> for the year ended 31 March 2022	<b>Note</b>	<b>2021-22</b> <b>£'000</b>	<b>2020-21</b> <b>£'000</b>
<b>Cash flows from operating activities</b>			
Net expenditure after interest		(23,540)	(20,566)
Adjustment for depreciation and amortisation		260	191
Adjustment for pension finance costs(net)		600	40
(Increase) in trade and other receivables		(34)	(36)
(Decrease) in trade and other payables		(18)	(51)
Net cash (outflow) from operating activities		<b>(22,732)</b>	<b>(20,422)</b>
<b>Cash flows from investing activities</b>			
Purchase of property, plant and equipment	6	(54)	(108)
Purchase of intangible assets	7	(634)	(117)
		<b>(688)</b>	<b>(225)</b>
<b>Cash flows from financing activities</b>			
Welsh Government funding (including Capital)		23,417	20,767
<b>Net financing</b>		<b>23,417</b>	<b>20,767</b>
<b>Net (decrease)/increase in cash and cash equivalents in the period</b>		<b>(3)</b>	<b>120</b>
Cash and cash equivalents at the beginning of the period	10	<b>368</b>	<b>248</b>
Cash and cash equivalents at the end of the period	10	<b>365</b>	<b>368</b>

Notes on pages 54 to 75 form part of these accounts.



<b>Statement of changes in taxpayers' equity for the year ended 31 March 2022</b>	<b>Pension reserve £'000</b>	<b>General reserve £'000</b>	<b>Total £'000</b>
<b>Balance as at 1 April 2020</b>	<b>(1,970)</b>	<b>916</b>	<b>(1,054)</b>
<b>Changes in taxpayers' equity 2020-21</b>			
Welsh Government funding	-	20,767	20,767
Transfer between reserves - Capital	(380)	380	-
Comprehensive expenditure for the year	-	(20,906)	(20,906)
<b>Balance at 31 March 2021</b>	<b>(2,350)</b>	<b>1,157</b>	<b>(1,193)</b>
<b>Changes in taxpayers' equity 2021-22</b>			
Welsh Government funding	-	23,417	23,417
Transfer between reserves - Capital	1,860	(1,860)	-
Comprehensive expenditure for the year	-	(21,080)	(21,080)
<b>Balance at 31 March 2022</b>	<b>(490)</b>	<b>1,634</b>	<b>1,144</b>

Notes on pages 54 to 75 form part of these accounts.

# Notes to the Accounts for the year ended 31 March 2022

## Statement of accounting Policies

These accounts have been prepared in accordance with the 2021-22 Government Financial Reporting Manual (FReM) issued by the relevant authorities.

The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public sector context. Where the FReM permits a choice of accounting policy, the accounting policy which is judged to be most appropriate to the circumstances of Social Care Wales for the purpose of giving a true and fair view has been selected. The particular policies adopted by Social Care Wales are described below and have been applied consistently in dealing with items that are considered material to the accounts.

### 1(i) Accounting Convention

The accounts have been prepared on a going concern basis, in accordance with the Accounts Direction issued by the Welsh Ministers with the consent of HM Treasury. They have been prepared under the modified historical cost convention.

### 1(ii) Financing

Social Care Wales receives monies from Welsh Government to fund its general revenue and capital activities. These amounts are regarded as financing and are credited to the General Reserve on receipt.

### 1(iii) Registration Fee Income

This arises from fees charged for registration on the Social Care Register. This fee is not considered to be for an on –going service but for registration in the register only. In line with International Accounting Standard 18 Revenue Recognition (IAS18), revenue is recognised at point of registration.

### 1(iv) Apprenticeship Certification income

Social Care Wales receives income for the compliance checking, printing and posting of Apprenticeship certificates as part of its work for the Apprenticeship Certification Authority. The revenue associated with the provision of services is recognised over time in line with the completion of the delivery of the services. In addition as Social Care Wales have all the risks and rewards associated with the provision of the services the income is accounted for on a gross basis in line with IAS 18 and recognises any costs associated with these services separately.

### 1(v) Training support and Other Grants

During 2021-22 Social Care Wales has made payments under the **Social Work Bursary Scheme** which is an incentive to train scheme for students enrolled on undergraduate and post-graduate social work training courses. This scheme includes payments to students of a non-income assessed bursary and an additional income assessed element for post-graduate students.

In addition, a **Practice Learning Opportunity Allowance** is also paid to all students. This expenditure is recognised as a liability on the receipt of the relevant grant claims in relation to the various elements of the Social Work Bursary scheme. This is on the basis that once the grant has been approved, Social Care Wales is unable to avoid this cost, as after eligibility has been proven there are no conditions in relation to the grant that are within the control of Social Care Wales that limit the amount payable.

**Practice Learning Opportunity Funding (PLOF)** is provided to Local Authorities as a contribution towards the costs of securing Practice Learning Opportunities for students undertaking approved Social Work courses in Wales. The grant is accounted for as a liability and the expenditure recognised in the Statement of Comprehensive Expenditure once the grant application has been successful. This

is on the basis that at this point Social Care Wales cannot avoid paying this liability and there are no conditions in relation to the grant that would limit the amount payable.

From 1 April 2017, Social Care Wales was given the responsibility for the administration **of the Social Care Wales Workforce Development programme (SCWWDP)** grant. The grant is provided to support Local Authorities to train and develop their own staff. Funding available from Social Care Wales through SCWWDP in 2021-22 provides 70% of the cost of the programme currently £7,149,350. The remaining 30% is to be funded by Local Authorities. The conditions attached to the grant are that the grant must be spent on eligible expenditure and must be spent within the financial year. Therefore, the liability for the grant is recognised once the grant offer letter has been provided. This is on the basis that at this point there are no conditions that remain within the control of Social Care Wales that limit the eligible costs being incurred.

Other grants includes:

- Regional Facilitation Grants to Statutory Regional Partnership Boards,
- People Using Services and Carers grants to Higher Education Institutions and
- Research grant to the Social Care Institute for Excellence (SCIE).

The liabilities for these grants are recognised once the grant has been claimed as at this point there are no conditions that remain within the control of Social Care Wales that limit the amount payable.

#### **1(vi) Trade receivables and other current assets – Social Work Bursary Scheme**

During 2021-22 a small number of students terminated their training early, giving rise to a repayment of all or part of the award. The repayment due at 31 March 2022 totalled £56k (£59k: 31 March 2021) and this sum is included in Trade receivables and other current assets at note 9. It is the policy of Social Care Wales to seek full repayment of these funds.

#### **1(vii) Property, plant and equipment**

Property, plant and equipment of an individual or group value of £1,000 or more are capitalised. Property, plant and equipment have been valued at historic cost at the 31 March 2022, as in the opinion of Social Care Wales any revaluation adjustments are not material.

#### **1(viii) Intangible Assets**

Information Technology and Licence purchases of an individual value of £1,000 or more are capitalised. Information Technology and Licence costs have been valued at historic cost at the 31 March 2022, as in the opinion of Social Care Wales any revaluation adjustments are not material.

#### **1(ix) Depreciation and Amortisation**

Depreciation and amortisation is provided at rates calculated to write off the historic cost of each asset on a straight line basis over the asset's useful economic life as set out below, except for office refurbishment, where costs are written off over the remaining period of the office leases when purchased.

- Communications Equipment - five years;
- Furniture - ten years;
- I.T. (Property, Plant and equipment) - four years;
- Accommodation costs - remaining period of accommodation leases when purchased;
- Information Technology and - four years;
- Licences (Intangible Assets).

Depreciation and amortisation is calculated monthly and begins in the month following the month of purchase. As such, purchases made in March 2022 will not begin to depreciate/amortise until the 2022-23 financial year. The exception to this rule is accommodation refurbishment costs where the depreciation charge is calculated on a daily basis.

### **1(x) Leases**

Leases are classified as finance leases when substantially all the risks and rewards of ownership are transferred to the lessee. All other leases are classified as operating leases.

Expenditure on leases of property is charged to the Statement of comprehensive net expenditure on the basis of costs incurred in the year. Operating lease rentals of equipment are charged to the Statement of comprehensive net expenditure in equal amounts over the lease term.

IFRS 16 which was issued in January 2016 and was effective for most companies from January 2019 has not yet been adopted by the FReM. It requires that all leases with a lease term of more than 12 months be recognized as assets and liabilities in financial statements. This will now be adopted in 2022-23 and more information is provided in note 1(xiv).

### **1(xi) Value Added Tax**

Social Care Wales is not registered for Value Added Tax (VAT). All expenditure including capital expenditure is reported including VAT, where relevant, as no VAT can be recovered.

### **1(xii) Pension Costs**

Past and present employees are covered by the Local Government Pension Scheme administered by Rhondda Cynon Taf County Borough Council, which is a multi-employer funded scheme. Further information is provided at note 15 to these Accounts where the principal assumptions used by the actuaries are outlined.

Pension Costs have been disclosed in accordance with IAS 19 Employee Benefits. IAS 19 requires the disclosure of certain information covering assets, liabilities and income and expenditure relating to the Scheme.

### **1(xiii) Provisions and Contingent Liabilities and Contingent Assets**

#### **Provisions**

Social Care Wales provides for obligations arising from past events where there is a present obligation at the date of the Statement of financial position, it is probable Social Care Wales will be required to settle the obligation and a reliable financial estimate can be made.

#### **Contingent Liabilities**

Social Care Wales discloses possible obligations arising from past events where the outcome is based on uncertain future events. Disclosure is made where a present obligation is not probable or cannot be measured reliably.

#### **Contingent Assets**

Social Care Wales discloses a possible asset when the outcome is based on one or more uncertain future events not in the control of Social Care Wales.

### **1(xiv) Changes to accounting standards not yet effective**

IFRS 16 Leases supersedes IAS 17 Leases and is effective in the public sector from 1 April 2022. IFRS 16 provides a single lessee accounting model and requires a lessee to recognise right-of-use assets and liabilities for leases with a term more than 12 months unless the underlying value is of low value. The FReM makes two public sector adaptations.

- The definition of a contract is expanded to include intra UK government agreements that are not legally enforceable;
- The definition of a contract is expanded to included agreements that have nil consideration.

IFRS 16 gives a narrower definition of a lease than IAS 17 and IFRIC 4 by requiring that assets and liabilities will be recognised initially at the discounted value of minimum lease payments. After initial recognition, right of use assets will be depreciated on a straight line basis and interest recognised on the liabilities. Except where modified for revaluation where material, the cost model will be applied to assets other than peppercorn leases which will be measured on a depreciated replacement cost basis. The right of use asset in a peppercorn lease is accounted for similarly to a donated asset.

As required by the FReM IFRS 16 will be implemented using the accumulated catch up method.

The right of use assets and leasing obligation have been calculated and indicated that the total discounted value of right of use assets and liabilities under IFRS 16 is lower than the value of minimum lease commitments under IAS 17. This is due to the application of the discount factor in calculating NPV of right of use assets. The impact of implementation is a:

- Increase in expenditure £2k;
- Increase in assets of £1,452k and liabilities of £1,480k with the difference on transition reducing reserves by £28k.

## 2. Analysis of net expenditure by segment

The Statement of Comprehensive Net Expenditure Account reflects the segments that the operating results of Social Care Wales are reported to the Executive Management Team in order that performance can be assessed by these segments. Consequently, no further analysis of Net Expenditure by Segment is provided.

3. Welsh Government funding	2021-22 £'000	2020-21 £'000
Grant in aid received from the Welsh Government	23,417	20,767
Amount credited to general reserve	23,417	20,767

As outlined in Note 1(ii) the total grants of £23,417k (2020-21: £20,767k) are now credited to the General Reserve on receipt.

3(i) Non-retainable income	2021-22 £'000	2020-21 £'000
Interest on deposit account	1	1
<b>Total non-retainable income</b>	<b>1</b>	<b>1</b>

3(ii) Reconciliation of cash received from non-retainable income with amounts repaid to the Welsh Government	2021-22 £'000	2020-21 £'000
Cash received (income exceeding Welsh Government threshold)	1	1
Total income repayable	1	1
Cash repayment	1	1
<b>Due to the Welsh Government at the year end</b>	<b>-</b>	<b>-</b>

Social Care Wales has a liability to repay the Welsh Government interest received during the year, and fee income in excess of the target of £1,405k. The interest received of £1k was paid to Welsh Government. The fee income received in the year in cash terms totalled £1,553k (2020-21: £1,155k). As per our Governance Framework with Welsh Government permission was obtained from Welsh Government to retain registration income over the target amount.

## 4. Programme costs

4(i) Training support and other grants	2021-22 £'000	2020-21 £'000
Social Work Bursary Scheme payments	1,862	2,102
Practice Learning Opportunity Funding	1,237	990
People using services and carers in social work training	53	66
Social Care Wales Workforce Development Programme	7,149	7,149
	<b>10,301</b>	<b>10,307</b>
<b>Other grants</b>		
Grants to regions	1,172	810
Research - Social Care Institute for Excellence	174	123
	<b>11,647</b>	<b>11,240</b>

4(ii) Non grant programme expenditure	2021-22 £'000	2020-21 £'000
Improvement and development	2,526	1,544
Workforce regulation including regulation of social work training	1,059	856
	<b>3,585</b>	<b>2,400</b>

5. Administration costs	2021-22 £'000	2020-21 £'000
Chair, members, panel members and staff expenses	5	3
Other Staff Costs	170	106
Other Chair, members and panel members costs	8	25
Rental under operating leases- accommodation	273	273
Other premises costs	271	283
Workshops, seminars, promotions, publications	93	83
Equipment and software	225	199
Rental under operating leases- photocopiers & franking machines	23	23
Administration	51	52
External audit- audit work	22	21
Other professional fees	83	109
	<b>1,224</b>	<b>1,177</b>



6. Property, plant and equipment year ended 31 March 2022	Accommodation refurbishment £'000	Furniture and fittings £'000	Information technology £'000	Totals £'000
<b>Cost</b>				
<b>At 1 April 2021</b>	<b>591</b>	<b>143</b>	<b>768</b>	<b>1,502</b>
Additions in the period	-	-	54	54
Disposals in the period	-	-	-	-
<b>At 31 March 2022</b>	<b>591</b>	<b>143</b>	<b>822</b>	<b>1,556</b>
<b>Depreciation</b>				
<b>At 1 April 2021</b>	<b>469</b>	<b>141</b>	<b>616</b>	<b>1,226</b>
Charged in the year	16	-	54	70
Disposals in the period	-	-	-	-
<b>At 31 March 2022</b>	<b>485</b>	<b>141</b>	<b>670</b>	<b>1,296</b>
<b>Net book value</b>				
<b>At 31 March 2022</b>	<b>106</b>	<b>2</b>	<b>152</b>	<b>260</b>
<b>At 1 April 2021</b>	<b>122</b>	<b>2</b>	<b>152</b>	<b>276</b>

year ended 31 March 2021	Accommodation refurbishment £'000	Furniture and fittings £'000	Information technology £'000	Totals £'000
<b>Cost</b>				
<b>At 1 April 2020</b>	<b>591</b>	<b>143</b>	<b>660</b>	<b>1,394</b>
Additions in the period	-	-	108	108
Disposals in the period	-	-	-	-
<b>At 31 March 2021</b>	<b>591</b>	<b>143</b>	<b>768</b>	<b>1,502</b>
<b>Depreciation</b>				
<b>At 1 April 2020</b>	<b>453</b>	<b>140</b>	<b>586</b>	<b>1,179</b>
Charged in the year	16	1	30	47
Disposals in the period	-	-	-	-
<b>At 31 March 2021</b>	<b>469</b>	<b>141</b>	<b>616</b>	<b>1,226</b>
<b>Net book value</b>				
<b>At 31 March 2021</b>	<b>122</b>	<b>2</b>	<b>152</b>	<b>276</b>
<b>At 1 April 2020</b>	<b>138</b>	<b>3</b>	<b>74</b>	<b>215</b>

7. Intangible assets year ended 31 March 2022	Information technology £'000	Licences £'000	Development expenditure £'000	Totals £'000
<b>Cost</b>				
<b>At 1 April 2021</b>	<b>1,615</b>	<b>133</b>	<b>-</b>	<b>1,748</b>
Additions in the period	266	-	368	634
Transfer from development	-	-	-	-
Disposals in the period	-	-	-	-
<b>At 31 March 2022</b>	<b>1,881</b>	<b>133</b>	<b>368</b>	<b>2,382</b>
<b>Amortisation</b>				
<b>At 1 April 2021</b>	<b>1,328</b>	<b>98</b>	<b>-</b>	<b>1,426</b>
Charged in the year	177	13	-	190
Disposals in the period	-	-	-	-
<b>At 31 March 2022</b>	<b>1,505</b>	<b>111</b>	<b>-</b>	<b>1,616</b>
<b>Net book value</b>				
<b>At 31 March 2022</b>	<b>376</b>	<b>22</b>	<b>368</b>	<b>766</b>
<b>At 1 April 2021</b>	<b>287</b>	<b>35</b>	<b>-</b>	<b>322</b>

year ended 31 March 2021	Information technology £'000	Software licences £'000	Development expenditure £'000	Totals £'000
<b>Cost</b>				
<b>At 1 April 2020</b>	<b>1,498</b>	<b>133</b>	<b>-</b>	<b>1,631</b>
Additions in the period	117	-	-	117
Transfer from development	-	-	-	-
Disposals in the period	-	-	-	-
<b>At 31 March 2021</b>	<b>1,615</b>	<b>133</b>	<b>-</b>	<b>1,748</b>
<b>Amortisation</b>				
<b>At 1 April 2020</b>	<b>1,197</b>	<b>85</b>	<b>-</b>	<b>1,282</b>
Charged in the year	131	13	-	144
Disposals in the period	-	-	-	-
<b>At 31 March 2021</b>	<b>1,328</b>	<b>98</b>	<b>-</b>	<b>1,426</b>
<b>Net book value</b>				
<b>At 31 March 2021</b>	<b>287</b>	<b>35</b>	<b>-</b>	<b>322</b>
<b>At 1 April 2020</b>	<b>301</b>	<b>48</b>	<b>-</b>	<b>349</b>

## 8. Financial Instruments

As the cash requirements of SCW are primarily met through Grant-in-Aid provided by the Welsh Government, financial instruments play a more limited role in creating and managing risk than would apply to a non-public sector body. The majority of financial instruments relate to contracts to buy non-financial items in line with SCW's expected purchase and usage requirements and SCW is therefore exposed to little credit, liquidity or market risk.

9. Trade receivables and other current assets at 31 March	2022 £'000	2021 £'000
<b>Amounts falling due within one year</b>		
Trade receivables		
Welsh Government	76	11
Local Authorities	-	2
Social Work Bursary Scheme debtors	56	59
Other bodies	8	94
Other receivables		
Prepayments and accrued income	559	499
	<b>699</b>	<b>665</b>

Social Work Bursary Scheme debtors are repayable over more than one financial year, repayment contracts being agreed and signed by students which take account of their individual circumstances. However, for the purposes of disclosure, all balances have been included as falling due within one financial year.

10. Cash and cash equivalents	2021-22 £'000	2020-21 £'000
Balance at 1 April	368	248
Net change in cash and cash equivalent balances	(3)	120
Balance at 31 March	<b>365</b>	<b>368</b>

The balances at the 1<sup>st</sup> April 2020, the 1<sup>st</sup> April 2021, and the 31<sup>st</sup> March 2022 were held at Commercial Banks.

11. Trade payables and other current liabilities at 31 March	2022 £'000	2021 £'000
Amounts falling due within one year		
Trade payables		
Other taxation and social security	-	-
Other payables		
Accruals and deferred income	456	474
	<b>456</b>	<b>474</b>

## 12. Capital Commitments

There were contracted capital commitments of £41k at 31 March 2022 not otherwise included in these financial statements (£10k at 31 March 2021).

13. Commitments under operating leases as at 31 March	2022 £'000	2021 £'000
<b>Obligations under operating leases comprise:</b>		
Land and buildings		
Not later than one year	273	273
Later than one year and not later than five years	1,092	1,092
Later than five years	514	787
	<b>1,879</b>	<b>2,152</b>
Other		
Not later than one year	5	22
Later than one year and not later than five years	-	-
Later than five years	-	-
	<b>5</b>	<b>22</b>

14. Staff costs	2021-22 Total costs £'000	2020-21 Total costs £'000
Salaries and wages	5,583	4,956
Social security costs	536	462
Other pension Costs	2,424	1,409
Apprenticeship levy	12	9
<b>Sub-total</b>	<b>8,555</b>	<b>6,836</b>
Less recoveries in respect of outward secondments	(18)	(50)
<b>Total net costs</b>	<b>8,537</b>	<b>6,786</b>

## 15. Retirement benefit obligations

### (i) Present Staff and Pensioners

Social Care Wales participates in a multi-employer funded pension scheme which provides benefits at a normal pension age which is linked to the state pension age (but with a minimum age of 65). The assets of the scheme are held separately from those of Social Care Wales and are administered by Rhondda Cynon Taf County Borough Council. Social Care Wales share of the underlying assets and liabilities of the scheme was separately identified in the actuarial valuation at 31 March 2004 for the first time.

### 14(ii) Local Government Pension Scheme, a defined benefit scheme

The Scheme is contracted out of the State Earnings Related Pension Scheme (SERPS) and is not subject to the minimum pension requirements of the Pensions Act 1995. The Local Government Pension Scheme Regulations 1997 (regulation 77) specifies that actuarial valuations must be carried out at 31 March 1998, and triennially thereafter. The disclosures below relate to the Rhondda Cynon Taf County Borough Council Pension Scheme and have been provided by the Scheme's actuary Aon Hewitt Limited, London.

### 14(iii) Results under International Accounting Standard no.19 (Disclosure)

The disclosures below relate to the funded liabilities within the Rhondda Cynon Taf Pension Fund (the 'Fund') which is part of the Local Government Pension Scheme (LGPS). The LGPS is a funded defined benefit plan with benefits earned up to 31 March 2014 being linked to final salary. Benefits after 31 March 2014 are based on a Career Average Revalued Earnings scheme. Details of the benefits earned over the period covered by this disclosure are set out in 'The Local Government Pension Scheme Regulations 2013'(as amended) and 'The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014'(as amended).

## Funding / Governance Arrangements of the LGPS

The funded nature of the LGPS requires the Employer and its employees to pay contributions into the Fund, calculated at a level intended to balance the pension liabilities with investment assets. Information on the framework for calculating contributions to be paid out is set out in LGPS Regulations 2013 and the Fund's Funding Strategy Statement. The last actuarial valuation was at 31 March 2019 and the contributions to be paid until 31 March 2023 resulting from that valuation are set out in the Fund's Rates and Adjustment Certificate. The Fund Administering Authority, Rhondda Cynon Taf County Borough Council is responsible for the governance of the Fund.

### Assets

Social Care Wales recognises gains and losses in full, immediately through the Statement of Comprehensive Net Expenditure. In accordance with International Accounting Standard no.19 - Employee Benefits (IAS 19), disclosure of certain information concerning assets, liabilities and income and expenditure relating to pension schemes is required.

The assets allocated to the Employer in the Fund are notional and are assumed to be invested in line with the investments of the Fund for the purposes of calculating the return to be applied to these notional assets over the accounting period. The fund is large and holds a significant proportion of its assets in liquid investments. As a consequence there will be no significant restriction on realising assets if a large payment is required to be paid from the Fund in relation to an employer's liabilities. The assets are invested in a diversified spread of investments and the approximate split of assets for the Fund as a whole (based on data supplied by the Administering Authority) is shown in the disclosures.

The Fund Administering Authority may invest a small proportion of the Fund's investments in the assets of some of the employers participating in the Fund if it forms part of their balanced investment strategy.

## Risks associated with the Fund in relation to accounting

### Asset Volatility

The liabilities used for accounting purposes are calculated using a discount rate set with reference to corporate bond yields. If assets underperform, this yield this will create a deficit in the accounts. The Fund holds a significant proportion of growth assets which, while expected to outperform corporate bonds in the long term, creates volatility and risk in the short term in relation to the accounting figures.

### Changes in Bond Yield

A decrease in corporate bond yields will increase the value placed on the liabilities for accounting purposes although this will be marginally offset by the increase in the assets as a result (to the extent the Fund invests in Corporate bonds).

### Inflation Risk

The majority of the pension liabilities are linked to either pay or price inflation. Higher inflation expectations will lead to a higher liability value. The assets are not perfectly correlated with inflation meaning that an increase in inflation will increase the deficit.

### Life Expectancy

The majority of the Fund's obligations are to provide benefits for the life of the member following retirement, so increases in life expectancy will result in an increase in the liabilities.

## Exiting Employers

Employers who leave the Fund (or their guarantor) may have to make an exit payment to meet any shortfall in assets against their pension liabilities. If the employer (or guarantor) is not able to meet this exit payment the liability may in certain circumstances fall on other employers in the Fund. Further the assets at exit in respect of 'orphan liabilities' may, in retrospect, not be sufficient to meet the liabilities. This risk may fall on other employers. 'Orphan liabilities' are currently a small proportion of the overall liabilities in the Fund.

## Other Notes

### McCloud Judgement

The 'McCloud' judgement in the Court of Appeal found that the transitional protection arrangements put in place when the firefighters' and judges' pension schemes were reformed were age discriminatory. On 27 June 2019 the Supreme Court denied permission for Government to appeal this judgement, and on 15 July 2019 the Government issued a ministerial statement saying they would expect to compensate members across all public-sector schemes which contained transitional protection arrangements (which includes the LGPS).

The Minister of Housing, Communities and Local Government (MHCLG) (now Department of Levelling Up, Housing and Communities (DLUHC)) published its McCloud consultation for the LGPS (in England and Wales) on 16 July 2020, setting out proposed changes aimed at removing unlawful discrimination in the LGPS. Further to the close of the consultation in a written statement on 13 May 2021 the MHCLG (now DLUHC) confirmed that they would be proceeding with the key principles as laid out in the consultation.

We have allowed for the impact of the McCloud judgement in these figures and the method used is closely aligned with the method proposed by the MHCLG (now the DLUHC) in its consultation. This is the same approach as last year using a roll-forward method based on last year's results.

### Cost Management in the LGPS

Legislation requires HM Treasury and the Scheme Advisory Board (SAB) to undertake periodic valuations to monitor the cost of the LGPS to ensure it remains sustainable and affordable. This is referred to as the 'Cost Management Process'.

HM Treasury and the SAB had paused their reviews following the 'McCloud' judgement in the Court of Appeal. These have been unpaused and HMT Directions were made over 2021 which allowed the Treasury and SAB reviews to proceed. The outcome of the SAB review has been published and has recommended no changes to the provisions of the scheme. It is expected that the outcome of the HMT review will also recommend no changes. However, the legality of the Government's decision to include McCloud costs as a member cost within the 2016 HMT process is being challenged by a Judicial Review brought by the trades unions. If the judicial review is successful this may cause the 2016 HMT process to be re-run and could result in changes in benefits or members contributions backdated to 1 April 2019.

However, no allowance for the Cost Management Process has been made in these figures.

### GMP Equalisation and Indexation

On 26 October 2018 the High Court ruled in the Lloyds Bank case that equalisation for the effect of unequal Guaranteed Minimum Pensions (GMPs) is required. The ruling confirmed that trustees have a duty "to equalise benefits for men and women so as to alter the result which is at present produced in relation to GMPs".

These figures allow for full pensions increases to be paid on GMPs to individuals reaching State Pension Age (SPA) after 6 April 2016. This is an approximate method to recognise the cost of the Government's commitment to compensate public service scheme members. Government has consulted on its approach to compensating affected members and announced on 23 March 2021 that it would adopt a long term policy of uprating GMPs in line with CPI inflation for members whose SPA is on or after 6 April 2016. The consultation response recognised that this solution will not address all sex inequalities for a minority of members. We are expecting further guidance from DLUHC on how they propose to deal with this. We expect any remaining sex inequalities to be small and believe that the approach, in line with government policy, is a reasonable estimate.

In October 2020 a second ruling in the Lloyds bank case clarified that compensation would be required to members who transferred benefits out since May 1990. The Government has not yet acknowledged a liability or indicated an approach to rectifying this. Therefore no allowance has been made for any potential liability.

### Goodwin ruling

In June 2020 an Employment Tribunal ruled, in relation to the Teachers Pension Scheme, that provisions for survivor's benefits of a female member in an opposite sex marriage are less favourable than for a female in a same sex marriage or civil partnership, and that treatment amounts to direct discrimination on grounds of sexual orientation. The chief secretary to the Treasury announced in a written ministerial statement on 20 July 2020 that he believed that changes would be required to other public service pension schemes with similar arrangements. These changes are yet to be reflected in the LGPS regulations so no allowance has been made in the calculations.

### The Covid Pandemic

Prior to 2021-22 assumptions in respect of mortality have not been amended to reflect the pandemic as the outlook for longer term mortality has been broadly neutral compared to views before the pandemic. However mortality experts current thinking is starting to move from "neutral" to "negative outlook". Therefore the assumptions in respect of future mortality now reflect the effects of COVID-19.

The Employer's regular contributions to the Fund for the accounting period ending 31 March 2023 are estimated to £1.56m. The date of the last full actuarial valuation of Social Care Wales LGPS funded benefits was 31 March 2019 and the duration of liabilities is 26.3 years.

Key assumptions	31 March 2022 (% pa)	31 March 2021 (% pa)	31 March 2020 (% pa)
Discount rate	2.7	2.1	2.3
CPI inflation	2.9	2.6	1.8
Pension increases	2.9	2.6	1.8
Pension accounts revaluation rate	2.9	2.6	1.8
Salary increases	4.2	3.9	3.1



## Mortality Assumption

The mortality assumptions are based on actual mortality experience of members within the Fund based on analysis carried out as part of the 2019 valuation and allow for expected future mortality improvements. Sample life expectancies at age 65 resulting from these mortality assumptions are shown below. At this accounting date the assumed rates of future mortality have been increased to reflect a slightly more negative outlook as a result of the Covid-19 pandemic.

Assumed life expectancy at age 65	31 March 2022	31 March 2021
<b>Males</b>		
Pensioner member aged 65 at accounting date	21.6	21.8
Active member aged 45 at accounting date	22.6	22.8
<b>Females</b>		
Pensioner member aged 65 at accounting date	23.9	24.1
Active member aged 45 at accounting date	25.4	25.6

Asset allocation	Value at 31 March 2022			Value at 31 March 2021
	Quoted	Unquoted	Total	
Equities	67.5%	0.0%	67.5%	72.5%
Property	0.0%	0.0%	0.0%	6.3%
Government bonds	11.6%	0.0%	11.6%	8.3%
Corporate bonds	12.7%	0.0%	12.7%	12.3%
Multi Asset Credit	7.3%	0.0%	7.3%	0.0%
Cash	0.6%	0.0%	0.6%	0.6%
Other	0.3%	0.0%	0.3%	0.0%
<b>Total</b>	<b>100.0%</b>	<b>0.0%</b>	<b>100.0%</b>	<b>100.0%</b>

Reconciliation of funded status to the Statement of financial position	Value at 31 March 2022 (£M)	Value at 31 March 2021 (£M)
Fair value of assets	32.65	30.65
Present value of funded defined benefit obligation	33.14	33.0
<b>Funded status</b>	<b>(0.49)</b>	<b>(2.35)</b>
Unrecognised asset	0.00	0.00
<b>(Liability) recognised on the SOFP</b>	<b>(0.49)</b>	<b>(2.35)</b>

The split of the liabilities obligation at the last valuation date between the various categories of members was as follows:

- Active Members 56%
- Deferred Pensioners 18%
- Pensioners 26%

Amounts recognised in comprehensive net expenditure	Year ending 31 March 2022 (£M)	Year ending 31 March 2021 (£M)
<b>Operating cost</b>		
Current service cost <sup>(1)</sup>	2.42	1.39
Past service cost (incl. curtailments)	0.00	0.00
Settlement cost	0.00	0.00
<b>Financing cost</b>		
Interest on net defined benefit liability/(asset)	0.03	0.03
<b>Pension cost recognised in net expenditure</b>	<b>2.45</b>	<b>1.42</b>
<b>Remeasurements in other comprehensive expenditure</b>		
Return on plan assets (in excess of) that recognised in net interest	0.58	(7.05)
Actuarial (gains)/losses due to change in financial assumptions	(2.82)	7.60
Actuarial (gains)/losses due to change in demographic assumptions	(0.33)	-
Actuarial (gains)/losses due to liability experience	0.11	(0.21)
Adjustment in respect of paragraph 64	0.00	0.00
<b>Total amount recognised in other comprehensive expenditure</b>	<b>(2.46)</b>	<b>0.34</b>
<b>Total amount recognised in total comprehensive expenditure</b>	<b>(0.01)</b>	<b>1.76</b>
(1) Allowance for administration expenses included in current service cost (£M)	0.02	0.02

<b>Changes to the present value of the defined benefit obligation</b>	<b>Year ending 31 March 2022 (£M)</b>	<b>Year ending 31 March 2021 (£M)</b>
<b>Opening defined benefit obligation</b>	<b>33.00</b>	<b>23.68</b>
Current service cost	2.42	1.39
Interest expense on defined benefit obligation	0.69	0.54
Contributions by participants	0.35	0.30
Actuarial (gains)/losses due to changes in financial assumptions	(2.82)	7.60
Actuarial (gains)/losses due to changes in demographic assumptions	(0.33)	-
Actuarial (gains)/losses due to liability experience	0.11	(0.21)
Net benefits paid out	(0.28)	(0.30)
Past service cost (incl. curtailments)	0.00	0.00
Net increase in liabilities from disposals/acquisitions	0.00	0.00
Settlements	0.00	0.00
<b>Closing defined benefit obligation</b>	<b>33.14</b>	<b>33.0</b>

<b>Changes to the fair value of assets during the year</b>	<b>Year ending 31 March 2022 (£M)</b>	<b>Year ending 31 March 2021 (£M)</b>
<b>Opening fair value of assets</b>	<b>30.65</b>	<b>21.71</b>
Interest income on assets	0.66	0.51
Remeasurement gains(losses) on assets	(0.58)	7.05
Contributions by the employer	1.85	1.38
Contributions by the participants	0.35	0.30
Net benefits paid out	(0.28)	(0.30)
Net increase in assets from disposals & acquisitions	0.00	0.00
Settlements	0.00	0.00
<b>Closing fair value of assets</b>	<b>32.65</b>	<b>30.65</b>

<b>Actual return on assets</b>	<b>Year ending 31 March 2022 (£M)</b>	<b>Year ending 31 March 2021 (£M)</b>
Interest income on assets	0.66	0.51
Remeasurement gains /(losses) on assets	(0.58)	7.05
<b>Actual return on assets</b>	<b>0.08</b>	<b>7.56</b>

### Estimated pension expense in future periods

#### Funded Benefits

We provide an estimate of the charges to comprehensive expenditure on the provision of services in future periods, based on the assumptions outlined above.

<b>Analysis of amount charged in other comprehensive expenditure on the provision of services next year</b>	<b>Year ending 31 March 2023 (£M)</b>
Current service cost	2.22
Interest on net defined benefit liability	(0.01)
<b>Total estimated pension expense</b>	<b>2.21</b>

Allowance for administration expenses included in the Current service cost (£M) 0.03

Estimated pensionable payroll over the period (£M) 5.24

#### Sensitivity Analysis

The approximate impact of changing the key assumptions on the present value of the funded defined benefit obligation as at 31 March 2022 and the projected service cost for the year ending 31 March 2023 is set out below.

In each case only the assumption mentioned is altered; all other assumptions remain the same as summarised above.

We have not included sensitivity of unfunded benefits (where applicable) on materiality grounds.

## Funded LGPS Benefits

<b>Discount rate assumption</b> Adjustment to discount rate	<b>+0.1% p.a.</b>	<b>Base figure</b>	<b>-0.1% p.a.</b>
Present value of total obligation (£M)	32.28	33.14	34.03
% change in present value of total obligation	-2.6%	-	2.7%
Projected service cost (£M)	2.13	2.22	2.31
Approximate % change in projected service cost	-3.9%	-	4.0%

<b>Rate of general increase in salaries</b> Adjustment to salary increase rate	<b>+0.1% p.a.</b>	<b>Base figure</b>	<b>-0.1% p.a.</b>
Present value of total obligation (£M)	33.27	33.14	33.01
% change in present value of total obligation	0.4%	-	-0.4%
Projected service cost (£M)	2.22	2.22	2.22
Approximate % change in projected service cost	0.0%	-	0.0%

<b>Rate of increase to pensions in payment and deferred pensions assumption, and rate of revaluation of pension accounts assumption</b> Adjustment to pension increase rate	<b>+0.1% p.a.</b>	<b>Base figure</b>	<b>-0.1% p.a.</b>
Present value of total obligation (£M)	33.90	33.14	32.41
% change in present value of total obligation	2.3%	-	-2.2%
Projected service cost (£M)	2.31	2.22	2.13
Approximate % change in projected service cost	4.0%	-	-3.9%

<b>Post retirement mortality assumption*</b> Adjustment to mortality age rating assumption	<b>-1 year</b>	<b>Base figure</b>	<b>+1 year</b>
Present value of total obligation (£M)	34.27	33.14	32.01
% change in present value of total obligation	3.4%	-	-3.4%
Projected service cost (£M)	2.31	2.22	2.13
Approximate % change in projected service cost	4.0%	-	-3.9%

\* A rating of +1 year means that members are assumed to follow the mortality pattern of the base table for an individual that is 1 year older than them.

## 16. Provisions and Contingent Liabilities disclosed under IAS 37

The lease agreements in relation our Cardiff and St Asaph Offices potentially requires that any alterations, additions and partitioning should be removed on cessation of the lease. No provision has been made as this obligation is uncertain and is contingent on the landlord requesting the removal.

## 17. Contingent Asset

At 31 March 2022 there were £32k of registration fees outstanding. Based on experience to date only after contacting the registered person we are able to substantiate whether the registered person has not paid due to leaving the sector (and the outstanding fee will not be pursued) or if it is a genuine debt in relation to an ongoing registrant.

Therefore the £32k outstanding is not treated as income in the Statement of Comprehensive Net Expenditure as we are not sure of the precise economic value of this amount as on an individual basis we will not know whether the income will materialise until contact is made and a response is received from the registered person.

## 18. Related Party Transactions

During the year Social Care Wales has had various material transactions with the Welsh Government which is regarded as a related party. The transactions and balances were as follows:

	2021-22	2020-21
Income	£23.541m	£20.791m
Expenditure	£0.164m	£0.144m
Debtor balance as at 31 March	£0.076m	£0.011m
Creditor balance as at 31 March	-	-

### Social Care Wales Board Members and Staff

No employees including key management personnel or board members nor their related parties were involved directly or indirectly in any transactions with Social Care Wales during the year, apart from normal expense claims, salary payments etc. Information about key management personnel is included in the Remuneration Report.

However for transparency we do disclose material transactions with organisations in which senior staff or members or any of their family held positions of influence during the year.

Two members of our board were members of the Regional Partnership Boards which received grant funding from Social Care Wales in the form of Regional Facilitation Grant.

The transactions were as follows :

Board Member	Role	Regional Partnership Board	Expenditure 2021-22 (£)	Expenditure 2020-21 (£)
Abigail Harris	Member	Cardiff & Vale Regional Partnership Board	99,244	73,036
Carl Cooper	Deputy Chair	Powys Regional Partnership Board	69,660	57,574

Please note that the payments in the table above were made to the nominated local authority being Vale of Glamorgan Council (Cardiff and Vale) and Powys County Council (Powys) in 2021-22.

## 19. Third Party Assets

Social Care Wales does not hold any third party assets in which it acts as a custodian or a trustee.

## 20. Events after the reporting period

There are no events after the reporting period, which require adjustment to the 31 March 2022 financial statements.





# Audit of Accounts Report and Management Letter – Social Care Wales

Audit year: 2021-22

Date issued: July 2022

Document reference: 3039A2022

This document has been prepared as part of work performed in accordance with statutory functions.

In the event of receiving a request for information to which this document may be relevant, attention is drawn to the Code of Practice issued under section 45 of the Freedom of Information Act 2000. The section 45 code sets out the practice in the handling of requests that is expected of public authorities, including consultation with relevant third parties. In relation to this document, the Auditor General for Wales and the Wales Audit Office are relevant third parties. Any enquiries regarding disclosure or re-use of this document should be sent to the Wales Audit Office at [infoofficer@audit.wales](mailto:infoofficer@audit.wales).

We welcome correspondence and telephone calls in Welsh and English. Corresponding in Welsh will not lead to delay. Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg a Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

# Contents

This document summarises the conclusions following the audit of Social Care Wales' 2021-22 financial statements. We intend to issue an unqualified audit report on your Accounts. There are no issues to report to you prior to their approval.

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# Audit of Accounts Report

## Introduction

- 1 We summarise the findings from our audit of your 2021-22 financial statements in this report.
- 2 We have already discussed these issues with the Director of Finance Strategy and Corporate Services and the Assistant Director of Finance and IT.
- 3 Auditors can never give complete assurance that accounts are correctly stated. Instead, we work to a level of 'materiality'. This level of materiality is set to try to identify and correct misstatements that might otherwise cause a user of the accounts into being misled.
- 4 We set this level at £494,000 for this year's audit.
- 5 There are some areas of the accounts that may be of more importance to the reader and we have set a lower materiality level for these, as follows:
  - Remuneration Report £1,000
  - Related Party Disclosures £1,000
- 6 We have now substantially completed this year's audit.
- 7 In our professional view, we have complied with the ethical standards that apply to our work; remain independent of yourselves; and our objectivity has not been compromised in any way. There are no relationships between ourselves and yourselves that we believe could undermine our objectivity and independence.

## Impact of COVID-19 on this year's audit

- 8 The COVID-19 pandemic has had a significant impact on all aspects of our society and continues to do so. You are required by law to prepare accounts and it is of considerable testament to the commitment of your accounts team that you have succeeded in doing so this year in the face of the challenges posed by this pandemic. We are extremely grateful to the professionalism of the team in supporting us to complete our audit in such difficult circumstances.
- 9 The pandemic has unsurprisingly affected our audit and we summarise in **Exhibit 1** the main impacts. Other than where we specifically make recommendations, the detail in **Exhibit 1** is provided for information purposes only to help you understand the impact of the COVID-19 pandemic on this year's audit process.

## Exhibit 1 – impact of COVID-19 on this year’s audit

<b>Timetable</b>	<ul style="list-style-type: none"><li>• The deadline for completing your accounts remained unchanged.</li><li>• We received the draft accounts on 30 May 2022.</li><li>• We expect your audit report to be signed on 29 July 2022.</li></ul>
<b>Electronic signatures</b>	We will accept electronic signatures and electronic transfer of files.
<b>Audit evidence</b>	<p>As in previous years, we received the majority of audit evidence in electronic format. We have used various techniques to ensure its validity. Where we have been unable to obtain access to paper documents because of COVID-19 restrictions we have devised alternative audit methodologies to obtain sufficient audit evidence:</p> <ul style="list-style-type: none"><li>• use of encrypted secure emails to share documents; and</li><li>• some information was verified to screen prints or to the live systems via screen sharing.</li></ul> <p>Video conferencing has enabled the audit team to correspond effectively with the finance team throughout the audit.</p>

- 10 We will continue to review what we have learned for our audit process from the COVID-19 pandemic and whether there are innovative practices that we might adopt in the future to enhance that process.

## Proposed audit opinion

- 11 We intend to issue an unqualified audit opinion on this year’s accounts once you have provided us with a signed Letter of Representation based on that set out in **Appendix 1**.
- 12 We issue a ‘qualified’ audit opinion where we have material concerns about some aspects of your accounts; otherwise we issue an unqualified opinion.
- 13 The Letter of Representation contains certain confirmations we are required to obtain from you under auditing standards.
- 14 Our proposed audit report is set out in **Appendix 2**.

## Significant issues arising from the audit

### Uncorrected misstatements

- 15 There are no misstatements identified in the accounts, which remain uncorrected.

### Corrected misstatements

- 16 There were a number of minor misstatements in the accounts that have now been corrected by management. These were narrative disclosure amendments and we do not consider they need to be drawn to your attention as part of your responsibilities over the financial reporting process.

### Other significant issues arising from the audit

- 17 In the course of the audit, we consider a number of matters relating to the accounts and report any significant issues arising to you. There were no significant issues arising this year.

# Appendix 1

## Final Letter of Representation

### Social Care Wales letter head

Auditor General for Wales  
Audit Wales  
24 Cathedral Road  
Cardiff  
CF11 9LJ

xx July 2022

### Representations regarding the 2021-22 financial statements

This letter is provided in connection with your audit of the financial statements (including that part of the Remuneration Report that is subject to audit) of Social Care Wales for the year ended 31 March 2022 for the purpose of expressing an opinion on their truth and fairness, their proper preparation and the regularity of income and expenditure.

We confirm that to the best of our knowledge and belief, having made enquiries as we consider sufficient, we can make the following representations to you.

### Management representations

#### Responsibilities

As Chief Executive and Accounting Officer I have fulfilled my responsibility for:

- preparing the financial statements in accordance with legislative requirements and the Treasury's Financial Reporting Manual. In preparing the financial statements, I am required to:
  - observe the accounts directions issued by Welsh Ministers, including the relevant accounting and disclosure requirements and apply appropriate accounting policies on a consistent basis;
  - make judgements and estimates on a reasonable basis;
  - state whether applicable accounting standards have been followed and disclosed and explain any material departures from them; and
  - prepare them on a going concern basis on the presumption that the services of Social Care Wales will continue in operation;
- ensuring the regularity of any expenditure and other transactions incurred; and
- the design, implementation and maintenance of internal control to prevent and detect error.

## Information provided

We have provided you with:

- full access to:
  - all information of which we are aware that is relevant to the preparation of the financial statements such as books of account and supporting documentation, minutes of meetings and other matters;
  - additional information that you have requested from us for the purpose of the audit; and
  - unrestricted access to staff from whom you determined it necessary to obtain audit evidence;
- the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.
- our knowledge of fraud or suspected fraud that we are aware of and that affects Social Care Wales and involves:
  - management;
  - employees who have significant roles in internal control; or
  - others where the fraud could have a material effect on the financial statements;
- our knowledge of any allegations of fraud, or suspected fraud, affecting the financial statements communicated by employees, former employees, regulators or others;
- our knowledge of all known instances of non-compliance or suspected non-compliance with laws and regulations whose effects should be considered when preparing the financial statements;
- the identity of all related parties and all the related party relationships and transactions of which we are aware; and
- our knowledge of all possible and actual instances of irregular transactions.

## Financial statement representations

All transactions, assets and liabilities have been recorded in the accounting records and are reflected in the financial statements.

Significant assumptions used in making accounting estimates, including those measured at fair value, are reasonable.

Related party relationships and transactions have been appropriately accounted for and disclosed.

All events occurring subsequent to the reporting date which require adjustment or disclosure have been adjusted for or disclosed.

All known actual or possible litigation and claims whose effects should be considered when preparing the financial statements have been disclosed to the auditor and



accounted for and disclosed in accordance with the applicable financial reporting framework.

The financial statements are free of material misstatements, including omissions. The effects of uncorrected misstatements identified during the audit are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

## **Representations by the Audit and Risk Committee**

We acknowledge that the representations made by management, above, have been discussed with us.

We acknowledge our responsibility for the preparation of true and fair financial statements in accordance with the applicable financial reporting framework. The financial statements were approved by the Board on xx July 2022.

We confirm that we have taken all the steps that we ought to have taken in order to make ourselves aware of any relevant audit information and to establish that it has been communicated to you. We confirm that, as far as we are aware, there is no relevant audit information of which you are unaware.

Chief Executive

Date:

Chair of the Audit and Risk Committee

Date:

# Appendix 2

## Proposed Audit Report

### The Certificate and independent auditor's report of the Auditor General for Wales to the Senedd

#### Opinion on financial statements

I certify that I have audited the financial statements of Social Care Wales for the year ended 31 March 2022 under the Regulation and Inspection of the Social Care (Wales) Act 2016 paragraph 16 of Part 6 of Schedule 2. These comprise the Statement of Comprehensive Net Expenditure, the Statement of Financial Position, the Statement of Cash Flows, the Statement of Changes in Taxpayers Equity and related notes, including a summary of significant accounting policies. These financial statements have been prepared under the accounting policies set out within them. The financial reporting framework that has been applied in their preparation is applicable law and UK adopted international accounting standards as interpreted and adapted by HM Treasury's Financial Reporting Manual.

In my opinion the financial statements:

- give a true and fair view of the state of Social Care Wales affairs as at 31 March 2022 and of its net expenditure, for the year then ended;
- have been properly prepared in accordance with UK adopted international accounting standards as interpreted and adapted by HM Treasury's Financial Reporting Manual; and
- have been properly prepared in accordance with Welsh Ministers' directions issued under the Regulation and Inspection of the Social Care (Wales) Act 2016 paragraph 16 of Part 6 of Schedule 2.

#### Opinion on regularity

In my opinion, in all material respects, the expenditure and income in the financial statements have been applied to the purposes intended by the Senedd and the financial transactions recorded in the financial statements conform to the authorities which govern them.

#### Basis of opinions

I conducted my audit in accordance with applicable law and International Standards on Auditing in the UK (ISAs (UK)) and Practice Note 10 'Audit of Financial Statements of Public Sector Entities in the United Kingdom'. My responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of my report. I am independent of the body in accordance with the ethical requirements that are relevant to my audit of the financial statements in the UK

including the Financial Reporting Council's Ethical Standard, and I have fulfilled my other ethical responsibilities in accordance with these requirements. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinions.

## **Conclusions relating to going concern**

In auditing the financial statements, I have concluded that the use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work I have performed, I have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the body's ability to continue to adopt the going concern basis of accounting for a period of at least 12 months from when the financial statements are authorised for issue.

My responsibilities and the responsibilities of the Accounting Officer with respect to going concern are described in the relevant sections of this report.

## **Other information**

The other information comprises the information included in the annual report other than the financial statements and other parts of the report that are audited and my auditor's report thereon. Legislation and directions issued to Social Care Wales do not specify the content and form of the other information to be presented with the financial statements. The Accounting Officer is responsible for the other information in the annual report. My opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in my report, I do not express any form of assurance conclusion thereon. My responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or knowledge obtained in the course of the audit, or otherwise appears to be materially misstated. If I identify such material inconsistencies or apparent material misstatements, I am required to determine whether this gives rise to a material misstatement in the financial statements themselves. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact.

I have nothing to report in this regard.

## **Report on other requirements**

### **Opinion on other matters**

As legislation and directions issued to Social Care Wales do not specify the content and form of the other information to be presented with the financial statements, I am not able to confirm that the Performance Report and the Accountability Report have been prepared in accordance with guidance.

In my opinion, based on the work undertaken in the course of my audit, the information given in the Performance Report and the Accountability Report is consistent with the financial statements.

Although there are no legislative requirements for a Remuneration Report, Social Care Wales has prepared such a report, and, in my opinion, that part ordinarily required to be audited has been properly prepared in accordance with HM Treasury guidance.

### **Matters on which I report by exception**

In the light of the knowledge and understanding of the body and its environment obtained in the course of the audit, I have not identified material misstatements in the Performance Report and the Accountability Report.

I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- adequate accounting records have not been kept or returns adequate for my audit have not been received from branches not visited by my team;
- the financial statements and the audited part of the Remuneration Report are not in agreement with the accounting records and returns;
- information specified by Welsh Ministers regarding remuneration and other transactions is not disclosed; or
- I have not received all of the information and explanations I require for my audit.

## **Responsibilities**

### **Responsibilities of the Accounting Officer for the financial statements**

As explained more fully in the Statement of Accounting Officer's Responsibilities, the Accounting Officer is responsible for preparing the financial statements in accordance with the Regulation and Inspection of the Social Care (Wales) Act 2016 paragraph 16 of Part 6 of Schedule 2 and Welsh Ministers' directions made there under, for being satisfied that they give a true and fair view and for such internal control as the Accounting Officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Accounting Officer is responsible for assessing the body's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless deemed inappropriate.

### **Auditor's responsibilities for the audit of the financial statements**

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to

issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

Irregularities, including fraud, are instances of non-compliance with laws and regulations. I design procedures in line with my responsibilities, outlined above, to detect material misstatements in respect of irregularities, including fraud.

My procedures included the following:

- enquiring of management, the audited entity's head of internal audit and those charged with governance, including obtaining and reviewing supporting documentation relating to Social Care Wales' policies and procedures concerned with:
  - identifying, evaluating and complying with laws and regulations and whether they were aware of any instances of non-compliance;
  - detecting and responding to the risks of fraud and whether they have knowledge of any actual, suspected or alleged fraud; and
  - the internal controls established to mitigate risks related to fraud or non-compliance with laws and regulations.
- considering as an audit team how and where fraud might occur in the financial statements and any potential indicators of fraud. As part of this discussion, I identified potential for fraud in the following areas: revenue recognition, posting of unusual journals.
- obtaining an understanding of Social Care Wales' framework of authority as well as other legal and regulatory frameworks that Social Care Wales operates in, focusing on those laws and regulations that had a direct effect on the financial statements or that had a fundamental effect on the operations of Social Care Wales.

In addition to the above, my procedures to respond to identified risks included the following:

- reviewing the financial statement disclosures and testing to supporting documentation to assess compliance with relevant laws and regulations discussed above;
- enquiring of management, the Audit and Risk Committee about actual and potential litigation and claims;
- reading minutes of meetings of those charged with governance and the Board; and
- in addressing the risk of fraud through management override of controls, testing the appropriateness of journal entries and other adjustments; assessing whether the judgements made in making accounting estimates are indicative of a potential bias; and evaluating the business rationale of any significant transactions that are unusual or outside the normal course of business.

I also communicated relevant identified laws and regulations and potential fraud risks to all of the audit team and remained alert to any indications of fraud or non-compliance with laws and regulations throughout the audit.

The extent to which my procedures are capable of detecting irregularities, including fraud, is affected by the inherent difficulty in detecting irregularities, the effectiveness of the Social Care Wales' controls, and the nature, timing and extent of the audit procedures performed.

A further description of the auditor's responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website [www.frc.org.uk/auditorsresponsibilities](http://www.frc.org.uk/auditorsresponsibilities). This description forms part of my auditor's report.

## Responsibilities for regularity

The Accounting Officer is responsible for ensuring the regularity of financial transactions.

I obtain sufficient evidence to give reasonable assurance that the expenditure and income have been applied to the purposes intended by the Senedd and the financial transactions conform to the authorities which govern them.

## Report

I have no observations to make on these financial statements.

Adrian Crompton  
Auditor General for Wales  
[Date]

24 Cathedral Road  
Cardiff  
CF11 9LJ

The maintenance and integrity of Social Care Wales' website is the responsibility of the Accounting Officer; the work carried out by auditors does not involve consideration of these matters and accordingly auditors accept no responsibility for any changes that may have occurred to the financial statements since they were initially presented on the website.





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We welcome correspondence and  
telephone calls in Welsh and English.  
Rydym yn croesawu gohebiaeth a  
galwadau ffôn yn Gymraeg a Saesneg.





<b>CYFARFOD / MEETING</b>	<b>Board meeting</b>				
	<b>PREIFAT / PRIVATE</b>		<b>CYHOEDDUS / PUBLIC</b>		
	<input type="checkbox"/>		<input checked="" type="checkbox"/>		
<b>DYDDIAD / DATE</b>	<b>21.07.21</b>				
<b>EITEM AGENDA AGENDA ITEM</b>	<b>10</b>				
<b>TEITL / TITLE SCW/22/23</b>	<b>Annual Chair of Audit and Risk Committee Assurance Report to Board</b>				
<b>AWDUR / AUTHOR</b>	Carl Cooper Chair of Audit and Risk Committee				
<b>CYFRANIADAU GAN/ CONTRIBUTIONS FROM:</b>	Audit Committee Members				
<b>PAPURAU CEFNOGOL / SUPPORTING PAPERS</b>	Appendix 1: Annual Chair of Audit and Risk Committee Assurance Report to Board  Annex 1: Committee's Programme of work 2021/22 Annex 2: Internal Audit Annual Report 2021/22				
<b>GWEITHGAREDD CYNLLUN BUSNES / BUSINESS PLAN ACTIVITY</b>	Priority theme 4: for the Social Care Wales workforce and effective organisation				
<b>GWEITHRED / ACTION REQUIRED</b>	<b>CYMERADWYA ETH / APPROVAL</b>	<b>DARPARU LLYW / PROVIDE A STEER</b>	<b>DARPARU SICRWYDD / PROVIDE ASSURANCE</b>	<b>TRAFODAETH / DISCUSSION</b>	<b>CRAFFU / SCRUTINISE</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>ARGYMHELLIAD / RECOMMENDATION</b>	Members are invited to <b>discuss</b> and <b>approve</b> the Annual Chair of Audit and Risk Committee Assurance Report.				
<b>PRIF BWYNTIAU; MATERION ALLWEDDOL I DYNNU SYLW ATYNT; CWESTIYNAU I'W YSTYRIED</b>	The draft Annual Chair of Audit and Risk Committee Assurance Report to the Board was discussed as a draft at the Audit and Risk Committee in March 2022.  In accordance with 'Managing Welsh public money' <sup>1</sup> it is good practice for the Audit and Risk Committee 'to advise the governing body of a public sector organisation on its key				

<sup>1</sup> 'Managing Welsh Public Money', January 2016, Welsh Government

<b>MAIN POINTS; KEY ISSUES TO DRAW TO ATTENTION; QUESTIONS TO CONSIDER</b>	<p>decisions on governance and managing opportunities and risks'. Therefore, this report by the Chair of the Audit and Risk Committee provides the Board with the annual overview report on the work of the Committee for the year and review of effectiveness.</p> <p>This report provides that review for 2021/22 and also indicates particular areas of focus for the Audit and Risk Committee in 2022/23. This is set out in section 10.3</p>
<b>ASESIADAU EFFAITH / IMPACT ASSESSMENTS</b>	

## **ANNUAL AUDIT AND RISK COMMITTEE ASSURANCE REPORT TO THE BOARD**

### **1. Purpose of the report and recommendation**

- 1.1 This is the Chair of Audit and Risk Committee's Assurance Report for the period 1 April 2021 to 31 March 2022. The report sets out the Audit and Risk work for the year to support the annual governance statement and informs our Statutory Annual Accounts for 2021/22.
- 1.2 The Audit and Risk Committee discussed the assurance report during the March Committee meeting. Members are invited to discuss and approve the Annual Chair of Audit and Risk Committee Assurance Report to the Board.
- 1.3 Rhian Watcyn Jones was the Chair of the Audit and Risk Committee for the period 2021-22, Rhian is no longer a Board member as her term finished on 31 March, consequently the report is in my name (Carl Cooper) as the incoming Chair.

### **2. Summary**

- 2.1 The range of Audit and Risk Committee activity carried out during 2021/22 has provided positive assurance about Social Care Wales's governance, risk management and control environment. It supports the Accounting Officer in signing a satisfactory annual governance statement for the year.
- 2.2 The report to the Board also describes the role of the Committee in establishing the necessary governance arrangements to support the establishment and business operations of the organisation.

### **3. Context**

- 3.1 As Chair of the Audit and Risk Committee it is important that the report is set and read within the ongoing context of COVID-19 during the year.
- 3.2 As the Audit and Risk Committee, alongside the Board, it is important that we continue to receive assurances that there are proportionate safeguards in place to ensure there is regularity, propriety, feasibility and value for money in the use of public funds. At the same time, we recognise the pressing need for Social Care Wales to respond swiftly to the challenges and pressures faced within the sector during 2021/22.
- 3.4 The organisation has continued to work from home and offered access to the offices through pilot phases (in line with Welsh Government guidance) to those needing access for essential work or to support the wellbeing of staff, throughout 2021/22 to meet and deliver its work in line with our model governance framework requirements.

## **4. Audit and Risk Committee arrangements**

### **Role and remit**

- 4.1 In line with the Model Governance Framework the Board must ensure that effective arrangements are in place to provide assurance on risk management, governance, and internal control. It must establish an Audit Committee chaired by a non-executive member (but not the Chair or Treasurer) and at least one of the Committee members should have recent and relevant financial experience to provide it with independent advice. The Board is expected to assure itself of the effectiveness of the internal control and risk management systems.
- 4.2 The Audit and Risk Committee also advises the Accounting Officer on the adequacy of arrangements within Social Care Wales for internal audit, external audit, and corporate governance matters.
- 4.3 The Audit and Risk Committee met 5 times during the year to consider:
- the requirements of scrutiny in relation to signing off the corporate governance documents and the Statutory Annual Accounts for Social Care Wales
  - approval of a new risk management policy
  - the focus on monitoring and maintaining adequate risk management, governance, and internal controls to support our compliance with legislation, accreditations and good practice
  - monitoring and scrutiny of our strategic risk register
  - developing and revising policies to support effective internal control and governance
  - developing the effectiveness of internal controls through internal audit reviews and advisory reports
  - the scrutiny of Information Security Management Systems controls
  - the impact of our grant management function in relation to the provision of the Social Care Wales Workforce Development grant to the sector
  - the addition of 'IT and cyber resilience' to the Committee's delegated responsibilities in recognition of the growing threat and scrutiny needed in this area
  - reviewing the effectiveness of the Committee and forward planning for matters to be scrutinised at Audit and Risk Committee to support delivery of the business plan;
  - the approval of new internal auditors TIAA to commence from April 2022.
- 4.4 As well as the non-executive members, attendees included Executive Management Team, other officers of Social Care Wales, Internal Auditors, External Auditors, and an independent Committee member.

### **Annual attendance**

- 4.5 The attendance by non-executive Members was as follows:

<b>Name</b>	<b>Attendance</b>
Rhian Watcyn Jones (Chair of Committee)	5 out of 5
Emma Britton (Deputy Chair of Committee)	5 out of 5
Abigail Harris	2 out of 5
Carl Cooper	5 out of 5
Damian Bridgeman	4 out of 5
Grace Quantock	5 out of 5
Kate Hawkins	4 out of 5
Peter Max	5 out of 5
Trystan Pritchard	5 out of 5
Daxa Varsani (Independent member)	5 out of 5

- 4.6 Each Member of the Audit and Risk Committee completes an annual declaration of interests. The information is used to compile the Register of Interests which is available for review on our [website](#). In addition, the first item for any Audit and Risk Committee meeting allows for the declaration of any interest specific to the agenda items for that meeting.

#### **Ongoing training and development**

- 4.7 As the Committee has continued to work remotely the whole of the Board has met on a regular basis as part of Board development workshops. A number of these held in 2021/22 related to matters which were discussed in more detail by Audit and Risk Committee. During 2021/22 these have included:

<b>Board development session held in</b>	<b>Board development subject</b>
April 2021	Risk appetite; Strategic Financial Planning – 3-year budget strategy 2021-24
June 2021	Social Care Wales Workforce Development Programme (SCWWDP) review
July 2021	Strategic performance management framework
October 2021	Cyber Security awareness training
December 2021	Strategic Risk Register 2022-2027
March 2022	Board and Committee effectiveness 2021-22

## **5. Statutory Accounts and the Annual Governance Statement for 2020/21**

- 5.1 The Annual Accounts for 2021/22 will be prepared under International Financial Reporting Standards (IFRS) and will be audited in line with Audit

Wales's audit strategy. The draft Statutory Annual Accounts will be discussed for formal approval by the Social Care Wales Board in July 2022.

- 5.2 The draft governance statement was discussed and considered by Audit and Risk Committee during the March Committee meeting. This will form part of the draft Statutory Annual Accounts 2021/22.

## **6. Meetings and Committee business and its effectiveness**

- 6.1 The Chair of the Audit and Risk Committee agrees the agenda for items to be discussed prior to their circulation to Committee members and attendees.

- 6.2 The annual work programme of items discussed at the Audit and Risk Committee during 2021/22 is attached at Appendix 1. At each meeting the Committee considered a number of standing items which included:

- **Compliance reports:** provide members with an overview of assurance in relation to procurement; asset management; gifts and hospitality; bribery, frauds and losses; CEO and DAO letters; declarations of interests; Information governance; complaints; security breaches; compliance regarding website accessibility arrangements; reports on whistleblowing as a prescribed person; compliance with Welsh Language Standards.
- **Strategic Risk Register:** provides members with the key organisational risks facing the delivery of Social Care Wales's Business Plan and opportunities to discuss additional strategic risks facing the organisation and a review of the risk management policy.
- **Committee forward plan:** provides Members of the Committee with a forward look to agenda items for future Committees to identify whether there are other matters which should be included for discussion, further detailed work and/or monitoring progress on Internal Audit recommendations.
- **Committee effectiveness:** at the end of each Committee meeting all members are asked to consider its effectiveness. This feedback can include:
  - the clarity and quality of papers
  - ease and timeliness of accessing papers
  - whether the timings given for each item was sufficient
  - whether members felt that they had adequate opportunity to share their views.

All feedback received is used to continually improve future meetings.

- 6.3 As part of evaluating the effectiveness the Board and its Committees the Board undertook an effectiveness review as part of a development session in March 2022. The 2021-22 annual review of Board and Committee Effectiveness was conducted by an externally facilitated group discussion based on the analysis of individual feedback provided by Board members through a structured questionnaire completed in advance.

This analysis, combined with the product of a 'stop, start, continue' exercise which was also completed in advance by members, was used to identified key

strengths to build on and opportunities for further improvement which informed the group discussion process.

The results of the questionnaire indicated a generally positive assessment of the effectiveness of the organisation's corporate governance arrangements and reasonably high levels of satisfaction and commitment amongst Board members.

Three key themes were identified for further exploration:

1. Connection with stakeholders
2. Demonstrating impact (obtaining 'assurance not re-assurance');
3. How we work together (tension not cosiness, inclusivity, governance and relationships).

Following the review of Board effectiveness, the following potential opportunities have been added for the continuous strengthening of our Board corporate governance action plan:

- **Opportunity 1** - arrange a Board conversation on the application of the constitution to explore the differentiated roles of members and officers and consider whether the relationship is appropriately balanced and whether the level of scrutiny and challenge is right
- **Opportunity 2** - arrange a Board conversation to seek to define the ambassadorial role of members more clearly
- **Opportunity 3** - consider ways to introduce the voice of the sector more into the Board's work
- **Opportunity 4** - introducing the Senior Independent Member role
- **Opportunity 5** - building a 30-minute pre-meeting into the Board meetings, when needed, to enable members to informally discuss the agenda
- **Opportunity 6** - looking again at the balance between in-person and remote meetings to find new ways to introduce more person-to-person contact
- **Opportunity 7** - co-opting the Staff Partnership Council (SPC) Chair as a participating observer to the Board and Remuneration Committee.

## 7. Internal and External Audit assurance

### Internal assurance

7.1 The Audit and Risk Committee received regular reports from both internal and external auditors. The work of Deloitte as our internal auditors during the year was planned on a risk basis and was revised as and when accordingly, through discussions at Committee.

7.2 The internal audit reports provided the following assurance to the Committee:

Work area	Level of assurance
-----------	--------------------





Corporate Governance	Substantial assurance
Risk Management	Moderate assurance
Financial Systems: Banking and Cash Management	Substantial assurance
Financial Systems: Budgetary Control	Substantial assurance
Financial Systems: Fixed Assets	Moderate assurance
Tendering and procurement	Moderate assurance
IT General Controls: Network Security	Limited assurance
IT General Controls: Access controls	Moderate assurance
IT General Controls: Back Up	Moderate assurance
IT General Controls: IT Disaster Recovery Planning	Moderate assurance
Data Protection	Moderate assurance
Grant Management	Substantial assurance

### 7.3 The table below provides an overview of the assurance ratings provided by internal audit:

#### Appendix A – Reporting Definitions

##### Audit Assurance

We have four categories by which we classify internal audit assurance over the systems we examine: Substantial, Moderate, Limited or Unsatisfactory which are defined as follows:

Assurance level	Definitions for Annual and Engagement assurance level	Factors influencing choice of assurance level
 Substantial	There is a reasonable framework of governance, risk management and control which should ensure that objectives are achieved.	
 Moderate	Some improvements are required to enhance the adequacy and effectiveness of the framework of governance, risk management and control.	<ul style="list-style-type: none"> <li>Adequacy and effectiveness of the governance, risk management and control framework;</li> <li>Impact of any weakness on delivery of objectives;</li> <li>Extent of risk exposure;</li> </ul>
 Limited	There are significant weaknesses in the framework of governance, risk management and control such that it could be or could become inadequate and ineffective.	<ul style="list-style-type: none"> <li>Materiality: by value to the entity, by value in the engagement context and by nature (e.g. irregularity and reputational risk); and</li> <li>We may also take account of management responses to recommendations.</li> </ul>
 Unsatisfactory	There are fundamental weaknesses in the framework of governance, risk management and control such that it is inadequate and ineffective or is likely to fail.	

The assurance gradings provided here are not comparable with the International Standard on Assurance Engagements (ISAE 3000) issued by the International Audit and Assurance Standards Board.



7.4 Overall these reports and the work undertaken enable Audit and Risk Committee to provide assurance about the control environment for 2021/22:

- the Governance Statement is consistent with the views of the Audit and Risk Committee
- the system of Risk management is adequate in identifying risks and allowing the Audit and Risk Committee to understand the appropriate management of these risks
- the quality of both Internal and External Audit, their approach to the discharge of their respective responsibilities, and the reliance that can be placed on their work
- areas for improvement which were identified as part of the 2021/22 Internal Audit were addressed or progressed. There were a number of actions from Internal Audit which will be carried forward into 2022/23. These include actions relating to:
  - Welsh Language Standards
  - HR Performance Development Process (PDP)
  - IT General Controls
  - Data Protection
  - Grant Management
  - Financial Systems, Tendering and Procurement

Progress on these actions will be reported to and scrutinised by the Audit and Risk Committee as part of their oversight through the Compliance report.

## **External assurance**

7.5 The External Auditors take into account the assessments of Internal Audit.

7.6 Both Internal and External Auditors have the right, if considered appropriate, to raise any matter through an open access policy to the Chair and through that right to bring any matter to the attention of the Committee. The Committee, by reviewing the programmes of both the External and the Internal Auditors, ensured that they were co-operating effectively with each other. The quality of the audit work and that of the Committee has been evaluated during the year through consideration of the audit reports and recommendations and dialogue at meetings between Committee Members and the Auditors.

## **8. Internal Audit contract**

8.1 The role of internal audit is to provide independent and objective assurance to the Accounting Officer on risk management, control, and governance. The assurance given by internal audit is a key element of the framework of assurance, which the Accounting Officer needs to inform the completion of the annual Governance Statement. Deloitte LLP's contract came to an end in March 2022 and, as Chair, I would like to thank Deloitte and team members

and recognise their work as our internal audit provider for the last 5 years as Social Care Wales.

- 8.2 TIAA Ltd has been appointed as the new internal audit providers from April on a 3-year contract. As Chair, Rhian Watcyn Jones attended the interviews as an independent observer and found the appointing process rigorous with a focus on quality.

## 9. Monitoring progress

- 9.1 Progress against the implementation of the internal audit recommendations is considered at each Audit and Risk Committee meeting as part of the compliance report. This is an area of focus which has been strengthened by the Committee during the last year ensuring that progress against the recommendations is discussed at each meeting.

## 10. Audit and Risk Committee of Social Care Wales for 2022/23

- 10.1 The Audit and Risk Committee of Social Care Wales has been in operation from June 2017 to support the governance, risk management and internal controls of Social Care Wales. The terms of reference of the Committee were reviewed and updated by the Board in April 2022.
- 10.2 In order to support the development of the Audit and Risk Committee all Committee members considered the following:
1. What are the key achievements of the Committee and why?
  2. What has worked well and what could be improved?
  3. In line with the draft Business Plan 2022/23, learning from the current year Committee and learning from our way of working (remotely and virtually) are there particular areas of focus for the Committee to consider as part of its work programme for 2022/23?
- 10.3 Following the discussions the following areas were noted by the Committee and these will inform the future work programme of the Committee in 2022/23:
- **Risk management policy:** the Committee will have oversight on how the new Risk and Assurance policy is being embedded into practice along with endorsement of the new Strategic Risk Register in line with the new policy and working towards a Board assurance framework.
  - **Climate change:** Focus on the risks for the organisation from climate change
  - **Information Security Management System Governance**
  - **Cyber security** and resilience
  - Following up on **internal audit recommendations**

## 11. Risk Implications

- 11.1 This report provides assurance on the annual governance statement and reduces the risk that the Statutory Annual Accounts cannot be signed off in line with the planned timetable by the Accounting Officer.

## **12. Resource Implications**

- 12.1 The audit of the Annual Accounts is planned and scheduled. There are no additional resource implications.

## **13. Summary and Conclusion**

- 13.1 The positive assurance given by all the Committee's activity supports the Accounting Officer in signing a satisfactory annual governance statement and the Statutory Annual Accounts.
- 13.2 I would like to take the opportunity to thank Kate Hawkins for her contribution as a member of this Committee for the last 5 years and whose term as a Board member ends in March, as well as Rhian Watcyn Jones who chaired the Committee so effectively for the 5 years.

### **13.3 Personal reflections from Rhian Watcyn Jones**

- 13.4 As my term as a Board member and Chair of Audit and Risk Committee ends in March 2022, I wish to thank all members for their thoughtful, considered and challenging contributions over the past eight years. The Committee has evolved considerably over that time, reflecting the developing role of Social Care Wales and the growing confidence, influence and strength of the organisation. The increase in Committee membership has led to broader perspectives which better meet the needs of the task of proving assurance to the Board. Members too have grown in confidence and understanding, always being ready to challenge and ask questions. I believe that our considerations have been fair and balanced. I have been particularly pleased with our role in developing a more dynamic and effective risk strategy and register, refining and defining what we need to see in compliance reports and discussion papers and working constructively with the Executive team and officers and with auditors. As I hand over to Carl Cooper, I just ask you to never stop asking the questions, be gentle yet firm with the new internal auditors and grow with the organisation of which we all proud.

## **Audit and Risk Committee: work programme 2021/22**

### **24 June 2021**

- Internal Audit reports:

<b>Work area</b>	<b>Level of assurance</b>
Financial systems (2020/21): <ul style="list-style-type: none"><li>○ Purchasing and payments</li><li>○ General ledger</li></ul>	Moderate assurance Substantial assurance
Grant management	Substantial assurance
Internal audit annual report 2020-21	Substantial assurance

- Compliance Report: February 2020 – to end of May 2020
- Internal Audit Plan
- Information Security Management System (ISMS) Governance and ISO 27001
- Revised Risk Management and Assurance Policy
- Strategic Risk Register
- Compliance Report: March 2021 – to end of May 2021
- Procurement of goods and service thresholds
- Early years and childcare transition programme work
- Committee Forward Plan
- Meeting effectiveness

### **07 July 2021**

- Draft Audited Annual Accounts (including Governance Statement and Performance Commentary) and Audit of Financial Statements Report (ISA260 Report)
- Draft response to Audit Wales's audit enquiries to those charged with governance letter

### **23 September 2021**

- Standing Financial Instructions
- Strategic Risk Register
- Compliance Report: June 2021 – to end of August 2021
- Learning lessons from organisational complaints
- 2020/2021 – End of year regional grant monitoring report
- Committee Forward Plan
- Meeting effectiveness

**09 December 2021**

- Internal Audit reports

<b>Work area</b>	<b>Level of assurance</b>
Corporate Governance and Risk management follow up	2 previous recommendations re-raised and 1 partially implemented

- Internal Audit provision:
  - Appointment of internal auditor
  - Appointment of ISO27001 auditor
- Audit Wales update
- Strategic Risk Register
- Compliance Report: September to end of October 2021
- Committee Forward Plan
- Meeting effectiveness

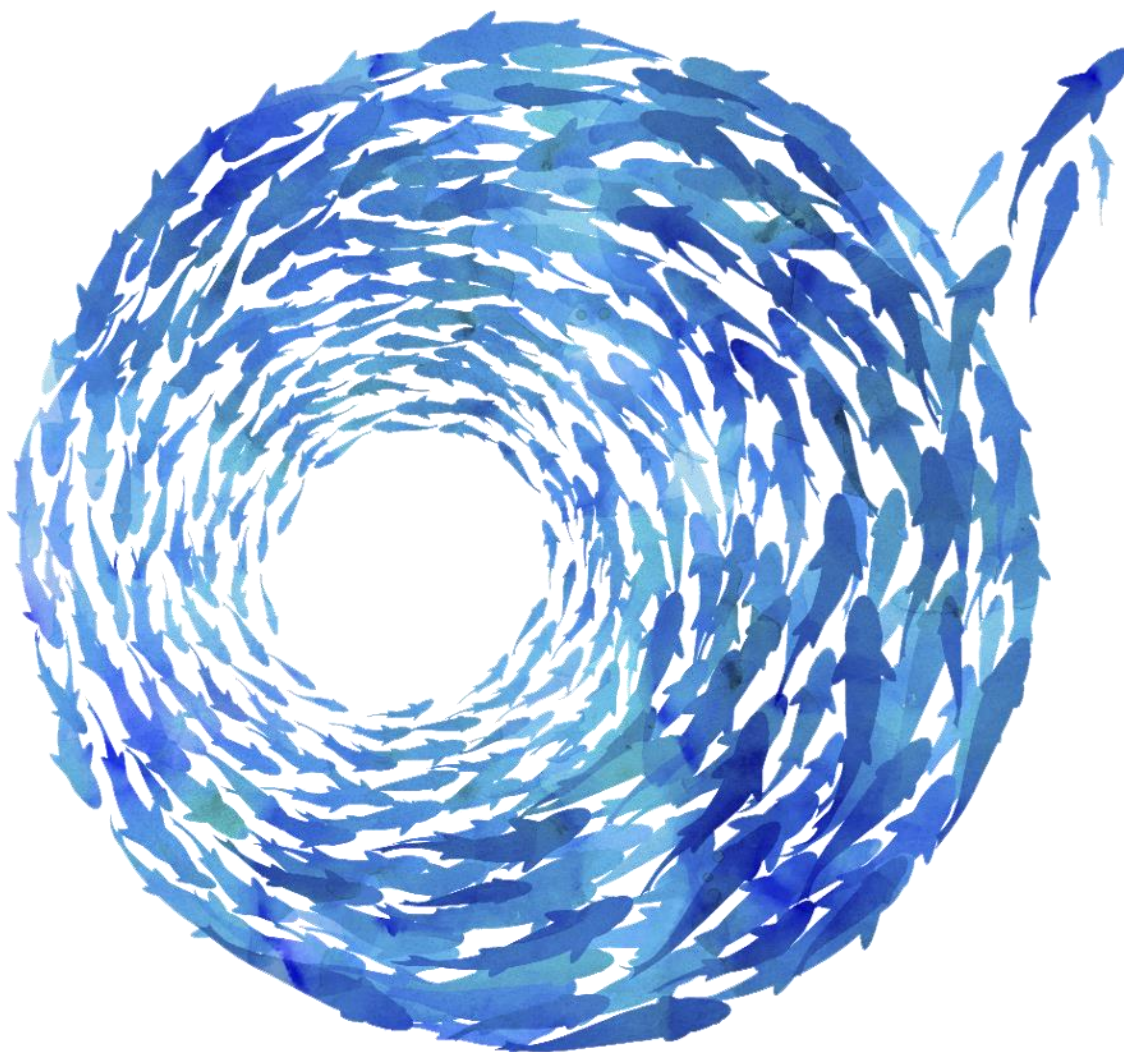
**17 March 2022**

- Internal Audit reports

<b>Work area</b>	<b>Level of assurance</b>
Data Protection and Fol	Moderate assurance
Financial systems: <ul style="list-style-type: none"> <li>- Banking and cash management</li> <li>- Budgetary controls</li> <li>- Fixed assets</li> <li>- Tendering and procurement</li> </ul>	Substantial assurance Substantial assurance Moderate assurance Moderate assurance
IT General Controls: <ul style="list-style-type: none"> <li>- Network security</li> <li>- Access controls</li> <li>- Back up</li> <li>- IT disaster recovery</li> </ul>	Limited assurance Moderate assurance Moderate assurance Moderate assurance
Grant Management	Substantial assurance
Data Protection	Moderate assurance

- Draft Governance Statement 2021-22

- Draft Audit and Risk Assurance Report to the Board 2021-22
- External Audit Plan 2021-22
- Committee forward plan 2022-23
- Strategic Risk Register
- Compliance Report: November to end of January 2022
- Annual Information Security Management Systems Management Review Report 2021-22
- Meeting effectiveness



## Social Care Wales

### Internal Audit Annual Report

Deloitte Confidential: Government and Public Services – for approved external use only

March 2022

## Distribution List:

- Audit and Risk Committee
- Chief Executive
- Responsible Officer(s)

This report and the work connected therewith are subject to the Terms and Conditions of the contract dated **24 September 2021** between Social Care Wales and Deloitte LLP.

The report is produced solely for the use of Social Care Wales for the purpose of providing internal audit services. Its contents should not be quoted or referred to in whole or in part without our prior written consent except as require by law. Deloitte LLP will accept no duty or responsibility to any third party, as the report has not been prepared, and it not intended for any other purpose.

This report has been prepared on the basis of the limitations set out in Appendix C.



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# Executive Summary

## 1. Introduction

The purpose of this report is to present the results of the internal audits completed by Deloitte in our capacity as internal auditors during 2021/22. We have now completed the internal audit programme approved by the Audit and Risk Committee for 2021/22 covering the period 1 April 2021 – 31 March 2022, with the exception of the Risk Management Framework (as it was considered too early in the implementation of the framework for a worthwhile audit), Project Planning and Workforce Registration audits (as these audits were cancelled to allow for time for an audit of the response to Covid-19 which was subsequently unable to be undertaken during the year due to audit resourcing constraints).

The role of internal audit is to provide independent and objective assurance to the Accounting Officer on risk management, control and governance. The assurance given by internal audit is a key element of the framework of assurance, which the Accounting Officer needs to inform the completion of the annual Governance Statement. Assurance from internal audit can, however, only be reasonable in the sense that no opinion or assurance can ever be absolute and is by definition an extrapolation of the evidence available. The internal audit assurance does not supersede the Accounting Officer's personal responsibility for risk management, control and governance.

As required by the Public Sector Internal Audit Standards (PSIAS), we confirm our independence as internal auditors from Social Care Wales. We also confirm compliance with the requirements of the PSIAS and the Code of Ethics.

All assurance ratings should be considered by reference to Appendix A. We have included our self-assessment of our performance as internal auditors in Appendix B.

## 2. Corporate Governance and Risk Management

In accordance with the PSIAS, we carry out internal audit work in relation to corporate governance and risk management on an annual basis. In 2021/22 our internal audit of corporate governance and risk management sought to assess progress made in implementing three recommendations which remained outstanding in the Corporate Governance and Risk Management Internal Audit Report issued by Deloitte in 2020/21. In addition, the audit involved reconfirming our understanding of the control environment and assessing any significant changes to the Corporate Governance and Risk Management environment.

Based on the work undertaken as detailed in our internal audit report for 2021/22, our overall assessment is that the classification of assurance that can be taken in respect of Corporate Governance remains as substantial, and in respect of Risk Management remains as moderate.

## 3. Assurance Statement

We are required to provide assurance on risk management, control and governance. In assessing the level of assurance to be given, we have taken into account:

- all internal audits undertaken between 1 April 2021 – 31 March 2022;
- the action taken in response to our audit recommendations;
- whether high or medium priority recommendations have been accepted by management, and the consequent risks;
- the effects of any material changes in the organisation's objectives or systems; and
- whether or not any limitations have been placed on the scope of internal audit.

Based on the conclusions of our work, we can provide Social Care Wales with **Moderate** assurance overall in relation to the organisation's arrangements for risk management, governance and internal control.

Our opinion has not been limited by any shortfall in resources, absence of skills, or any significant limitation of scope of internal audit activity which would adversely affect our ability to form an opinion.

## 4. Sources of Assurance

To obtain the required assurance we undertook an agreed programme of work with the following objectives:

- to appraise the adequacy and effectiveness of the internal control environment;
- to seek to understand the extent to which the system of internal control ensures compliance with established policies and procedures;
- to seek to understand the extent to which the assets and interests entrusted to or funded by Social Care Wales are properly controlled and safeguarded from losses arising from fraud, irregularity or corruption;
- to seek to understand that accounting and other information is reliable as a basis for producing accounts, and financial, statistical and other returns;
- to seek to understand the integrity and reliability of financial and other information provided to management, including that used in decision making; and
- to seek to understand that systems of control are laid down and operate to promote the most economic, efficient and effective use of resources.













In Section 1, we have provided a statement of the level of assurance achieved for each system audited during the year. Substantial, Moderate or Limited assurance has been achieved for all internal audits performed where an assurance rating was provided in 2021/22.

## 5. Acknowledgement

We would like to take this opportunity to thank management and staff for the assistance and cooperation received in completing the internal audits during this period.

# Section 1 – Assurance Statement

A statement of the level of assurance achieved for each area of audit is shown below. Appendix A provides definitions for each of the assurance levels.

Internal Audit Area	Level of Assurance
Corporate Governance	 Substantial
Risk Management	 Moderate
Financial Systems: Banking and Cash Management	 Substantial
Financial Systems: Budgetary Control	 Substantial
Financial Systems: Fixed Assets	 Moderate
Tendering and Procurement	 Moderate
IT General Controls: Network Security	 Limited
IT General Controls: Access Controls	 Moderate
IT General Controls: Back Up	 Moderate
IT General Controls: IT Disaster Recovery Planning	 Moderate
Data Protection	 Moderate
Grant Management	 Substantial

The assurance gradings provided here are not comparable with the International Standard on Assurance Engagements (ISAE 3000) issued by the International Audit and Assurance Standards Board.

# Section 2 – Summary of 2021/22 Internal Audit Findings

This section of the report provides details of the audit recommendations raised during the year. Internal audit recommendations are graded in order of importance in accordance with the priority levels defined in Appendix A.

In 2021/22 we raised 32 new recommendations (21 in 2020/21):

Internal Audit Area	High priority	Medium Priority	Low Priority	Action Point	Total
Financial Systems: Banking and Cash Management	-	-	1	-	1
Financial Systems: Budgetary Control	-	-	3	-	3
Financial Systems: Fixed Assets	-	1	-	-	1
Tendering and Procurement	-	1	2	-	3
IT General Controls: Network Security	2	3	1	-	6
IT General Controls: Access Controls	-	-	3	-	3
IT General Controls: Back Up	-	1	2	-	3
IT General Controls: IT Disaster Recovery Planning	-	1	1	-	2
Data Protection	1	5	3	-	9
Grant Management	-	-	1	-	1
<b>Total</b>	<b>3</b>	<b>12</b>	<b>17</b>	<b>-</b>	<b>32</b>

## Follow Up





Each year we follow up progress made in implementing internal audit recommendations raised in previous years. We followed up on a number of prior year recommendations in 2021/22, the status of which is as follows:

Internal Audit Area	Implemented/ Will not be Re-raised	Partially Implemented	Re-raised	Total
Corporate Governance and Risk Management	-	1	2	3
Follow Up	5	2	7	14
<b>Total</b>	<b>5</b>	<b>3</b>	<b>9</b>	<b>17</b>

# Appendix A – Reporting Definitions

## Audit Assurance

We have four categories by which we classify internal audit assurance over the systems we examine: Substantial, Moderate, Limited or Unsatisfactory which are defined as follows:

Assurance level	Definitions for Annual and Engagement assurance level	Factors influencing choice of assurance level
 <b>Substantial</b>	There is a reasonable framework of governance, risk management and control which should ensure that objectives are achieved.	<ul style="list-style-type: none"> <li>• Adequacy and effectiveness of the governance, risk management and control framework;</li> <li>• Impact of any weakness on delivery of objectives;</li> <li>• Extent of risk exposure;</li> <li>• Materiality: by value to the entity, by value in the engagement context and by nature (e.g. irregularity and reputational risk); and</li> <li>• We may also take account of management responses to recommendations.</li> </ul>
 <b>Moderate</b>	Some improvements are required to enhance the adequacy and effectiveness of the framework of governance, risk management and control.	
 <b>Limited</b>	There are significant weaknesses in the framework of governance, risk management and control such that it could be or could become inadequate and ineffective.	
 <b>Unsatisfactory</b>	There are fundamental weaknesses in the framework of governance, risk management and control such that it is inadequate and ineffective or is likely to fail.	

The assurance gradings provided here are not comparable with the International Standard on Assurance Engagements (ISAE 3000) issued by the International Audit and Assurance Standards Board.





## Grading of Recommendations




In order to assist management in using our reports, we categorise our recommendations according to their level of priority as follows:

Priority Level	Definition
<b>High</b>	Recommendations which are fundamental to the system and upon which the organisation should take immediate action;
<b>Medium</b>	Recommendations which, although not fundamental to the system, provide scope for improvements to be made; and
<b>Low</b>	Recommendations concerning issues which are considered to be of a minor nature, but which nevertheless need to be addressed.

# Appendix B – Our Performance Assessment

A self-assessment of our performance for 2021/22 is as follows:

	The Deloitte approach to performance management – the 5Ps
	<p><b>Purpose and remit</b></p> <p><i>We have a clear focus on the purpose of our work</i></p> <ul style="list-style-type: none"> <li>• Governance framework;</li> <li>• Assurance framework; and</li> <li>• Audit charter – objectives, scope and responsibilities.</li> </ul> <p>We issued a risk based Internal Audit Plan for the period 2021/22 which was approved by the Audit and Risk Committee on 24 June 2021.</p> <p>We issued an engagement letter on 24 September 2021 which was agreed and signed by the Assistant Director Finance and IT on 11 October 2021.</p> <p>We have issued Terms of Reference for 100% of the reviews undertaken. These Terms of Reference have included the budgeted number of days, objectives, methodology, specific exclusions and reporting arrangements, as appropriate.</p>
	<p><b>Position and organisation</b></p> <p><i>We have the right profile and structure to deliver to you.</i></p> <ul style="list-style-type: none"> <li>• Authority and reporting lines;</li> <li>• Organisational structure; and</li> <li>• Internal profile and impact on business.</li> </ul> <p>We have reported our internal audit findings to management and the Audit and Risk Committee throughout the year.</p> <p>The Internal Audit Partner and the Internal Audit Manager have had the relevant Internal Audit knowledge and experience throughout the year:</p> <ul style="list-style-type: none"> <li>• Internal Audit Partner – Ian Howse</li> <li>• Internal Audit Manager – Lauren Parsons</li> </ul> <p>We have provided three members of internal audit staff to complete the audits during the year:</p> <ul style="list-style-type: none"> <li>• Shona Wilcox – Assistant Manager</li> <li>• Rachael Ng – Assistant Manager</li> <li>• Jessica Connelly – Senior Associate</li> </ul>
	<p><b>Process and technology</b></p> <p><i>We have the right processes and tools to execute our responsibilities.</i></p> <ul style="list-style-type: none"> <li>• Risk assessment and planning;</li> <li>• Audit execution;</li> <li>• Report and follow up; and</li> <li>• Technology and tools.</li> </ul> <p>See above for comments on the Plan and Terms of Reference.</p> <p>All internal audit work has been reviewed by an Internal Audit Manager. All internal audit reports have been reviewed by the Internal Audit Partner. A sample of reports were selected to go through independent quality review procedures.</p> <p>An electronic system has been used to document our internal audit work.</p>

	The Deloitte approach to performance management – the 5Ps	
	<p><b>People and knowledge</b></p> <p><i>We have the right mix of skills and experience to do our job.</i></p> <ul style="list-style-type: none"> <li>• Resource management;</li> <li>• Performance management;</li> <li>• Training and competence; and</li> <li>• Knowledge management.</li> </ul>	<p>We provided an Internal Audit Partner and an Internal Audit Manager that have professional accounting qualifications and carry out their respective roles at other Welsh public sector organisations.</p> <p>Internal audit reviews were resourced at times convenient with the Social Care Wales staff.</p> <p>All internal audit staff are subject to a performance management process.</p>
	<p><b>Performance and communication</b></p> <p><i>We monitor how we are doing and manage good relationships with our stakeholders.</i></p> <ul style="list-style-type: none"> <li>• Quality assurance;</li> <li>• KPIs and monitoring;</li> <li>• Relationship management; and</li> <li>• Change management.</li> </ul>	<p>100% of reviews were completed within the budgeted days agreed in the Internal Audit Plan.</p> <p>100% of internal audit reports have been issued prior to the designated Audit and Risk Committee meeting.</p>



# Appendix C – Statement of Responsibility

We take responsibility for this report which is prepared on the basis of the limitations set out below.

The matters raised in this report are only those which came to our attention during the course of our internal audit work and are not necessarily a comprehensive statement of all the weaknesses that exist or all improvements that might be made. Recommendations for improvements should be assessed by you for their full impact before they are implemented. The performance of internal audit work is not and should not be taken as a substitute for management's responsibilities for the application of sound management practices. We emphasise that the responsibility for a sound system of internal controls and the prevention and detection of fraud and other irregularities rests with management and work performed by internal audit should not be relied upon to identify all strengths and weaknesses in internal controls, nor relied upon to identify all circumstances of fraud or irregularity. Auditors, in conducting their work, are required to have regards to the possibility of fraud or irregularities. Even sound systems of internal control can only provide reasonable and not absolute assurance and may not be proof against collusive fraud. Internal audit procedures are designed to focus on areas as identified by management as being of greatest risk and significance and as such we rely on management to provide us full access to their accounting records and transactions for the purposes of our audit work and to ensure the authenticity of these documents. Effective and timely implementation of our recommendations by management is important for the maintenance of a reliable internal control system.

**Deloitte LLP**

**Cardiff**

**March 2022**



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<b>CYFARFOD / MEETING</b>	<b>Board meeting</b>				
	<b>PREIFAT / PRIVATE</b>			<b>CYHOEDDUS / PUBLIC</b>	
	<input type="checkbox"/>			<input checked="" type="checkbox"/>	
<b>DYDDIAD / DATE</b>	<b>21.07.22</b>				
<b>EITEM AGENDA AGENDA ITEM</b>	<b>11</b>				
<b>TEITL / TITLE SCW/22/24</b>	<b>Changes to the Social Care Wales Registration and Fitness to Practise Rules</b>				
<b>AWDUR / AUTHOR</b>	Hywel Dafydd, Assistant Director of Regulation				
<b>CYFRANIADAU GAN/ CONTRIBUTIONS FROM:</b>	Dean John, Registration Manager Elin Harris, Hearings Manager Louise Williams, Fitness to Practise Manager				
<b>PAPURAU CEFNOGOL / SUPPORTING PAPERS</b>	<b>Appendix 1</b> – Summary of Changes to Social Care Wales Rules <b>Appendix 2</b> – Draft 2022 Rules				
<b>GWEITHGAREDD CYNLLUN BUSNES / BUSINES PLAN ACTIVITY</b>	A registered workforce that has the public's confidence.				
<b>GWEITHRED / ACTION REQUIRED</b>	<b>CYMERADWYAE TH / APPROVAL</b>	<b>DARAPRU LLYW / PROVIDE A STEER</b>	<b>DARAPRU SICRWYDD / PROVIDE ASSURANCE</b>	<b>TRAFODAETH / DISCUSSION</b>	<b>CRAFFU / SCTRUTINIS E</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>ARGYMHELLIAD / RECOMMENDATION</b>	The Board is invited to <b>approve</b> the changes to the Social Care Wales rules.				
<b>PRIF BWYNTIAU; MATERION ALLWEDDOL I DYNNU SYLW ATYNT; CWESTIYNAU I'W YSTYRIED</b>  <b>MAIN POINTS; KEY ISSUES TO DRAW</b>	The Social Care Wales Registration Rules and Fitness to Practise Rules, of which there are seven sets, have been updated. This is primarily to accommodate the mandatory registration of adult care home workers and residential family centre workers from 1 October 2022. The changes are summarised in Appendix 1.				

<b>TO ATTENTION; QUESTIONS TO CONSIDER</b>	
<b>ASESIADAU EFFAITH / IMPACT ASSESSMENTS</b>	The Welsh Government conducted an impact assessment as part of its 2021-22 consultation on the mandatory registration of adult care home workers and residential family centre workers.

## CHANGES TO THE SOCIAL CARE WALES REGISTRATION AND FITNESS TO PRACTISE RULES

### 1. Context

- 1.1 The purpose of this paper is to gain Board approval for changes to the Social Care Wales Registration and Fitness to Practise Rules, of which there are seven sets.
- 1.2 The changes, which are summarised in Appendix 1, reflect the move to mandatory registration for all adult care home workers and residential family centre workers from 1 October 2022.<sup>1</sup> As with other groups, there is a grace period for those who are new to a role.
- 1.3 A list showing the groups that are required by law to register with Social Care Wales, including the new groups, can be found [here](#).
- 1.4 The mandatory registration of adult care home workers and residential family centre workers is part of Phase 3 of the Welsh Government's plan for the Implementation of the Regulation and Inspection of Social Care (Wales) Act 2016.
- 1.5 The regulations mandating their registration were subject to [consultation](#) by the Welsh Government between November 2021 and February 2022, with the final version of the regulations available from July 2022.<sup>2</sup>
- 1.6 The new regulations provide the necessary enforcement mechanism to ensure that those who employ adult care home workers and residential family centre workers in regulated settings in Wales use workers who are registered with Social Care Wales.
- 1.7 The Social Care Wales Register opened to adult care home workers and residential family centre workers in April 2020. Mandatory registration is therefore a natural progression for both groups and something that the sector is expecting to happen from 1 October 2022.
- 1.8 Whereas registration became mandatory for some other groups in 2022, the existing Social Care Wales rules accommodated them.<sup>3</sup> This is because the roles fell within the broad category of 'social care manager'. This is not the case for adult care home workers or residential family centre workers, for whom we need to amend the rules.
- 1.9 Whenever we are required to update our rules as a result of legislative change, we take the opportunity to review and, where necessary, refine them. This is to ensure that they reflect any legal developments that have occurred since the last update and that they remain fit for purpose. It is also

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<sup>1</sup> Copies of the 2020 rules and the Draft 2022 Rules are available to Board members through the Board Portal.

<sup>2</sup> The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2022.

<sup>3</sup> Managers of regulated fostering, adoption, adult placement and children's advocacy services.

an opportunity to make the rules easier to follow by clarifying particular rules, removing redundant references and adding or updating hyperlinks.

- 1.10 The review of the rules ran from December 2021 to June 2022 and involved all regulatory managers, the Assistant Director of Regulation and Blake Morgan Solicitors.
- 1.11 We invite the Board to approve the changes that we made to the rules following this exercise.

## **2. Resource implications**

- 2.1 The cost of preparing the rules was covered by the 2021-22 Regulation budget. There are no notable financial considerations with respect to this work or any future work required to implement the rules.

## **3. Risk considerations**

- 3.1 If these rules are not approved and in place by 1 October 2022, it will affect our ability to support the mandatory registration of adult care home workers and residential family centre workers. This could undermine our objectives and those of the Welsh Government with respect to the implementation of the Regulation and Inspection of Social Care (Wales) Act 2016.

## **4. Engagement**

- 4.1 There has been extensive engagement activity since before the Social Care Wales Register opened to adult care home workers and residential family centre workers in April 2020. This involved Social Care Wales and the Welsh Government working with relevant stakeholders in preparation for the changes. Social Care Wales will continue to work with the sector to support the mandatory registration of the new groups and to raise public awareness of these changes.

## **5. Impact**

- 5.1 This work supports Social Care Wales in meeting its main objective, as set out in s68 of the Regulation and Inspection of Social Care Wales Act. That objective is to protect, promote and maintain the safety and wellbeing of the public in Wales.

## Summary of Changes to Social Care Wales Rules

### 1. The Social Care Wales Panel Constitution Rules

Page/Section	Changes that have been made to the 2020 rules to create the 2022 rules	Reason for change
Cover page	Updated the title of the rules	We need to show the relevant date and differentiate between the 2020 and 2022 rules.
1-2	Added new links to RISCA, the regulations and the rules.	The links were out of date.
1-2	Added details of new regulations that mandate registration for adult care home workers and family residential centre workers.	The new regulations show that we have authority over these groups and that the rules cover them.
1-2	Inserted reference to provision under which rules were introduced – 75(3) of RISCA	It is necessary to show the legal basis on which we made the changes to the rules.
3-7	Addition of reference to the 2022 rules and effective dates.	We need to show the effective dates for each set of rules.
3-7	Removal of references that are no longer required and addition of clarifying references.	Administrative changes to tidy up the rules and provide clarity.
8-9	Addition of information to rule 7	To clarify the scope of the provision.

## 2. The Social Care Wales Fitness to Practise Investigation Rules

Page	Changes that have been made to the 2020 rules to create the 2022 rules	Reason for change
Cover page	Updated the title of the rules to include new date	Need to show effective date and differentiate these rules from the 2020 rules.
1	Added new links to RISCA, the regulations and the rules.	The links were out of date.
2	Added details of new regulations that mandate registration for adult care home workers and family residential centre workers.	The new regulations show that we have authority over these groups and that the rules cover them.
2	Inserted reference to provision under which rules were introduced – 75(3) of RISCA	It is necessary to show the legal basis on which we made the changes to the rules.
3-6	Addition of reference to the 2022 rules and effective dates.	We need to show the effective dates for each set of rules.
3-6	Removal of references that are no longer required and addition of clarifying references.	Administrative changes to tidy up the rules and provide clarity.
6-7	Insertion of a footnote to clarify the position with respect to direct referrals and convictions resulting in discharges and protected convictions more generally.	To reflect recent case law and the relevant provisions of the Sentencing Act 2020 and their impact on direct referrals to panels under RISCA.
9	Addition of comments to rule 8 with respect to when FTP officers can use undertakings.	To assist FTP officers in the correct use of undertakings.
10	Change from 'may' to 'shall' - rule 8(7))	To emphasise the duty upon SCW to actively check whether a registered person is complying with undertakings.
11-12	Additional section setting out bodies that SCW shall/may inform about the use of officer level disposals or referrals to FTP panels. (Reflects RISCA and practice – clarification only).	This section was missing from the 2020 rules. Its inclusion will support decisions to inform the listed bodies about relevant SCW officer decisions and is particularly important with respect to the DBS.
12	Additional information provided in relation to rule 11	Section added to clarify the notice and disclosure requirements with respect to reviews of officer decision under s131 of RISCA.



### 3. The Social Care Wales Fitness to Practise Hearings Rules

<b>Page/ Section</b>	<b>Changes that have been made to the 2020 rules to create the 2022 rules</b>	<b>Reason for change</b>
Cover Page	Updated Title of Rules	We need to show the effective date and differentiate between the 2020 and 2022 rules.
1	Added new links to RISCA, the regulations and the rules.	The links were out of date.
1	Added details of new regulations that mandate registration for adult care home workers and family residential centre workers.	The new regulations show that we have authority over these groups and that the rules cover them.
1	Inserted reference to provision under which rules were introduced – 75(3) of RISCA	It is necessary to show the legal basis on which we made the changes to the rules.
4-8	Addition of reference to the 2022 rules and effective dates.	We need to show the effective dates for each set of rules.
4-8	Removal of references that are no longer required and addition of clarifying references.	Administrative changes to tidy up the rules and provide clarity.
9	Added information added to rule 3(3) to show that pre-hearing reviews can be held in a variety of ways, including virtually.	To reflect what happens in practice – since the 2020 rules were put in place, virtual hearings/meetings have become commonplace.
10	Added word 'amended' to rule 4(1). (this occurs again on pages 12, 16, 18, 19 and 25.	Administrative change to reflect updates to regulations.
11	Added word 'virtually to rule 6(2)	To reflect what happens in practice – since the 2020 rules were put in place, virtual hearings/meetings have become commonplace.
12	Added section rule 8(6)(b) about special measures, including a footnote about entitlement to special measures in some cases. (A similar updated reference appears on pages 18, 26, 27 and 30).	Administrative change to reflect what happens in practice. Footnote change to ensure that special attention is given to under 18s and victims of sexual abuse/crime in proceedings.
13	Added a paragraph to clarify that there are restrictions on the use of cross examination in some cases – 7€(iv) and footnote.	To emphasise the fact that the right to cross examine witnesses can be restricted in some cases to protect the rights of particular parties – this reflects the regulations governing the conduct of panels, judicial practice and UK/Welsh government

		efforts to protect the rights of victims.
14	Added paragraphs to make the process for postponements clearer.	To clarify the procedure to be followed when postponements are sought.
17	Added a sentence to rule 14 to require joinder cases to be referred to case management meeting.	Administrative detail to support the use of joint hearings.
20	Added a reference to other forms of guidance from Social Care Wales.	To ensure that updated guidance from Social Care Wales that is not part of the practice guidance documents is taken into account by FTP panels.
21	Addition of reference to the issuing of guidance by panels in cases that do not involve a finding of impaired fitness to practise.	There was no reference to this in the earlier rules and it was considered necessary to create a rule to ensure that the provision is used appropriately.
21-22	References to 'oral hearing' added to ensure that it is clear the guidance in these sections covers oral hearings in relation to proposed officer warnings.	Minor change to clarify that this section of the guidance covers this type of oral hearing.
23	Additional text added to rule 27(1).	To clarify the scope of the rule.
23	Additional text added to rule 27(6).	To emphasise the duty upon SCW to check the individual's compliance with the undertakings.
24	Rule 29(1) – Changed 'registrant' to 'registered person'	To reflect the language used in RISCA and throughout SCW documents.
24-25	Rule 29(5) - Additional text to reflect changes since Brexit.	To reflect the changing arrangements following Brexit and accommodate an alternative to the European alert mechanism for regulatory bodies in the UK.
25	Rule 30 updated to reflect used of electronic recordings.	Administrative change to reflect what happens in practice.
27-28	The word 'review' has been added to multiple sections on pages 27-30.	Administrative change to clarify the type of hearing to which the section applies.

#### 4. The Social Care Wales Fitness to Practise Interim Orders Rules

Page/ Section	Changes that have been made to the 2020 rules to create the 2022 rules	Reason for change
Cover Page	Updated Title of Rules	We need to show the effective date and differentiate between the 2020 and 2022 rules.
1	Added new links to RISCA, the regulations and the rules.	The links were out of date.
1	Added details of new regulations that mandate registration for adult care home workers and family residential centre workers.	The new regulations show that we have authority over these groups and that the rules cover them.
1	Inserted reference to provision under which rules were introduced – 75(3) of RISCA	It is necessary to show the legal basis on which we made the changes to the rules.
5	Addition of reference to the 2022 rules and effective dates.	We need to show the effective dates for each set of rules.
5-7	Removal of references that are no longer required and addition of clarifying references.	Administrative changes to tidy up the rules and provide clarity.
8	Added the word ‘amended’ to rule 4(1) – the same update appears throughout the document.	Administrative change to reflect an earlier update to the Social Care Wales (Proceedings before Panels Regulations) 2016.
9	Added the word ‘or’ after rule 6(1)(b).	To clarify how the rule should be applied.
10-11	Added text to rules 6(8)(c) and 7(d) to set out restrictions on cross examination. Added supporting footnotes. Similar reference updated on page 14, 18 and 22.	To draw attention to restrictions on the right to cross-examine, therein protecting the rights of certain parties, notably victims of sexual offences/abuse and under 18s.
12	Added new information to rule 8 about postponement of hearings.	To clarify the procedure to be followed when postponements are sought.
15	Added reference to electronic copy of audio recording.	Administrative change to reflect what happens in practice.
17	Added detail to rule 17(6).	To clarify the scope of the rule.
17	Updated rule 18(3) about notifying other European regulators.	To reflect changes following Brexit.
21	Added the words ‘fitness to practise’ before the word panel.	To clarify that the rule applies to fitness to practise panels.

22	Added details about how requests for postponement should be addressed – cross references RISCA.	Administrative change to remind users to refer to s146 of RISCA as well as the rule.
22	Added details about process for serving notice.	To clarify that notice can be sent in a number of ways, including electronically.

## 5. The Social Care Wales Content of Register Rules

Page/Section	Changes that have been made to the 2020 rules to create the 2022 rules	Reason for change
Cover Page	Updated Title of Rules	We need to show the effective date and differentiate between the 2020 and 2022 rules.
1	Added new links to RISCA, the regulations and the rules.	The links were out of date.
1	Added details of new regulations that mandate registration for adult care home workers and family residential centre workers.	The new regulations show that we have authority over these groups and that the rules cover them.
1-2	Inserted reference to provision under which rules were introduced – 75(3) of RISCA	It is necessary to show the legal basis on which we made the changes to the rules.
3-5	Addition of reference to the 2022 rules and effective dates.	We need to show the effective dates for each set of rules.
3-5	Removal of references that are no longer required and addition of clarifying references.	Administrative changes to tidy up the rules and provide clarity.
6	Rule 5 – word ‘role’ changed to ‘roles’	To reflect the fact that social care workers may hold roles in more than one part of the Register.
7	Added a reference to the 2021 Registration Rules.	Administrative change to show that the 2021 rules are a relevant instrument under which the Registrar may have made decisions that need to be recorded in the Register.
7	Addition of rule 5 to cover changes to a person’s registration status following appeals to the Care Standards Tribunal.	To reflect what is required under RISCA and what happens in practice.

## 6. The Social Care Wales Registration Rules

Page/ Section	Changes that have been made to the 2020 rules to create the 2022 rules	Reason for change
Cover Page	Updated Title of Rules	We need to show the effective date and differentiate between the 2020 and 2022 rules.
1	Added new links to RISCA, the regulations and the rules.	The links were out of date.
1	Added details of new regulations that mandate registration for adult care home workers and family residential centre workers.	The new regulations show that we have authority over these groups and that the rules cover them.
1	Inserted reference to provision under which rules were introduced – 75(3) of RISCA	It is necessary to show the legal basis on which we made the changes to the rules.
6	Addition of reference to the 2022 rules and effective dates.	We need to show the effective dates for each set of rules.
6-12	Removed references that are no longer required and addition of clarifying references.	Administrative changes to tidy up the rules and provide clarity.
14	Updated footnote 1.	Update to reflect legislative change relating to approved mental health practitioners.
15	Added a new link in the footnote.	Link was out of date.
17	Updated Rule 8 to remove references to EU requirements relating to visiting social care workers/managers.	References are no longer relevant post-Brexit.
17	Added comment to highlight the fact that fee information can be found on the Social Care Wales website. This also applies to rule 20 on page 21 and rules 38-40 on pages 35-36.	To allow Social Care Wales greater flexibility with respect to adjustments to fees and to make it easier for people to find the information. Social Care Wales is required to consult stakeholders about fee changes.
18	Added a section about relevant social work courses rather than a link to s114(1)(a) of RISCA.	To make the rules clearer and avoid complicated cross referencing with RISCA.
18	Added a new link to the Social Work Degree rules.	To make it easier for people to find the relevant rules.
19	Added a comment to Rule 13(3) to show that those refused registration and subject to	To prevent people circumventing the rules by applying to multiple parts of the Register when the Registrar, looking at an application

	restrictions on re-applying cannot apply to other parts of the Register.	for one part, has concluded that the person is unsuitable for the Register.
19	Added a footnote to show that, in some cases, those refused registration will not be able to appeal against that decision.	To reflect RISCA and remind users that there are restrictions on appeals against the Registrar's decisions – there is not an automatic right of appeal in all cases.
20	Added rule 16(5) to clarify the position with respect to late renewals/lapsing in the period between one registration cycle ending and another beginning.	To ensure that those who have lapsed are not able to continue to practise until they have demonstrated that they have met the registration requirements for another registration cycle and are registered.
21	Changed 'continuous professional development' to 'continuing professional development' in rule 19.	To reflect the language used in Registration/Regulation of Training.
23	Added a footnote to highlight the fact that, in some circumstances, there is not a right of appeal.	To reflect RISCA and to avoid misleading readers who, without the additional text, may assume that there is a right of appeal in all cases.
23-25	Added references to the 2021 rules throughout rule 25.	To distinguish between the 2021 and 2022 rules.
24	Added/deleted paragraphs relating to social work students.	To make the rule clearer.
26	Added a comment about status of those who are between renewals.	To make it clear that they are not allowed to work in a regulated social care role in the period in which they are not registered.
28	Added a reference to removal by agreement where there are fitness to practise concerns – to cross reference rule 9 of the Investigation Rules – and a footnote.	To distinguish between different types of removal by agreement and to highlight the circumstances in which the Registrar cannot agree to remove a person's name from the Register.
31	Added a reference to rule 33(3) to make it clear that the rule applies whether the person is applying to the same part or a different part of the Register.	To clarify the scope of the restriction on repeat applications to the register following removal and prevent attempts to circumvent this restriction.

## 7. Social Care Wales Registration Appeals Panel Rules

Page/ Section	Changes that have been made to the 2020 rules to create the 2022 rules	Reason for change
Cover Page	Updated Title of Rules	We need to show the effective date and differentiate between the 2020 and 2022 rules.
1	Added new links to RISCA, the regulations and the rules.	The links were out of date.
1	Added details of new regulations that mandate registration for adult care home workers and family residential centre workers.	The new regulations show that we have authority over these groups and that the rules cover them.
1	Inserted reference to provision under which rules were introduced – 75(3) of RISCA	It is necessary to show the legal basis on which we made the changes to the rules.
5	Addition of reference to the 2022 rules and effective dates.	We need to show the effective dates for each set of rules.
5-7	Removal of references that are no longer required and addition of clarifying references.	Administrative changes to tidy up the rules and provide clarity.
8	Added the word 'amended' to rule 4(1) – the same update appears throughout the document.	Administrative change to reflect updates to regulations.
10	Added a reference to virtual hearings.	To reflect the current approach. Virtual hearings were not in regular use when the 2020 rules were put in place.
14	Removed a phrase from footnote 3.	Typing error - phrase had been repeated.
16	Added a reference to electronic copies – rule 19.	To reflect the current approach.
25	Added a section about service of notices.	To clarify that notices can be sent electronically.



# **THE SOCIAL CARE WALES (PANEL CONSTITUTION) RULES 2022**

**October 2022**



The regulation of the registration and fitness to practise of the social care workforce by Social Care Wales is governed by three types of legal documents, which are **all** applicable to the registration and fitness to practise of registered persons:

- **Regulation and Inspection of Social Care (Wales) Act 2016 (the Act);**
- **Welsh Government Regulations;**
- **Social Care Wales' suite of Registration Rules and Fitness to Practise Rules.**

Neither the content of the Act nor the Regulations are contained in these Rules. You should therefore read the content of the Act and the Regulations in conjunction with the Rules to provide a comprehensive understanding of the registration and fitness to practise procedures.

The latest available (revised) version of the **Act** can be found at:

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

The Regulations are listed below and can be found at - <http://www.legislation.gov.uk/wsi>

- The Social Care Wales (Extension of Meaning of “Social Care Worker”) Regulations 2016
- The Social Care Wales (Content of Register) Regulations 2016
- The Social Care Wales (List of Persons Removed from the Register) Regulations 2016
- The Social Care Wales (Constitution of Panels: Prescribed Persons) Regulations 2016
- The Social Care Wales (Proceedings before Panels) Regulations 2016
- The Social Care Wales (Proceedings before Panels) (Amendment) Regulations 2017
- The Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016
- The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2018
- The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2020
- The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2022

The Social Care Wales rules are available at:

<https://socialcare.wales/dealing-with-concerns/how-do-hearings-work>

<https://socialcare.wales/registration/why-we-register>

Social Care Wales, in exercise of its powers under sections 73(2) and (4), and 174(1),(6),(7),(8) and (9) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) and of all other powers enabling Social Care Wales in that behalf, and in accordance with section 75(3) of the Act, hereby makes the following Rules:

**ARRANGEMENT OF RULES****PART I****INTRODUCTION**

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2.	Interpretation	3

**PART II****ESTABLISHMENT AND CONSTITUTION OF PANELS**

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4.	Membership of panels	7
5.	Members' private interests	7
6.	Removal of members from the pool	7
7.	Constitution and quorum of panels	7
8.	Legal adviser	8
9.	Medical adviser	9
10.	Clerk	10

## PART I

### INTRODUCTION

#### Citation, commencement and revocation

1. (1) These Rules may be cited as the Social Care Wales (Panel Constitution) Rules 2022 and shall come into force on 1 October 2022.
- (2) The Social Care Wales (Panel Constitution) Rules 2020 ("the 2020 Rules") are hereby revoked save that:
  - (a) the 2017 Rules shall continue to apply in relation to any application for registration, renewal or returning to the register in respect of which a hearing was commenced after 1 April 2020 but not completed before 1 October 2022.
  - (b) the 2020 Rules shall continue to apply in relation to any hearing which commenced on or after 1 April 2020 but not completed before 1 October 2022.

#### Interpretation

2. (1) In these Rules, unless the context otherwise requires:
 

“**Act**” means the Regulation and Inspection of Social Care (Wales) Act 2016 as amended;

“**case management panel**” means a panel of one or three panel members, advised by a legal adviser, established to undertake a case management meeting under Part II of these Rules;

“**clerk**” means the person responsible for the administrative arrangements for the hearing or meeting as defined in these rules;

“**fitness to practise hearing**” means a hearing before a fitness to practise panel in fitness to practise proceedings;

“**fitness to practise panel**” means a panel established in accordance with rule 3(1)(c) to make determinations in relation to the fitness of persons registered in the register to practise as social care workers

“**Fitness to Practise Rules**” means the Social Care Wales (Fitness to Practise Hearings) Rules 2022 or, if applicable, the corresponding provision(s) of an earlier version of those rules;

“**in camera**” means in the absence of the parties, their representatives and the public;

“**interim orders panel**” means a panel established in accordance with rule 3(1)(b) to suspend, or attach conditions to, a person's registration in the register pending a determination by a registration appeals panel or fitness to practise panel;

**“Interim Orders Rules”** means the Social Care Wales (Interim Orders) Rules 2022 or, if applicable, an earlier version of those rules.

**“lay person”** means a person who is not, and has not within five years of appointment to a panel, been:

- (a) a social worker;
- (b) a social care worker;
- (c) involved in the training, education, appointment, employment, supply, supervision, monitoring or representation of social care workers; or
- (d) a social work student;

**“legal adviser”** means a person with a ten-year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 who is entitled to practise law in England and Wales appointed by Social Care Wales in accordance with rule 8;

**“medical adviser”** means a medical practitioner, registered under the Medical Act 1983, appointed by Social Care Wales in accordance with rule 9;

**“panel”** means a Social Care Wales registration appeals panel, interim orders panel or a fitness to practise panel constituted in accordance with section 174 of the Act before which the proceedings are brought;

**“register”** means the register kept by Social Care Wales under section 80 of the Act;

**“registered person”** means a person who is registered in a part of the register, and it includes a person:

- (a) whose registration would have lapsed under section 87(1) of the Act, but for the fact that subsection (2) of that section applies to the person,
- (b) in respect of whom a suspension order has effect,
- (c) in respect of whom an interim suspension order has effect,
- (d) in respect of whom an indefinite suspension order has effect;

**“registration”** means the entry in the register relating to a particular registered person;

**“registration appeals panel”** means a panel established in accordance with rule 3(1)(a) to make determinations under Part 4 of the Act in relation to initial registration in, remaining on and being restored to, the register;

**“Registration Appeals Panel Rules”** means the Social Care Wales (Registration Appeals Panel) Rules 2022 or, if applicable, the corresponding provision(s) of an earlier version of those rules;

**“Regulated service”** means:

- (a) a care home service;
- (b) a secure accommodation service;
- (c) a residential family centre service;

- (d) an adoption service;
- (e) a fostering service;
- (f) an adult placement service;
- (g) an advocacy service;
- (h) a domiciliary support service;

**“Social Care Wales”** means the body corporate known as Social Care Wales and which was previously known as the Care Council for Wales;

**“social care worker”** means, for the purposes of these Rules, any person who falls within any of the following descriptions of social care worker:

- (a) persons who manage a place at or from which a regulated service is provided; or
- (b) persons who in the course of their employment with a service provider, or under a contract for services, provide care and support to any person in Wales in connection with –
  - (i) a care home service provided wholly or mainly for adults,
  - (ii) a care home service provided wholly or mainly for children,
  - (iii) a secure accommodation service within the meaning of paragraph 2 of Schedule 1 to the Act ,
  - (iv) a domiciliary support service in order to provide care and support to a person referred to in paragraph 8(1) of Schedule 1 to the Act, or
  - (v) a residential family centre service, provided by a service provider;

**“social worker”** has the meaning ascribed by section 79(1) (a) of the Act, namely a person who engages in relevant social work in Wales;

**“social work student”** means:

- (a) a person participating in a course approved by Social Care Wales under section 114(1)(a) of the Act;
- (b) a person participating in a social work qualifying programme elsewhere in the UK approved by a Care Council; or
- (c) a person participating in a social work qualifying programme approved by a Care Council where part of the programme is undertaken in Wales, who wishes to become registered in the social worker part of the register.

(2) In these Rules, unless the context otherwise requires:

- (a) words in the singular include the plural, and words in the plural include the singular;
- (b) any reference to a numbered rule or part is a reference to the rule or part bearing that number in these rules, as the case may be;

- (c) any reference in a rule or a part to a numbered paragraph, is a reference to the paragraph bearing that number in that rule or part;
- (d) any reference in a paragraph in a rule or a part to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in that rule or part.

## PART II

### ESTABLISHMENT AND CONSTITUTION OF PANELS

#### Establishment of panels

3. (1) The following panels shall be established:
  - (a) registration appeals panels;
  - (b) interim orders panels;
  - (c) fitness to practise panels.

#### Membership of panels

4. (1) Social Care Wales shall maintain a pool of members from which members of the registration appeals panel, interim orders panel, fitness to practise panel and case management panel for a particular case shall be appointed.
- (2) Members and chairs of panels shall be appointed for a period not exceeding four years.
- (3) Members and chairs of panels may be re-appointed for a further period not exceeding four years, which period may begin on expiry of the initial four-year period or at a later date, as Social Care Wales may determine.

#### Members' private interests

5. (1) Social Care Wales shall establish, maintain and make publicly available a register of panel members' private interests.

#### Removal of members from the pool

6. (1) Social Care Wales shall remove from the pool of members a panel member:
  - (a) whose term of office has come to an end and who is not re-appointed for a further period;
  - (b) who resigns in writing to Social Care Wales.
- (2) Social Care Wales may suspend and/or remove from the pool of members a panel member on the ground of gross misconduct.

#### Constitution and quorum of panels

7. (1) A case management panel convened to conduct a case management meeting under:
  - (a) rule 6(1) of the interim orders rules,
  - (b) rule 6(1) of the fitness to practise rules, or
  - (c) rule 7(1) of the registration appeals panel rules,
 may consist of one or three members.

- (2) Save as provided in paragraph (1), a panel shall sit with either five or three members, including a member appointed to chair the panel and the provisions of paragraphs (3) to (6) shall apply.
- (3) The quorum of each panel shall be three.
- (4) Each panel shall include at least one lay person as a member.
- (5) The Chair shall be a lay person.
- (6) Social Care Wales shall ensure that a panel includes a member who has experience or understanding of social work or the field of social care work practised by the applicant, appellant or registered person whose case is under consideration unless the applicant, appellant or registered person is registered only on the basis that he or she is undertaking a course in relevant social work approved by Social Care Wales under section 114(1) (a) of the Act.
- (7) No member of a registration appeals panel shall sit as such to consider an applicant, appellant or registered person's case, if that member:
  - (a) has knowledge of the facts of the case, prior to the consideration of the matter by the panel; or
  - (b) has sat on a panel which previously decided a case concerning the applicant, appellant or registered person.
- (8) No member of an interim orders panel shall sit as such to consider a registered person's case, if that member has previously been a member of a registration appeals panel or a fitness to practise panel considering a case involving the registered person.
- (9) No member of any fitness to practise panel shall sit as such on the hearing of a registered person's case, if that member has previously been a member of an interim orders panel or a registration appeals panel considering a case involving the registered person.
- (10) Prior to considering a case, panel members shall declare any private interests which might reasonably be thought by others to have any influence in the exercise of the functions of the panel.

#### **Legal adviser**

8.
  - (1) Social Care Wales will appoint a legal adviser who shall be present at the sitting of each panel.
  - (2) The legal adviser shall also be present during the deliberations of each panel.
  - (3) The role of the legal adviser shall be to advise each panel on questions of law, and to ensure that proceedings before each panel are conducted fairly. To this end, the legal adviser shall inform a panel immediately where in his or her opinion there is an irregularity in the conduct of proceedings before that panel.



- (4) Any advice given by the legal adviser *in camera* shall subsequently be repeated before the parties.
- (5) Where the proceedings of a panel are held in private, that panel shall maintain a record of any advice tendered by the legal adviser.
- (6) Except where a panel determines a case without oral evidence or submissions, the advice of the legal adviser shall be given in the presence of the parties.
- (7) The parties shall have the opportunity to make representations on the contents of the advice given by the legal adviser. The legal adviser will then assess whether the advice tendered requires to be altered in the light of the representations made by the parties and will advise the panel accordingly, in the presence of the parties.
- (8) The legal adviser shall not participate in the decision making of a panel considering a case and shall not be entitled to vote.
- (9) The legal adviser shall, if so authorised by Social Care Wales, conduct a pre-hearing review in accordance with rule 3 of the Fitness to Practise Rules.

#### **Medical adviser**

- 9. (1) Social Care Wales may appoint a medical adviser to advise a panel where it appears to Social Care Wales that an applicant's, appellant's or registered person's fitness to practise may be impaired by reason of that person's physical or mental health.
- (2) The medical adviser may be present during the deliberations of each panel.
- (3) The role of the medical adviser shall be to advise the panel on any issues that may arise in relation to an applicant's, appellant's or registered person's physical and mental fitness to perform the whole or part of the work of a social worker or social care worker or social work student (as the case may be).
- (4) Any advice given by the medical adviser *in camera* shall subsequently be repeated before the parties.
- (5) Except where a panel determines a case without oral evidence or submissions, the advice of the medical adviser shall be given in the presence of the parties.
- (6) The parties shall have the opportunity to make representations on the advice given by the medical adviser. Where representations have been made on the contents of the advice given by the medical adviser, the medical adviser shall consider whether the advice should be amended and shall advise the panel accordingly, in the presence of the parties.
- (7) The medical adviser shall not participate in the decision making of a panel and shall not be entitled to vote.

#### **Clerk**

10. (1) Each panel shall be assisted by a clerk.
- (2) The clerk shall be responsible for the administrative arrangements for the hearing or meeting and shall keep a record of decisions made by the panel, and the reasons for them.
- (3) The clerk shall not participate in the decision making of a panel and shall not be entitled to vote.

**Signed on behalf of Social Care Wales**

**Mick Giannasi  
Chair  
Social Care Wales**



Gofal Cymdeithasol **Cymru**  
Social Care **Wales**

# **SOCIAL CARE WALES (INVESTIGATION) RULES 2022**

**October 2022**

The regulation of the registration and fitness to practise of the social care workforce by Social Care Wales is governed by three types of legal documents, which are **all** applicable to the registration and fitness to practise of registered persons:

- **Regulation and Inspection of Social Care (Wales) Act 2016 (the Act);**
- **Welsh Government Regulations;**
- **Social Care Wales' suite of Registration Rules and Fitness to Practise Rules.**

Neither the content of the Act nor the Regulations are contained in these Rules. You should therefore read the content of the Act and the Regulations in conjunction with the Rules to provide a comprehensive understanding of the registration and fitness to practise procedures

The latest available (revised) version of the **Act** can be found at:  
<https://www.legislation.gov.uk/anaw/2016/2/contents>

The Regulations are listed below and can be found at - <http://www.legislation.gov.uk/wsi>

- The Social Care Wales (Extension of Meaning of “Social Care Worker”) Regulations 2016
- The Social Care Wales (Content of Register) Regulations 2016
- The Social Care Wales (List of Persons Removed from the Register) Regulations 2016
- The Social Care Wales (Constitution of Panels: Prescribed Persons) Regulations 2016
- The Social Care Wales (Proceedings before Panels) Regulations 2016
- The Social Care Wales (Proceedings before Panels) (Amendment) Regulations 2017
- The Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016
- The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2018
- Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2020
- The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2022

The Social Care Wales rules are available at:

<https://socialcare.wales/dealing-with-concerns/how-do-hearings-work>  
<https://socialcare.wales/registration/why-we-register>

Social Care Wales, in exercise of its powers under sections 73(2) and (4) and 91(2) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) and of all other powers enabling Social Care Wales in that behalf, and in accordance with section 75(3) of the Act, hereby makes the following Rules:

## **ARRANGEMENT OF RULES**

### **PART I**

#### **INTRODUCTION**

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2.	Interpretation	3

### **PART II**

#### **PRELIMINARY PROCEDURES**

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4.	Direct referral to a fitness to practise panel	6
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### **PART III**

#### **INVESTIGATION**

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### **PART IV**

#### **POWERS FOLLOWING AN INVESTIGATION**

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10.	Referral to a fitness to practise panel	12
11.	Review of decisions by Social Care Wales	12
12.	Cancellation of referral to fitness to practise panel	13

## INTRODUCTION

### Citation, commencement and transitional arrangements

1. (1) These Rules may be cited as the Social Care Wales (Investigation) Rules 2022 and shall come into force on 1 October 2022.
- (2) These Rules apply to any complaint made on or after the coming into force of these Rules.
- (3) The Care Council for Wales (Fitness to Practise) Rules 2014 (“the 2014 Rules”) are hereby revoked save that where a complaint has been received by Social Care Wales before 3 April 2017, Social Care Wales shall deal with that complaint in accordance with the 2014 Rules as if those Rules remain in force.
- (4) The Social Care Wales (Investigation) Rules 2017 (“the 2017 Rules”) are hereby revoked save that where a complaint has been received by Social Care Wales on or after 3 April 2017, but before 1 April 2018, Social Care Wales shall deal with that complaint in accordance with the 2017 Rules as if those Rules remain in force.
- (5) The Social Care Wales (Investigation) Rules 2018 (“the 2018 Rules”) are hereby revoked save that where a complaint has been received by Social Care Wales on or after 1 April 2018, but before 1 April 2020, Social Care Wales shall deal with that complaint in accordance with the 2018 Rules as if those Rules remain in force.
- (6) The Social Care Wales (Investigation) Rules 2020 (“the 2020 Rules”) are hereby revoked save that where a complaint has been received by Social Care Wales on or after 1 April 2020, but before 1 October 2022, Social Care Wales shall deal with that complaint in accordance with the 2020 Rules as if those Rules remain in force.

### Interpretation

2. (1) In these Rules, unless the context otherwise requires:
 

“**Act**” means the Regulation and Inspection of Social Care (Wales) Act 2016 (as amended);

“**allegation**” means any information regarding a registered person that raises a question regarding whether the fitness to practise of a registered person is impaired, and includes any information that has come to the attention of the Social Care Wales by any means;

“**barred list**” has the meaning given in section 117(3) of the Act;

“**caution**” has the meaning given in section 189 of the Act;

**“complaint”** means information relating to a registered person which forms the basis of an allegation against that person and includes information that has come to the attention of Social Care Wales by any means and information relating to criminal convictions and cautions;

**“complainant”** means any person (including an employer or institution) who makes a complaint against a registered person;

**“days”** means calendar days;

**“duly authorised person”** means an individual to whom authority has been delegated by Social Care Wales and can include:

- (a) one or more members of Social Care Wales's staff, and/or
- (b) one or more persons appointed by Social Care Wales for that purpose;

**“employer”** includes employment agencies, the self-employed, and any employer of a social worker or social care worker (working in the capacity of a social worker or social care worker) of whom Social Care Wales is aware;

**“fitness to practise”** shall be construed in accordance with section 117 of the Act and the terms **“impaired fitness to practise”** and **“impairment”** shall be construed accordingly;

**“fitness to practise panel”** means a panel of that name constituted in accordance with the Fitness to Practise Rules to make determinations in relation to the fitness of persons registered in the register to practise as social care workers;

**“Fitness to Practise Rules”** means the Social Care Wales (Fitness to Practise Hearings) Rules 2022, or, if applicable, the corresponding provision(s) of an earlier version of those rules;

**“register”** means the register maintained by Social Care Wales under section 80 of the Act;

**“registered person”** means a person who is registered in a part of the register, and it includes a person:

- (e) whose registration would have lapsed under section 87(1) of the Act, but for the fact that subsection (2) of that section applies to the person;
- (f) in respect of whom a suspension order has effect;
- (g) in respect of whom an interim suspension order has effect;
- (h) in respect of whom an indefinite suspension order has effect;

**“registrar”** means the person appointed in accordance with section 81(1) and (2) of the Act;

**“registration”** means the entry in the register relating to a particular registered person;

**“relevant body”** has the meaning given in section 117(4)(a) to (f) of the Act;

**"relevant criminal offence"** has the meaning in section 120(5) of the Act, namely:

- (a) in the case of a conviction in the United Kingdom, an offence in respect of which a custodial sentence was, or could have been imposed, or
- (b) in the case of a conviction by a court elsewhere, an offence in respect of which, had the offence been committed in England and Wales, a custodial sentence could have been imposed.<sup>4</sup>

**"relevant persons"** has the meaning in section 122(3) of the Act;

**“Social Care Wales”** means the body corporate known as Social Care Wales and which was previously known as the Care Council for Wales;

**“undertaking”** means an agreement by the registered person to comply with an undertaking proposed by Social Care Wales in accordance with section 126(3)(d) of the Act.

- (2) In these Rules, unless the context otherwise requires:
  - (a) words in the singular include the plural, and words in the plural include the singular;
  - (b) any reference to a numbered rule or part is a reference to the rule or part bearing that number in these rules, as the case may be;
  - (e) any reference in a rule or a part to a numbered paragraph, is a reference to the paragraph bearing that number in that rule or part;
  - (f) any reference in a paragraph in a rule or a part to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in that rule or part.

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<sup>4</sup> Amendments to the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975 (2013 and 2020) provide that certain cautions and convictions are considered 'protected', after specified periods of time. If a caution or conviction is protected, it should not be the subject of a direct referral to a Fitness to Practise Panel. For relevant guidance see - <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>.



## PART II

### PRELIMINARY PROCEDURES

#### Preliminary consideration

3. (1) On receipt of information about a registered person or when Social Care Wales identifies a matter of potential concern in relation to a registered person, a duly authorised person of Social Care Wales shall consider whether such information amounts to an allegation that the registered person's fitness to practise is impaired.
- (2) For the purpose of establishing whether any information received is capable of amounting to an allegation of impaired fitness to practise, a duly authorised person may make such preliminary enquiries as considered necessary, including seeking further information and/or a completed complaint form from the complainant.
- (3) Where a duly authorised person determines that the matter is not eligible for onward referral under section 120(1) of the Act, any notice given to the relevant persons under section 122(2) or (4) of the Act, shall state that no further action will be taken and that the matter will be closed.
- (4) The notice under paragraph (3) shall contain the decision and the reasons for the decision.

#### Direct referral to a fitness to practise panel

4. (1) In addition to direct referral under section 121(a) of the Act<sup>5</sup>, a duly authorised person giving preliminary consideration to a matter must refer it directly to a fitness to practise panel if the matter relates to:
  - (a) a caution of a registered person in respect of a relevant criminal offence;
  - (c) a finding of fact by a relevant body to the effect that the registered person's fitness to practise is impaired; or
  - (d) the inclusion of the registered person in a barred list.
- (2) Where a duly authorised person refers the matter under paragraph (1)(a) to (d) of this rule or under section 121 of the Act, the notice under section 123(2) of the Act must:

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<sup>5</sup> Section 121(a) of the Act requires direct referral to a Fitness to Practise Panel if the matter relates to the conviction of a person for a relevant criminal offence. If an order is made discharging the offender absolutely or conditionally that shall be deemed not to be a conviction pursuant to section 82 of the Sentencing Act 2020 in which case the matter shall be deemed to not relate to a conviction for a relevant criminal offence but may instead be considered pursuant to section 117(1)(b) as an allegation of serious misconduct. <sup>5</sup> Amendments to the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975 (2013 and 2020) provide that certain cautions and convictions are considered 'protected', after specified periods of time. If a caution or conviction is protected, it should not be the subject of a direct referral to a Fitness to Practise Panel. For relevant guidance see - <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>.

- (a) be given in writing within 21 days of the referral;
- (b) specify the ground(s) on which the matter has been referred directly to a fitness to practise panel.

### **Referral for investigation**

- 5. (1) Where a duly authorised person refers the matter for investigation under section 125 of the Act, the notice under section 123(2) of the Act must be given within 21 days of the referral and shall:
  - (a) state that the matter has been referred for investigation;
  - (b) set out the procedure under rule 6;
  - (c) in the case of the notice to the registered person, specify the allegation that the registered person's fitness to practise may be impaired.

## PART III

### INVESTIGATION

#### Procedure

6. (1) Subject to section 125(5) of the Act, Social Care Wales may appoint:
  - (a) one or more members of Social Care Wales's staff to carry out investigations or to assist in relation to an investigation;
  - (b) one or more persons other than members of Social Care Wales's staff to provide assistance in relation to an investigation.
- (2) A duly authorised person(s) must make such enquiries as are considered appropriate for the investigation of the allegation, which may include requesting relevant information or documents from the registered person or any person pursuant to section 160 of the Act and obtaining witness statements and other information.
- (3) At the conclusion of the investigation of a matter relating to a registered person's fitness to practise, a duly authorised person must write to the registered person:
  - (a) informing the registered person of the allegation that the registered person's fitness to practise may be impaired if different from that stated in the notice previously given under rule 5(1)(c);
  - (b) providing the registered person with copies of any information and/or documents received or gathered by Social Care Wales in the investigation of the allegation;
  - (c) inviting the registered person to respond to the allegation with written representations and copies of any information or documents which the registered person wishes to be considered within the period of 28 days from the date of Social Care Wales's letter; and
  - (d) informing the registered person that such representations will be disclosed, where Social Care Wales considers it appropriate, to the complainant.
- (4) Unless Social Care Wales considers it inappropriate, Social Care Wales must disclose to the complainant such representations as are received from the registered person, inviting written comments within 21 days.
- (5) Social Care Wales must send a copy of any written comments received from the complainant under paragraph (4) to the registered person, but, unless considered by a duly authorised person to be necessary or appropriate in the particular circumstances of the case, any further comments submitted by the registered person shall not be taken into consideration in making a decision as to whether the case be referred for hearing before a fitness to practise panel.

## PART IV

### POWERS FOLLOWING AN INVESTIGATION

#### Warnings

7. (1) Where a duly authorised person is proposing to issue a warning to a registered person, Social Care Wales must send a notice, within seven days of the decision, to the registered person, which shall contain the following information:
  - (a) the proposal for a warning;
  - (b) the reason(s) for the proposal;
  - (c) the right of the registered person to make representations either in writing or in person at a hearing before the fitness to practise panel, subject to giving written notice to Social Care Wales of the wish to exercise such right within 21 days of the date of the notice;
  - (d) the right of the registered person to be represented at a hearing;
  - (e) an explanation of the procedure at an oral hearing in relation to a proposed warning under Rule 25 of the Fitness to Practise Rules.
- (2) Where the registered person does not respond to a notice under paragraph (1) of this rule or responds confirming that he or she does not wish to make any representations, the warning may be given by the duly authorised person without the need for a hearing.
- (3) Where a warning is given under paragraph (2), Social Care Wales must give notice within seven days of the decision to:
  - (a) the registered person;
  - (b) the complainant;
  - (c) the registered person's employer(s) (if any);
  - (d) where the registered person is registered in the part of the register for students, the university.
- (4) Social Care Wales may also inform within seven days of the decision:
  - (a) the Welsh Government;
  - (b) a relevant body;
  - (c) the Disclosure and Barring Service.
- (5) Rule 25 of the Fitness to Practise Rules shall apply where a registered person has requested an oral hearing in response to a notice under paragraph (1) of this rule.

#### Undertakings

8. (1) This rule applies where no referral has been made to a fitness to practise panel pursuant to section 126(2) of the Act and a duly authorised person considers:
  - (a) there is a real prospect of a finding of impaired fitness to practise in relation to an allegation against a registered person, whether or not the registered person admits that his or her fitness to practise is impaired, but

- (b) it would not be contrary to the public interest for disposal by means of the registered person agreeing to comply with an undertaking(s).
- (2) A duly authorised person shall give notice, within seven days of the decision, to the registered person to that effect and provide the terms of the proposed undertaking(s).
- (3) A case shall only be disposed of under paragraph (1) where the registered person:
  - (a) admits the allegation;
  - and
  - (b) confirms within 14 days of service of the notice referred to in paragraph (1) that he or she agrees to comply with the proposed undertaking(s).
- (4) Where the registered person does not agree to disposal in accordance with paragraph (2) of this rule, the registered person may be referred to a fitness to practise panel.
- (5) Where the case is disposed of by undertaking(s) in accordance with this rule, Social Care Wales shall give notice of the outcome within seven days to:
  - (a) the registered person;
  - (b) the complainant;
  - (c) the registered person's employer(s) (if any);
  - (d) where the registered person is registered in the part of the register for students, the university.
- (6) Social Care Wales may also inform:
  - (a) the Welsh Government;
  - (b) the Disclosure and Barring Service;
  - (c) a relevant body.
- (7) Where a case is disposed of by means of an undertaking(s) in accordance with this rule, a duly authorised person shall request from:
  - (a) the registered person; or
  - (b) the registered person's employer(s) (if any)

such information as will enable Social Care Wales to determine whether the undertaking(s) has been complied with or continues to be complied with.
- (8) Where the case is disposed of by undertaking(s) in accordance with this rule and a duly authorised person subsequently receives information that the requirements of the undertaking(s) have been fully complied with, a duly authorised person shall give notice to the registered person that the undertaking(s) should no longer apply and may give notice to that effect to those other persons specified in paragraphs (5) and (6) of this rule.

- (9) Where the case is disposed of by undertaking(s) in accordance with this rule and Social Care Wales subsequently receives information that an undertaking(s) has not been complied with (or the registered person fails to provide relevant information in response to a request under paragraph (7)(a) of this rule), Social Care Wales shall refer the case to a fitness to practise panel to carry out a review in accordance with section 133(3) of the Act
- (10) Section 152 of the Act shall apply to any review of undertakings by a fitness to practise panel.

### **Removal from the register by agreement**

- 9. (1) Where a registered person in respect of whom an allegation(s) of impaired fitness to practise has applied under section 92 of the Act for the entry relating to that person to be removed by agreement, the application shall not be granted other than in the circumstances described in this rule.
- (2) Where a decision is made by a duly authorised person not to refer the registered person to a fitness to practise panel, the registrar may remove the registered person's entry from the register.
- (3) Paragraphs (4) and (5) apply in relation to a registered person where a duly authorised person:
  - (a) is satisfied that there is a real prospect of a finding of impaired fitness to practise in relation to the allegation against the registered person, but
  - (b) the public interest does not require a hearing of the allegation(s) against the registered person.
- (4) Where paragraph (3) applies, a duly authorised person may:
  - (a) invite the registered person to agree and sign a written statement of facts; and
  - (b) inform the registered person that, if the application for removal from the register is granted, the statement of agreed facts will be taken into account in considering any future application for registration in any part of the register.
- (5) Where the requirements of paragraphs (4)(a) and (b) are met, the registrar may remove the registered person's entry from the register.
- (6) Where the case is disposed of in accordance with this rule, Social Care Wales shall give notice of the outcome within seven days to:
  - (a) the registered person;
  - (b) the complainant;
  - (c) the registered person's employer(s) (if any);
  - (d) where the registered person is registered in the part of the register for students, the university.
- (7) Social Care Wales may also inform:
  - (a) the Welsh Government;
  - (b) the Disclosure and Barring Service;
  - (c) a relevant body.

**Referral to a fitness to practise panel**

10. (1) Where a duly authorised person refers the matter to a fitness to practise panel under section 126(2) of the Act, Social Care Wales must give notice within seven days of the decision to:
  - (a) the registered person;
  - (b) the complainant;
  - (c) the registered person's employer(s) (if any);
  - (d) where the registered person is registered in the part of the register for students, the university.
- (2) Social Care Wales may also inform within seven days of the decision:
  - (a) the Welsh Government;
  - (b) a relevant body;
  - (c) the Disclosure and Barring Service.

**Review of decisions by Social Care Wales**

11. (1) The following provisions shall apply where a duly authorised person reviews the following decisions under sections 131(1) and (2) of the Act:
  - (a) a decision not to refer a matter to a fitness to practise panel under section 121 or 126(2) of the Act;
  - (b) a decision not to refer a matter for investigation under section 125 of the Act; and
  - (c) a decision to dispose of a case after investigation under section 126(3) of the Act.
- (2) The notice referred to in section 131(4) which is sent to the registered person in respect of whom the decision under review was made must:
  - (a) be accompanied by copies of any information or documents received or gathered by Social Care Wales as part of the preliminary investigation of the allegation(s) which have not previously been disclosed;
  - (b) invite the registered person to respond to the decision to carry out a review with written representations and copies of any information or documents which the registered person wishes to be considered within the period of 21 days from the date of Social Care Wales's letter; and
  - (c) inform the registered person that such representations will be disclosed, where Social Care Wales considers it appropriate, to the complainant or another named person or persons who Social Care Wales thinks has an interest in the decision for comment.
- (3) Unless a duly authorised person considers it inappropriate, Social Care Wales must disclose to the complainant and may disclose to another named person or persons who Social Care Wales thinks has an interest in the decision, such representations as are received from the registered person, inviting written comments within 14 days.

- (4) Social Care Wales must send a copy of any written comments received from the complainant to the registered person, but, unless considered by a duly authorised person to be necessary or appropriate in the particular circumstances of the case, any further comments submitted by the registered person shall not be taken into consideration in making a decision in paragraph (5).
- (5) A duly authorised person may decide to:
  - (a) refer a matter to a fitness to practise panel;
  - (b) refer a matter for investigation;
  - (c) dispose of a case in one of the manners specified in section 126(3) of the Act.

### **Cancellation of referral to an interim orders or fitness to practise panel**

- 12. (1) Where a duly authorised person is considering whether to cancel a referral to an interim orders panel or fitness to practise panel under section 132 of the Act, he or she must give written notice to the complainant.
- (2) The notice referred to in paragraph (1) must:
  - (a) state the reason(s) why the circumstances referred to in section 132(1)(a) or (b) might apply;
  - (b) invite the complainant to submit any comments within a period of 21 days from the date of the notice.
- (3) Not before the expiry of the period of 21 days referred to in paragraph (2), the duly authorised person must:
  - (a) consider any comments received from the complainant;
  - (b) make one of the determinations specified in section 132(2)(a) or (b) of the Act;
  - (c) give reasons for the decision.
- (4) Notice of determination under section 132(4) of the Act must be given within seven days of the determination.



**Signed on behalf of Social Care Wales**

**Mick Giannasi**

**Chair**

**Social Care Wales**



Gofal Cymdeithasol **Cymru**  
Social Care **Wales**

# **SOCIAL CARE WALES (FITNESS TO PRACTISE HEARINGS) RULES 2022**

**October 2022**

The regulation of the registration and fitness to practise of the social care workforce by Social Care Wales is governed by three types of legal documents, which are **all** applicable to the registration and fitness to practise of registered persons:

- **Regulation and Inspection of Social Care (Wales) Act 2016 (the Act);**
- **Welsh Government Regulations;**
- **Social Care Wales' suite of Registration Rules and Fitness to Practise Rules.**

Neither the content of the Act nor the Regulations are contained in these Rules. You should therefore read the content of the Act and the Regulations in conjunction with the Rules to provide a comprehensive understanding of the registration and fitness to practise procedures. The Act is available at:

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

The Regulations are listed below and can be found at - <http://www.legislation.gov.uk/wsi>

- The Social Care Wales (Extension of Meaning of “Social Care Worker”) Regulations 2016
- The Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016
- The Social Care Wales (Content of Register) Regulations 2016
- The Social Care Wales (List of Persons Removed from the Register) Regulations 2016
- The Social Care Wales (Constitution of Panels: Prescribed Persons) Regulations 2016
- The Social Care Wales (Proceedings before Panels) Regulations 2016
- The Social Care Wales (Proceedings before Panels) (Amendment) Regulations 2017
- The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2018
- Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2020
- The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2022

The Social Care Wales rules are available at:

<https://socialcare.wales/dealing-with-concerns/how-do-hearings-work>

<https://socialcare.wales/registration/why-we-register>

Social Care Wales, in exercise of its powers under sections 73(2) and (4), 128(2), 136(4) and (5), 137(6),(7) and (8) and 174(8) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”), The Social Care Wales (Proceedings before Panels) Regulations 2016, as amended, and of all other powers enabling Social Care Wales on that behalf, and, in accordance with section 75 of the Act, hereby makes the following Rules:

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## PART I

### INTRODUCTION

#### Citation, commencement and transitional arrangements

1. (1) These Rules may be cited as the Social Care Wales (Fitness to Practise Hearings) Rules 2022 and shall come into force on 1 October 2022.
- (2) The Care Council for Wales (Fitness to Practise) Rules 2014 ("the 2014 Rules") are hereby revoked save in relation to any case where a referral to Social Care Wales was made before 3 April 2017, the 2014 Rules shall continue to apply as if those rules remain in force.
- (3) The Social Care Wales (Fitness to Practise Hearings Rules) 2017 ("the 2017 Rules") are hereby revoked save that where a referral to Social Care Wales was made on or after 3 April 2017 but before 1 April 2018, the Fitness to Practise Panel shall continue to hear the case and the 2017 Rules shall continue to apply as if those Rules remain in force.
- (4) The Social Care Wales (Fitness to Practise Hearings Rules) 2018 ("the 2018 Rules") are hereby revoked save that where a referral to Social Care Wales was made on a date on or after 1 April 2018 but before 1 April 2020, the Fitness to Practise Panel shall continue to hear the case and the 2018 Rules shall continue to apply as if those Rules remain in force.
- (5) The Social Care Wales (Fitness to Practise Hearings Rules) 2020 ("the 2020 Rules") are hereby revoked save that where a referral to Social Care Wales was made on a date on or after 1 April 2020 but before 1 October 2022, the Fitness to Practise Panel shall continue to hear the case and the 2020 Rules shall continue to apply as if those Rules remain in force.

#### Interpretation

2. (1) In these Rules, unless the context otherwise requires:
 

**"Act"** means the Regulation and Inspection of Social Care (Wales) Act 2016 (as amended);

**"allegation"** means an allegation of impairment of fitness to practise;

**"case"** means proceedings relating to fitness to practise proceedings;

**"case management meeting"** means a meeting before a panel comprised of one or three panel members, advised by a legal adviser, established under Part II of these Rules;

**"caution"** in relation to an offence, means:

  - (a) a conditional caution given under section 22 of the Criminal Justice Act 2003 (c.44) (conditional cautions for adults) or under section 66A of the Crime and Disorder Act 1998 (c.37) (conditional cautions for children and young persons);

- (b) any other caution given to a person in England and Wales in respect of an offence which, at the time the caution is given, that person has admitted;
- (c) anything corresponding to a caution falling within paragraph (a) or (b) (however described) which:
  - (i) is given to a person in respect of an offence committed outside England and Wales which, if committed in England and Wales, would constitute a criminal offence, and
  - (ii) is not an alternative to prosecution (within the meaning of section 8AA of the Rehabilitation of Offenders Act 1974 (c.53));

**"civil procedure rules"** means the rules of court made under section 2 of the Civil Procedure Act 1997;

**"clerk"** means the person responsible for the administrative arrangements for the meeting or hearing as defined in the Social Care Wales (Constitution of Panels) Rules 2022 or, if applicable, the corresponding provision(s) of an earlier version of those rules;

**"Code of Professional Practice for Social Care"** means the Code of Practice laying down the standards of conduct and practice expected of social care workers published by Social Care Wales under Section 112(1)(a) of the Act;

**"complaint"** means information relating to a registered person which forms the basis of an allegation against that person and includes information that has come to the attention of Social Care Wales by any means and information relating to criminal convictions and cautions;

**"complainant"** means any person (including an employer or institution) who makes a complaint against a registered person;

**"conditional registration order"** means an order made by the fitness to practise panel imposing conditions on a registered person's registration;

**"days"** means calendar days;

**"determination"** means a determination or decision made, or finding reached, by a regulatory body;

**"duly authorised person"** means an individual to whom authority has been delegated by Social Care Wales and can include:

- (c) one or more members of Social Care Wales's staff, and/or
- (d) one or more persons appointed by Social Care Wales for that purpose;

**"employer"** includes employment agencies, the self-employed, and any employer of a social worker or social care worker (working in the capacity of a social worker or social care worker) of whom Social Care Wales is aware;

**"fitness to practise"** shall be construed in accordance with section 117 of the Act and the terms **"impaired fitness to practise"** and **"impairment"** shall be construed accordingly;

**"fitness to practise hearing"** means a hearing before a fitness to practise panel in fitness to practise proceedings;

**"fitness to practise meeting"** means a meeting before a fitness to practise panel in fitness to practise proceedings;

**"fitness to practise panel"** means a panel established under section 174 of the Act to:

- (a) make determinations in relation to the fitness to practise of persons registered in the register to practise as social care workers;
- (b) suspend, or attach conditions to, a person's registration in the register pending a determination of the kind mentioned in paragraph (a);

**"fitness to practise proceedings"** means proceedings before a fitness to practise panel;

**"hearing"** means a fitness to practise hearing;

**"in camera"** means in the absence of the parties and their representatives, and the public;

**"Investigation Rules"** means the Social Care Wales (Investigation Rules) 2020 or, if applicable, the corresponding provision(s) of an earlier version of those rules ;

**"legal adviser "** means a person with a ten-year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 who is entitled to practise law in England and Wales;

**"medical adviser"** means a medical practitioner, registered under the Medical Act 1983, appointed by Social Care Wales;

**"notice"** means information issued in relation to the proceedings of a fitness to practise panel;

**"oral hearing"** means a hearing held following a request in response to a notice under section 128(1) of the Act and Rule 7 of the Investigation Rules.

**"panel"** means a Social Care Wales fitness to practise panel constituted in accordance with section 174 of the Act before which the proceedings are brought;

**"Panel Constitution Rules"** means the Social Care Wales (Panel Constitution) Rules 2022 or, if applicable, the corresponding provision(s) of an earlier version of those rules;

**"parties"** means the registered person to whom the fitness to practise proceedings relate and Social Care Wales (or their representatives);

**"presenter"** means the person acting on behalf of Social Care Wales at a hearing before a panel, and may include an officer of Social Care Wales or a solicitor or a barrister engaged by Social Care Wales for this purpose;



**“pre hearing review”** means a meeting with a legal adviser as chair in accordance with rule 3 for the purpose of issuing case management directions;

**“register”** means the register maintained by Social Care Wales under section 80 of the Act;

**“registered person”** means a person in respect of whom the referral to the fitness to practise panel has been made who is registered in a part of the register, including a person whose registration would have lapsed under section 87(1) of the Act, but for the fact that subsection (2) of that section applies to the person.,

**“registration”** means the entry in the register relating to a particular registered person;

**“regulatory body”** means a body in the United Kingdom or elsewhere that has responsibility for the regulation, audit, inspection, licensing or review of social care, health or education provision, or the regulation or licensing of a social care, health or teaching profession;

**“removal order”** means an order made by the fitness to practise panel for the removal of an entry relating to the registered person in the register;

**“Social Care Wales”** means the body corporate known as Social Care Wales and which was previously known as the Care Council for Wales;

**“suspension order”** means an order made by the fitness to practise panel for suspension of the registered person’s registration;

**“tribunal”** means the First-tier Tribunal;

**“undertaking”** means an agreement by the registered person to comply with an undertaking made under section 126(3)(d) or 136 of the Act;

**“university”** means the university or higher education institution providing the degree course approved by Social Care Wales under section 114(1)(a) of the Act for persons wishing to become social workers;

**“warning”** means a disposal made by the fitness to practise panel under section 138(6) of the Act.

(2) In these rules, unless the context otherwise requires:

- (a) words in the singular include the plural, and words in the plural include the singular;
- (b) any reference to a numbered rule or part is a reference to the rule or part bearing that number in these rules, as the case may be;
- (c) any reference in a rule or a part to a numbered paragraph, is a reference to the paragraph bearing that number in that rule or part;
- (d) any reference in a paragraph in a rule or a part to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in that rule or part.

## PART II

### PROCEDURE PRIOR TO A FITNESS TO PRACTISE HEARING

#### Pre-hearing review

3. (1) As soon as practicable after the case has been referred to the panel, SCW may convene a pre-hearing review and shall invite the parties and any representative to attend.
- (2) Social Care Wales shall authorise a legal adviser, who shall act independently of the parties, to conduct the pre-hearing review. Members of the panel shall not attend the pre-hearing review.
- (3) The pre-hearing review may be conducted virtually, by telephone or video conferencing or by such other method as is decided by the legal adviser, after consultation with the parties.
- (4) A record of the directions issued by the legal adviser, any admissions, and decisions taken at the pre-hearing review shall be made by the clerk.
- (5) The registered person may attend in person and/or be represented by:
  - (a) a solicitor or counsel;
  - (b) a representative of any professional organisation; or
  - (c) if the legal adviser agrees, any other person.
- (6) The following matters shall be considered at the pre-hearing review:
  - (a) the allegation(s) against the registered person, prepared by Social Care Wales and sent to the legal adviser and the parties in advance of the pre-hearing review;
  - (b) any admissions of facts;
  - (c) any admission of any matter specified in section 117(1) (a) to (f) of the Act;
  - (d) any admission of impaired fitness to practise;
  - (e) whether the parties agree that the case may be determined by a fitness to practise panel without a hearing;
  - (f) whether the registered person will attend any hearing;
  - (g) the names of witnesses to be called (if any);
  - (h) whether particular provisions should be made for vulnerable witnesses at the hearing;
  - (i) whether expert evidence is to be adduced;
  - (j) whether the health of the registered person will be raised as an issue in the proceedings, and if so, whether a report from a medical practitioner should be obtained;
  - (k) any dates on which the registered person or witnesses would be unable to attend a hearing;
  - (l) time estimate for any hearing;
  - (m) whether a further pre-hearing review is required;
  - (n) whether a case management meeting is required.

- (7) The legal adviser may give a preliminary opinion to the parties for the purpose of resolving questions of law or admissibility of evidence.
- (8) The legal adviser may give directions for the purpose of securing the just, expeditious and effective running of the case, which may include directions from the following non-exhaustive list:
  - (a) directions for the service of evidence, including medical and expert reports;
  - (b) where the registered person wishes to admit the facts of the allegation(s) the legal adviser may direct the parties to prepare an agreed statement of facts within a specified timescale;
  - (c) where the parties agree that the case may be determined without a hearing, the legal adviser may direct the parties to prepare:
    - (i) an agreed statement of facts;
    - (ii) a written agreement to the final decision that is to be made by the panel (including details of that decision such as the period for which an order is to have effect or any conditions to be imposed on the registered person's registration);
    - (iii) a written agreement that the proceedings may be determined without a hearing;
  - (d) in relation to any witness statement to be served by either party, the legal adviser may give a direction that the statement to be served may be accompanied by a notice that the party serving the statement intends to rely on the witness statement without calling the maker of the statement unless the other party gives notice within 14 days of the service of the statement that he or she requires the witness concerned to attend and give evidence.
- (9) Where a party fails to comply with the directions given at a pre-hearing review, a panel may draw such inferences as it considers appropriate and/or take whatever decision it thinks is most appropriate in relation to the admissibility of evidence or any other relevant matter.

### **Conduct of proceedings**

- 4. (1) Subject to the requirements of the Act and the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended) the panel may vary the procedures set out in these Rules in order to deal fairly and justly with a case and may issue directions with regard to the just and prompt determination of the proceedings.

### **Witness summons**

- 5. (1) Where one of the parties requires the attendance of a witness or the production of a material document or evidence by a witness who has refused to attend or produce the document before the hearing or failed to confirm that they will do so, that party may make a written application for Social Care Wales to apply to the County Court or the High Court to issue a witness summons in accordance with Rule 34.4 of the Civil Procedure Rules 1998.
- (2) A written application made under paragraph (1) above, shall be considered by a duly authorised person who may determine that:

- (a) the application should be granted;
  - (b) the application should be refused; or
  - (c) the application should be considered by a panel at a case management meeting under rule 6 or at a hearing convened under Part III of these rules.
- (3) In making a determination, the duly authorised person or the panel (as the case may be) shall consider the relevance and importance of the evidence of the witness or document concerned and whether it is fair and appropriate to make the direction sought.
  - (4) Where an application under paragraph (2) above is granted by a duly authorised person or a direction is given by a panel under rule 6(8)(j) Social Care Wales will apply to the County Court or High Court and obtain the appropriate witness summons.
  - (5) Where Social Care Wales made the application for a direction for the witness summons, Social Care Wales will arrange for the witness summons to be served on the witness concerned.
  - (6) Unless otherwise directed, where the application for a direction was made by or on behalf of the registered person, Social Care Wales will provide the registered person or his representative with the witness summons after it has been issued and the registered person or their representative will arrange to serve the witness summons on the witness concerned.
  - (7) Unless otherwise directed, the party serving the witness summons shall be responsible for payment of any travelling expenses and/or compensation for loss of time as required by Rule 34.7 of the Civil Procedure Rules.

### **Case management meeting**

- 6. (1) A case management meeting will be convened:
  - (a) where directed by the legal adviser at a pre-hearing review;
  - (b) where following a request by one of the parties a duly authorised officer considers that a case management meeting would be appropriate;
  - (c) at the direction of a duly authorised person;
  - (d) at the direction of a panel.
- (2) A case management meeting may be conducted by personal attendance at the meeting or participation virtually or by telephone or video conference.
- (3) Subject to paragraph (4), a clerk shall send an appropriate notice to the registered person and to the presenter not less than five days before the case management meeting.
- (4) The panel may dispense with the notice period referred to in paragraph (3) if the panel is satisfied that the public interest requires a shorter notice period.
- (5) A case management meeting will consist of one panel member unless:
  - (a) directions are given at a pre-hearing review that the panel should consist of three members;

- (b) a duly authorised person determines that the panel should consist of three members; or
  - (c) where a panel directs that a case management meeting should be held, the panel also directs that the panel for the case management meeting should consist of three members.
- (6) The panel member or members may or may not be the same member(s) who will be used for the full hearing.
- (7) The panel at a case management meeting will be advised by a legal adviser.
- (8) The case management meeting may give directions for the purpose of securing the just, expeditious and effective running of the case, and may make a determination in relation to a preliminary matter that can only be determined by a panel, including whether:
  - (a) particular evidence should be admitted;
  - (b) if a person is entitled to special measures as of right in accordance with regulations 24(1)(a) and 24(2) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended), what special measures should be put in place;<sup>6</sup>
  - (c) any other witness should be treated as requiring special measures and, if so, what special measures should be put in place;
  - (d) there should be a joint hearing involving two or more registered persons;
  - (e) a hearing or part of it should be held in private in accordance with regulation 21 of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended);
  - (f) the registered person may be represented at the hearing before the panel by a person other than a solicitor, counsel or a representative from a professional body;
  - (g) the proceedings can be conducted without a hearing where the circumstances in regulation 17(1) of the Social Care Wales (Fitness to Practise) Regulations 2016 (as amended) apply;
  - (h) the proceedings can be considered without a hearing at a meeting of a panel in accordance with rule 32;
  - (i) the health of the registered person will be raised as an issue in the proceedings, and if so, whether a report from a medical practitioner should be obtained.
  - (j) a direction for a witness summons should be given.
- (9) The procedure at the case management meeting will be determined solely by the panel member(s).
- (10) A case management meeting will be held in private, unless the panel members direct otherwise.
- (11) Where a party fails to comply with the directions given at a case management meeting a fitness to practise panel may draw such inferences as it considers appropriate and/or take whatever decision it thinks is most appropriate in relation to the admissibility of evidence or any other relevant matter.

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<sup>6</sup> Under regulation 24(1)(a) a person giving evidence at an Interim Orders Panel hearing, including a registered person, is entitled to special measures if they are under 18. Under 24(2) a person is entitled to special measures if the matter to which the proceedings relate is of a sexual nature and the person is an alleged victim

## Notice of the hearing

7. (1) Where a case is listed for hearing before a panel, at least 42 days before the hearing, the clerk shall send a notice of the hearing to the registered person which shall:
  - (a) state the date, time and venue of the hearing;
  - (b) specify the allegation(s) against the registered person;
  - (c) state whether a medical adviser has been appointed to advise the panel;
  - (d) inform the registered person of the right to be represented by:
    - (i) a solicitor or counsel; or
    - (ii) a representative from any professional organisation; or
    - (iii) if the panel agrees, any other person;
  - (e) inform the registered person of the right to:
    - (i) attend the hearing;
    - (ii) give evidence to the panel;
    - (iii) make oral submissions to the panel either in person or through a representative;
    - (iv) call and cross examine witnesses, subject to restrictions on the right to cross-examine witnesses under regulation 24(12)-(14) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended);<sup>7</sup>
  - (f) inform the registered person that any application to be represented by a person other than those listed in paragraph (d)(i) or (ii) above, must be sent to the clerk no later than seven days in advance of a hearing setting out the name of the proposed representative and confirming that the proposed representative will not be called as a witness;
  - (g) inform the registered person that a person representing or advising the registered person may not give evidence;
  - (h) inform the registered person, in the event that they do not wish to attend the hearing, that they may submit written representations not later than three days before the date of the hearing for consideration by the panel;
  - (i) inform the registered person of the possible outcomes open to the panel in the event of a finding of impaired fitness to practise;
  - (j) inform the registered person of the panel's power to proceed in the absence of the registered person, or the registered person's representative, at the hearing;
  - (k) invite the registered person to state whether the registered person and/or the registered person's representative will be attending the hearing.
  - (l) enclose copies of any documents to be put before the panel, including a copy of these Rules.
- (2) The hearing shall not be fixed for any date earlier than 42 days after the sending of the notice of hearing except with the agreement of the parties.
- (3) Where a case is listed for hearing before a panel, at least 42 days before the hearing, unless an earlier hearing date is agreed by the parties in accordance with paragraph (2), the clerk shall send a notice of the hearing to:
  - (a) the complainant;

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<sup>7</sup> Under regulation 24 (12) if the matter to which the proceedings relates is of a sexual nature, the registered person may not personally cross-examine the alleged victim subject to limited exceptions. Regulation 24(13) and (14) provide how the proceedings are to be conducted in such circumstances.

- (b) the registered person's employer(s) (if any);
- (c) where the person is registered in the part of the register for students, the university.

- (4) The notice to be sent under paragraph (3) shall specify the date, time and venue of the hearing.

### **Postponement of the hearing**

8.
  - (1) Where either party wishes the hearing to be postponed, an application shall be made in writing to Social Care Wales.
  - (2) The party making such application shall serve a copy of the application on the other party, together with any supporting documentation.
  - (3) Where the parties agree to a postponement more than 7 days before the first date of a fitness to practise hearing, a duly authorised person may postpone the hearing.
  - (4) In making a decision, the duly authorised person shall have regard to the general objective to deal fairly and justly with cases.
  - (5) If an application for a postponement is made less than 7 days before the first date of hearing, the parties do not agree to a postponement or if the duly authorised person does not agree to the application, the application shall be considered by the chair of the panel who, subject to paragraph 7, shall determine the application, taking into account:
    - (a) the submissions of both parties;
    - (b) any likely prejudice to either party;
    - (c) the public interest in the expeditious disposal of the case.
  - (6) The party served with the application may submit a written response to the chair of the panel.
  - (7) Where the chair considers that a determination cannot be made without further information or submissions from one or more of the parties the chair may direct that:
    - (a) the application be referred to a case management meeting for consideration under rule 6; or
    - (b) where the application for postponement is made less than seven days prior to the first date of hearing, that the application should be determined by the panel convened to hear the case.
  - (8) In the event that the application for postponement is granted, or the matter has to be re-scheduled for some other reason, the clerk shall inform the parties and those listed in rule 7(3) of the new hearing date, as soon as possible.

### **Disclosure of case and service of documents**

9.
  - (1) No later than 28 days before the date of the hearing or earlier if so required by directions given under rule 3 at a pre-hearing review or under rule 5 at a case management meeting, the parties shall serve on each other, and lodge

with the clerk, copies of all documents and reports upon which they intend to rely.

- (2) The parties shall make arrangements for original documents to be inspected no later than ten days before the date of the hearing.
- (3) The presenter shall consider whether there are any further documents in the possession of Social Care Wales which may assist the registered person that are not relied upon by Social Care Wales and shall serve copies of such documents (if any) on the registered person.
- (4) No later than ten days before a hearing, the clerk shall send the panel, copies of:
  - (a) the notice of the hearing;
  - (b) any documents lodged by the parties in terms of paragraphs (1) and (3) above.



## PART III

### PROCEDURE AT A FITNESS TO PRACTISE HEARING

#### Absence of a registered person at a fitness to practise hearing

10. (1) If the registered person is not present and is not represented at the hearing, the panel shall:
  - (a) require evidence that notice of the hearing has been sent to the registered person in accordance with rule 7 or of the efforts made to give notice of the hearing to the registered person, and
  - (b) enquire whether any reasons for the registered person's non-attendance have been communicated to Social Care Wales.
- (2) Where paragraph (1) applies, the panel shall determine whether to exercise the discretion under regulation 25(4) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended) to proceed with the hearing in the absence of the registered person or adjourn and shall give reasons for its decision.<sup>8</sup>

#### Burden and standard of proof

11. (1) The burden of proof in proceedings before the fitness to practise panel shall rest upon Social Care Wales.
- (2) Where facts are in dispute, the panel shall decide the facts on the civil standard, applying the balance of probabilities.

#### Fitness to plead

12. (1) Where an issue arises as to the registered person's fitness to plead, a panel shall consider:
  - (a) whether the registered person can understand the issues in the case;
  - (b) whether the registered person can appreciate the effect of any advice received from the registered person's representatives (if any);
  - (c) whether the registered person can give instructions accordingly.
- (2) A panel shall consider submissions from the parties on this issue and may receive expert medical evidence before making a determination as to the registered person's fitness to plead.
- (3) Where a panel determines that the registered person is unfit to plead, it may make an interim order under section 144(3) of the Act.

#### Procedure at the hearing

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<sup>8</sup> 'Regulation 25(4) provides that a fitness to practise panel has discretion to proceed with a fitness to practise hearing even if the registered person is not present and not represented, if the fitness to practise panel is satisfied that all reasonable efforts have been made to give notice of the hearing to the person.'

13. (1) The hearing shall be conducted in three stages as follows:
  - (a) preliminaries and findings of fact;
  - (b) finding regarding fitness to practise;
  - (c) disposal.
- (2) At the first stage, the panel shall hear and determine any preliminary applications, and subject to any findings made in relation to the preliminary applications, the parties may present evidence, including calling witnesses in accordance with rule 22.
- (3) Where facts are found proved at the first stage, the second stage shall proceed in accordance with rule 23.
- (4) Where, at the second stage, a finding is made that the registered person's fitness to practise is impaired, the third stage shall proceed in accordance with rule 25.

### **Joinder**

14. (1) Subject to the requirements of a fair hearing, a panel may consider and determine in one hearing allegations involving two or more grounds of impairment specified in section 117(1)(a) to (f) of the Act, whether those allegations were the subject of a single or separate referral to the panel.
- (2) Subject to the requirements of a fair hearing, a panel may consider allegations against two or more registered persons at a joint hearing where the allegation(s) against each registered person arises from the same circumstances or the panel considers that a joint hearing is appropriate.
- (3) An application for a direction pursuant to rule 14(2) shall be referred to a case management meeting for consideration under rule 6.

### **Amendment of the allegation(s)**

15. (1) Subject to the requirements of a fair hearing, the panel may amend the allegation(s) at any stage prior to the panel making findings of fact.
- (2) The panel shall first hear representations from the parties, and take advice from the legal adviser, before deciding whether or not the allegation(s) should be amended.

### **Admissions**

16. (1) After the allegation(s) have been read by the clerk, the chair shall ask the registered person or their representative (if present) whether any facts (or convictions) alleged are admitted and may receive an agreed statement of facts.
- (2) Where any facts (or convictions) are admitted, the chair shall announce that such facts (or convictions) have been found proved and the panel shall determine the issue of impaired fitness to practise.

- (3) Where no admissions of facts are made, or some facts remain disputed, the presenter shall present the case against the registered person to the panel and adduce evidence in support of those facts which are not admitted.

### **Evidence**

17. (1) Subject to regulation 20(2) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended), a panel may receive oral, documentary or other evidence.
- (2) In addition to the admission of the certificates referred to in regulation 20(3)<sup>9</sup>, (4)<sup>10</sup> and (5)<sup>11</sup> of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended), production of a record of a caution shall be prima facie evidence of the underlying facts of the offence giving rise to the caution.
- (3) A panel may admit evidence adduced by a party notwithstanding that such evidence has not been disclosed in accordance with rule 9(1):
  - (a) if the parties consent; or
  - (b) where, after hearing submissions by the parties and receiving legal advice from the legal adviser, it is satisfied that the evidence is relevant and that it would be fair to admit it.
- (4) A panel may of its own volition, request the parties to provide documentation or other evidence or request any person to give oral evidence which it considers might assist in making a determination.

### **Witnesses**

18. (1) Witnesses shall be sworn or required to affirm.
- (2) A panel may, on the application of the party calling the witness, agree that the personal details of the witness shall not be revealed in public.
- (3) Subject to regulation 24(12) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended), witnesses shall be examined by the party calling them and may then be cross-examined by the opposing party, subject to restrictions on the right to cross-examine witnesses under regulation 24(12)-(14) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended). The party calling the witness may then re-examine the witness.
- (4) Witnesses may then be questioned by a panel, or by the legal adviser, with the leave of the chair.

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<sup>9</sup> Regulation 20(3) provides that a certificate signed by a competent officer of a court of any jurisdiction that a person has been convicted of a criminal offence, or in Scotland and extract conviction, is conclusive evidence of the offence.

<sup>10</sup> Regulation 20(4) provides that a certificate that a person is included in a barred list (for the purposes of section 117(1)(c) of the Act), issued by the person responsible for maintaining the list, is conclusive evidence of that fact.

<sup>11</sup> Regulation 20(5) provides that a certificate issued by a relevant body (for the purposes of section 117(1)(d) of the Act) that it has determined that a person's fitness to practise is impaired is conclusive evidence of that determination.

- (5) The parties may then question the witnesses on matters arising out of the panel's questions. The party calling the witness shall question the witness last.
- (6) Any further questioning of witnesses shall be at the discretion of a panel.
- (7) Witnesses shall not be allowed to attend and observe the proceedings until they have completed giving evidence to a panel and have been formally released by the chair.

### **Special measures**

- 19. (1) Where a panel gives a direction under regulation 24(11) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended), the special measures to be implemented or provided may include, but shall not be limited to:
  - (a) use of video links;
  - (b) use of pre-recorded evidence as the evidence of a witness;
  - (c) use of screens;
  - (d) use of interpreters (including signers and translators) or intermediaries.

### **Adjournment of the hearing**

- 20. (1) Subject to the requirements of a fair hearing, and after hearing representations from the parties, a panel may, at any stage of the hearing, adjourn the proceedings for the purposes of seeking further information or for any other purpose.
- (2) Where the hearing has been adjourned, the clerk shall, as soon as practicable, notify the parties, the complainant and the employer(s) (if any) and where the registered person is registered in the part of the register for students, the university, of the date fixed for the hearing to be resumed.

### **Voting**

- 21. (1) Decisions of the panel shall be taken by simple majority.
- (2) The chair of the panel may not exercise a casting vote.
- (3) Any abstention shall be deemed to be a vote in favour of the registered person.

### **Finding of facts**

- 22. (1) The presenter shall open the case and may present evidence, including calling witnesses.
- (2) The registered person, or where he or she is represented, the registered person's representative, may open the registered person's case and may present evidence, including calling witnesses.

- (3) The presenter, followed by the registered person or, where represented, the registered person's representative (if present) may make representations to the panel as to whether the alleged facts have been proved.
- (4) The panel shall consider *in camera* whether the facts of the allegation(s) have been proved on the balance of probabilities.
- (5) The chair will announce before the parties, the panel's findings of fact. If no facts have been found proved, the case will be dismissed.
- (6) The panel shall give reasons for its findings on the facts.

### **Fitness to practise**

23. (1) The parties may make representations to the panel and may adduce evidence on the question of whether the registered person's fitness to practise is impaired.
- (2) In deciding upon the issue of impairment of fitness to practise, the panel shall have regard to the Code of Professional Practice for Social Care issued by Social Care Wales that was in force at the time of the actions or omissions giving rise to the alleged impairment of fitness to practise. The panel may also have regard to any practice guidance issued by Social Care Wales which builds upon the Code of Professional Practice for Social Care and which was in force at the time of the actions or omissions giving rise to the alleged impairment of fitness to practise.
- (3) Where the panel is considering whether a registered person's fitness to practise is impaired by reason of deficient performance as a social worker or social care worker, it shall take into account whether the alleged deficiency in performance is such as to make the registered person suitable to perform the whole or part of the work of a person registered in the register.
- (4) Where the panel is considering whether a registered person's fitness to practise is impaired by reason of adverse physical or mental health, it:
  - (a) shall take into account whether the registered person is physically and mentally fit to perform the whole or part of the work of a person registered in the register;
  - (b) may take into account any failure by the registered person to agree to any reasonable invitation by Social Care Wales to be examined by a registered medical practitioner nominated by Social Care Wales;
  - (c) may take into account:
    - (i) the registered person's current physical or mental condition,
    - (ii) any continuing or episodic condition suffered by the registered person, and
    - (iii) a condition suffered by the registered person which, although currently in remission, may be expected to cause a recurrence of impairment of fitness to practise;
  - (d) shall, subject to paragraph (e) below, consider any medical reports or other medical evidence on whether the alleged impairment of fitness to practise has been caused or substantially contributed to, by the registered person's physical or mental ill health;

- (e) shall not receive any medical reports or other medical evidence unless the registered person has consented to be examined and to allow such reports to be provided to the panel.
- (5) The panel shall consider *in camera* whether, on the facts found proved, the registered person's fitness to practise is impaired.
- (6) The panel shall announce its findings on the issue of impairment before the parties and shall give reasons for its decision.

#### **Finding of no impairment: proposal of a warning**

24. (1) Where the panel determines that the registered person's fitness to practise is not impaired, but the panel proposes to give a warning to the registered person, the following procedure will be followed:
- (a) the chair shall announce the proposal and the reasons for the proposal;
  - (b) where the registered person or his or her representative is present, the chair will provide the registered person or his or her representative with the opportunity to make representations;
  - (c) the panel will decide, in the light of any representations made, whether to give a warning and the chair will announce the decision of the panel.
- (2) Where the panel determines that the registered person's fitness to practise is not impaired, but the panel proposes to give advice to the registered person and/or any other person involved in the proceedings, the chair shall announce the advice and the reasons for it.

#### **Oral hearing in relation to a proposed officer warning**

25. (1) This rule shall apply where a registered person has requested an oral hearing.
- (2) A notice of the oral hearing will be sent to the registered person, which shall:
- (a) state the date, time and venue of the oral hearing;
  - (b) state the proposal for the warning;
  - (c) state the reasons for the proposal;
  - (d) be accompanied by copies of any documents or evidence relied upon in support of the proposal;
  - (e) inform the registered person of their rights to:
    - (i) attend the oral hearing;
    - (ii) make oral submissions to the panel either in person or through a representative;
    - (iii) submit written evidence;
  - (f) inform the registered person of the procedure at the oral hearing;
  - (g) inform the registered person of the panel's power to proceed in the absence of the registered person, or the registered person's representative at the oral hearing;
  - (h) invite the registered person to state whether the registered person and/or the registered person's representative will be attending the oral hearing.

- (3) The oral hearing shall not be fixed for any date earlier than 28 days after the sending of the notice of hearing except with the agreement of the parties.
- (4) Subject to the requirements of a fair hearing, the panel may decide its own procedures generally and may issue directions with regard to the just and prompt determination of the oral hearing.
- (5) The oral hearing shall be conducted as follows:
  - (a) the presenter shall outline the proposal for a warning, the reasons for it and draw attention to any relevant written evidence;
  - (b) the registered person or his or her representative (if present) shall make submissions in response, and refer to any written evidence relied upon;
  - (c) the panel shall consider *in camera* whether, in the light of the submissions and written evidence presented, it is appropriate to give the warning which, if given, shall be in the terms proposed in the notice of oral hearing issued under paragraph (2);
  - (d) the chair shall announce the decision of the panel as to whether to give the warning in the presence of the parties (where present) and shall give reasons for the panel's decision.

#### **Finding of impairment: submissions on disposal**

- 26. (1) Where a fitness to practise panel has determined that a registered person's fitness to practise is impaired, the chair will announce the available methods of disposal to the panel set out in section 138(3) to (9) of the Act and shall invite representations from the presenter and the registered person as to the appropriate disposal.
- (2) The presenter shall provide the panel with details of the registered person's previous record with Social Care Wales (if any) and may adduce evidence and make submissions in relation to the appropriate disposal if any, to be made by the panel.
- (3) The registered person may then address the panel in response and may adduce references and testimonials and may call character witnesses in support.
- (4) Where character witnesses are called, they may be questioned by the presenter and the panel.
- (5) After hearing the registered person's submissions, the panel shall decide, *in camera*, as to the appropriate disposal.

#### **Other consensual disposal: undertakings**

- 27. (1) This rule applies to a case that has been referred to the panel for hearing and to which rule 8 of the Investigation Rules 2022 (or, if applicable, the corresponding provision of an earlier version of those rules) does not apply, where a duly authorised person:

- (a) is satisfied that there is a real prospect of a finding of impaired fitness to practise in relation to the allegation(s) against the registered person, but
  - (b) the public interest does not require a full hearing of the allegation(s) against the registered person.
- (2) Where paragraph (1) applies, the registered person may be invited by a duly authorised person to:
  - (a) admit the allegation(s);
  - (b) sign an agreed statement of facts;
  - (c) admit that his or her fitness to practise is impaired by reason of the matters set out in the agreed statement of facts;
  - (d) agree the terms of a proposed undertaking(s).
- (3) Where paragraph (2) applies, a fitness to practise panel may dispose of the case under section 136 of the Act by agreeing the proposed undertaking(s) with the registered person, provided that the panel is satisfied that this would not be contrary to the public interest.
- (4) Where the case is disposed of by undertaking(s) in accordance with this rule, Social Care Wales shall give notice of the outcome within seven days to:
  - (a) the registered person;
  - (b) the complainant;
  - (c) the registrant's employer(s) (if any);
  - (d) where the registrant is registered in the part of the register for students, the university.
- (5) Social Care Wales must consider whether to exercise its discretion under section 159 of the Act to disclose information about its decision to:
  - (a) the Welsh Government;
  - (b) the Disclosure and Barring Service;
  - (c) any relevant regulatory body.
- (6) Where a case is disposed of by means of an undertaking(s) in accordance with this rule, a duly authorised person shall request from:
  - (c) the registered person; or
  - (d) the registered person's employer(s) (if any)

such information as will enable a duly authorised person to determine whether the undertaking(s) has been complied with or continues to be complied with.

- (7) Where the case is disposed of by undertaking(s) in accordance with this rule and a duly authorised person subsequently receives information that the requirements of the undertaking(s) have been fully complied with, a duly authorised person shall give notice to the registered person that the undertaking(s) should no longer apply and may give notice to that effect to those other persons specified in paragraphs (4) and (5) of this rule.



- (8) Where the case is disposed of by undertaking(s) in accordance with this rule and Social Care Wales subsequently receives information that an undertaking(s) has not been complied with (or the registered person fails to provide relevant information in response to a request under paragraph (6)(a) of this rule), a duly authorised officer shall refer the case to a fitness to practise panel to carry out a review in accordance with section 133(3) of the Act.
- (9) Section 152 of the Act shall apply to any review of undertakings by a fitness to practise panel.

### **Decision**

- 28. The chair shall announce its decision on disposal in the presence of the parties and shall give reasons for the panel's decision.

### **Notice of the decision**

- 29. (1) Within seven days after the conclusion of the hearing, the clerk shall send a notice of the decision to the registered person which shall:
  - (a) record any advice given by the legal adviser and/or the medical adviser (if present);
  - (b) set out the panel's findings of fact, and its decisions on impairment of fitness to practise and disposal;
  - (c) specify the reasons for the panel's decisions;
  - (d) inform the registered person of the right of appeal to the tribunal;
  - (e) inform the registered person when any disposal imposed takes effect.
- (3) Within seven days after the conclusion of the hearing, the clerk shall send a notice of the decision, limited to the panel's findings of fact and any decisions on impairment of fitness to practise and disposal to:
  - (a) the complainant;
  - (b) the registered person's employer(s) (if any);
  - (c) where the person is registered in the part of the register for students, the university.
- (4) Social Care Wales may provide the information in paragraph (3) to:
  - (a) the Welsh Government;
  - (b) the Disclosure and Barring Service;
  - (c) a regulatory body.
- (5) Social Care Wales must inform other relevant Competent Authorities if required pursuant to any applicable reciprocal arrangements between European Economic Area states and the UK.

### **Transcript of the hearing**

- 30. (1) Arrangements shall be made for the recording of a hearing before a panel.
- (2) Upon request by the registered person or the complainant, Social Care Wales shall send to the person making the request a transcript and/or an electronic

copy of the recording, of any part of the proceedings at which that person was entitled to be present.<sup>12</sup>

## PART IV

### FITNESS TO PRACTISE PANEL MEETINGS

#### Proceeding without a hearing

31. (1) Proceedings may be determined without a hearing in accordance with rules 32 to 33 where:
- (a) the circumstances in regulation 17(1) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended) apply,<sup>13</sup> and
  - (b) the registered person has admitted in writing that his or her fitness to practise is impaired.
- (2) A panel may also make a determination under rule 27 (consensual disposal by undertakings) without a hearing if the registered person has agreed in writing to the case being determined at a meeting of the fitness to practise panel without the attendance of the parties.
- (3) Where the circumstances in paragraphs (1) or (2) apply, the case may be referred for consideration by a panel at a meeting in accordance with rules 32 and 33.

#### Notice of meeting

32. (1) Where a case is listed for consideration at a meeting of a panel under rule 31 (1) or (2), the clerk shall send a notice of the meeting to the registered person, which shall:
- (a) state the date, time and venue of the meeting;
  - (b) specify the allegation(s) against the registered person;
  - (c) be accompanied by all documents to be considered by the fitness to practise panel, including the statement of agreed facts and written agreement as to the final decision to be made by the panel;
  - (d) inform the registered person of their rights to:
    - (i) attend an oral hearing;

<sup>12</sup> The transcript might need to be provided in redacted form in order to exclude the name of any individual (e.g. a service user) whose name should not have been referred to in public. In addition, If part of the hearing was held in private, a complainant will not be entitled to receive a copy of the transcript relating to the part or parts of the hearing held in private.

<sup>13</sup> Regulation 17(1) provides that fitness to practise proceedings may be determined without a hearing if –

- (a) the parties agree in writing that the proceedings may be determined without a hearing;
- (b) the parties agreed in writing to the final decision which is to be made by the panel (including details of the decision such as the period for which an order is to have effect or any condition to be imposed on the registered person's registration;

(c) a statement of agreed facts is made in writing by –

- (i) SCW,
- (ii) the registered person;
- (iii) the panel, and

(d) the panel decides that it is not necessary to hold a hearing.

Regulation 17(1) does not apply to cases where there is no engagement by the registered person. Where a registered person is not present and not represented at a scheduled fitness to practise hearing the hearing may proceed in the absence of the registered person under rule 10(2) above.

- (ii) give evidence to the panel;
  - (iii) make oral submissions to the panel either in person or through a representative;
  - (iv) call and cross examine witnesses, subject to restrictions on the right to cross-examine witnesses under regulation 24(12)-(14) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended);
  - (e) inform the registered person that if they should wish to exercise any of the rights in paragraph (d) written notification must be given to Social Care Wales within 14 days of the date of the notice of meeting and that in the absence of such notification that the fitness to practise panel may proceed to deal with the case at a meeting on the specified date;
  - (f) enclose a copy of these Rules.
- (2) In the case of a referral under rule 31(2), in addition to the matters set out in paragraph (1)(a) to (f) above, the notice of the meeting to the registered person shall inform the registered person of the effect of rule 27(3) and (6) to (9);
  - (3) The meeting shall not be fixed for any date earlier than 42 days after the sending of the notice of meeting in paragraph (1), (2) or (3) except with the agreement of the parties.
  - (4) Where the registered person gives notice under paragraph (1)(e) of this rule, the meeting shall be cancelled and the case shall be referred for a hearing.

### **Procedure at fitness to practise panel meeting**

- 33. (1) A panel shall meet in private with a legal adviser, but no party shall be present.
- (2) If the panel considers at any stage of the meeting that the case should be dealt with at a hearing, taking into account the interests of justice and the public interest, the case shall be referred for a hearing.
- (3) The panel shall consider the case based on the agreed statement of facts and written agreement as to the final decision to be made by the panel.
- (4) Save as provided in paragraphs (1) to (3) of this rule, the following rules shall apply to a fitness to practise meeting as they apply to a fitness to practise hearing, namely; rule 11 (burden and standard of proof); rule 13(1) (procedure at the hearing); rule 17 (evidence); rule 20 (adjournment of hearing); rule 21 (voting); rule 23(2) to (4) (fitness to practise), rule 24 (proposed warning), rule 25 (oral hearing in relation to proposed warning); and rule 29 (notice of the decision).

## **PART V**

### **REVIEW**

#### **Review proceedings**

34. (1) These rules apply to review proceedings conducted by a fitness to practise panel under section 133 or 151 of the Act where any of the following have effect:
- (a) undertakings agreed between a registered person and Social Care Wales under section 126(3)(d);
  - (b) undertakings agreed between a fitness to practise panel and a registered person under section 136(1), 152(5) or (6), 153(4) or 155(7);
  - (c) a conditional registration order made (or confirmed or varied) under section 138(7), 152(8)(c), 153(6) or (7), 154(8)(c) or 155(10)(c) in relation to a registered person;
  - (d) a suspension order made (or confirmed or varied) under section 138(8), 152(8)(d), 153(9)(c) or 154(6) or (7) in relation to a registered person.

### Notice of Hearing

35. (1) The clerk shall send a notice of the review hearing to the registered person which shall:
- (a) state the date, time and venue of the review hearing;
  - (b) specify the reason for the referral for review;
  - (c) inform the registered person of the right to be represented by:
    - (i) a solicitor or counsel; or
    - (ii) a representative from any professional organisation; or
    - (iii) if the panel agrees, any other person;
  - (d) inform the registered person of their rights to:
    - (i) attend the review hearing;
    - (ii) give evidence to the panel;
    - (iii) make oral submissions to the panel either in person or through a representative;
    - (ii) call and cross examine witnesses, subject to restrictions on the right to cross-examine witnesses under regulation 24(12)-(14) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended);
  - (e) inform the registered person that any application to be represented by a person other than those listed in paragraph (c) (i) or (ii) above, must be sent to the clerk no later than seven days in advance of a review hearing setting out the name of the proposed representative and confirming that the proposed representative will not be called as a witness;
  - (f) inform the registered person that a person representing or advising the registered person may not give evidence;
  - (g) inform the registered person, in the event that they do not wish to attend the review hearing, that they may submit written representations not later than five days before the date of the review hearing for consideration by the panel;
  - (h) inform the registered person of the possible outcomes under Chapter 5 of the Act;

- (i) inform the registered person of the panel's power to proceed in the absence of the registered person, or the registered person's representative, at the review hearing;
  - (j) invite the registered person to state whether the registered person and/or the registered person's representative will be attending the review hearing;
  - (k) enclose copies of any documents to be put before the panel, including a copy of these Rules.
- (2) The review hearing shall not be fixed for any date earlier than 42 days after sending the notice of hearing except with the agreement of the parties.

### **Disclosure of case and service of documents**

36. (1) No later than 28 days before the date of the review hearing or earlier if so required by directions given under rule 3 at a pre-hearing review or under rule 5 at a case management meeting, the parties shall serve on each other, and lodge with the clerk, copies of all documents and reports upon which they intend to rely.
- (2) If a party wishes to inspect original documents held by the other party, arrangements for the inspection shall be made with the other party no later than seven days before the date of the review hearing.
- (3) The presenter shall consider whether there are any further documents in Social Care Wales's possession which may assist the registered person that are not relied upon by Social Care Wales and shall serve copies of such documents (if any) on the registered person.
- (4) No later than seven days before a review hearing, the clerk shall send the panel, copies of:
- (a) the notice of the review hearing;
  - (b) any documents lodged by the parties in terms of paragraphs (1) and (3) above.

### **Procedure at the review hearing**

37. (1) The review hearing shall be conducted as follows:
- (a) the presenter shall outline the facts of the case and the circumstances in which the undertakings were given or the conditional registration order or suspension order was made (as the case may be);
  - (b) the presenter may adduce documents and call witnesses;
  - (c) where section 133(3) of the Act applies, the presenter shall outline the basis on which it is alleged that the registered person has breached the undertaking or conditional registration order (as the case may be);
  - (d) the registered person or their representative (if present) may adduce documents and call witnesses and make submissions;
  - (e) the panel shall receive legal advice from the legal adviser and medical adviser (if present);
  - (f) for the purpose of arriving at any decision in relation to the review hearing, the panel shall sit *in camera*;

- (g) the panel shall announce any decision in the presence of the parties.
- (2) Save as provided in paragraphs (1) (a) to (g) of this rule, the following rules shall apply to review hearings, namely: rule 3 (pre-hearing review); rule 6 (case management); rule 8 (postponement of the hearing); rule 10 (absence of registered person); rule 11 (burden and standard of proof); rule 17 (evidence); rule 18 (witnesses); rule 19 (special measures); rule 20 (adjournments); rule 21 (voting); rule 23(2) to (4) (fitness to practise); rule 24 (proposed warning); rule 25 (oral hearing in relation to proposed warning); rule 26 (finding of impairment: submissions on disposal); rule 28 (decision); rule 29 (notice of decision); and rule 30 (transcript of the hearing).

### **Proceeding without a hearing**

- 38. (1) Review proceedings may be determined without a hearing where the circumstances in regulation 17(2) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended) apply.
- (2) Where the circumstances in paragraph (1) applies, the case may be referred for consideration by a panel at a meeting in accordance with rules 39 and 40.

### **Notice of meeting**

- 39. (1) Where a case is listed for consideration at a meeting of a panel, the clerk shall send a notice of the meeting to the registered person which shall:
  - (a) state the date, time and venue of the meeting;
  - (b) specify the reason for the referral for review;
  - (c) be accompanied by all documents to be considered by the fitness to practise panel, including the written agreement of the registered person to one of the decisions referred to in regulation 17(3)(a) to (c) and any written submissions by the parties;
  - (d) inform the registered person of their rights to:
    - (i) attend an oral hearing;
    - (ii) give evidence to the panel;
    - (iii) make oral submissions to the panel either in person or through a representative;
    - (iv) call and cross examine witnesses, subject to restrictions on the right to cross-examine witnesses under regulation 24(12)-(14) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended);
  - (e) inform the registered person that if they should wish to exercise any of the rights in paragraph (d) written notification must be given to Social Care Wales within 14 days of the date of the notice of meeting and that in the absence of such notification that the fitness to practise panel may proceed to deal with the case at a meeting on the specified date;
  - (f) inform the registered person of the possible methods of disposal open to the panel.
  - (g) enclose a copy of these Rules.
- (3) The meeting shall not be fixed for any date earlier than 42 days after sending the notice of hearing except with the agreement of the parties.

- (4) Where the registered person gives notice under paragraph (1)(e) of this rule, the meeting shall be cancelled and the case shall be referred for a hearing.

**Procedure at a review meeting**

- 40. (1) A panel shall meet in private with a legal adviser, but no party shall be present.
- (2) If the panel considers at any stage of the meeting that the review should be conducted at a review hearing, taking into account the interests of justice and the public interest, the case shall be referred for a review hearing.
- (3) The panel shall consider the case based on the registered person's agreement in writing and any written submissions made by the parties.
- (4) Save as provided in paragraphs (1), (3) and (4) of this rule, the following rules shall apply to review meetings, namely: rule 3 (pre-hearing review); rule 6 (case management); rule 8 (postponement of the hearing); rule 11 (burden and standard of proof); rule 20 (adjournment of hearing); rule 21 (voting); rule 23(2) to (4) (fitness to practise) and rule 29 (notice of the decision).

**Signed on behalf of Social Care Wales**

**Mick Giannasi**

**Chair**

**Social Care Wales**



Gofal Cymdeithasol **Cymru**  
Social Care **Wales**

# **SOCIAL CARE WALES (INTERIM ORDERS) RULES 2022**

**October 2022**



The regulation of the registration and fitness to practise of the social care workforce by Social Care Wales is governed by three types of legal documents, which are **all** applicable to the registration and fitness to practise of registered persons:

- **Regulation and Inspection of Social Care (Wales) Act 2016 (the Act);**
- **Welsh Government Regulations;**
- **Social Care Wales' suite of Registration Rules and Fitness to Practise Rules.**

Neither the content of the Act nor the Regulations are contained in these Rules. You should therefore read the content of the Act and the Regulations in conjunction with the Rules to provide a comprehensive understanding of the registration and fitness to practise procedures.

The latest available (revised) version of the **Act** can be found at:

[Regulation and Inspection of Social Care \(Wales\) Act 2016 \(legislation.gov.uk\)](http://www.legislation.gov.uk/ukpga/2016/10/contents/enacted)

The Regulations are listed below and can be found at - <http://www.legislation.gov.uk/wsi>

- The Social Care Wales (Extension of Meaning of “Social Care Worker”) Regulations 2016
- The Social Care Wales (Content of Register) Regulations 2016
- The Social Care Wales (List of Persons Removed from the Register) Regulations 2016
- The Social Care Wales (Constitution of Panels: Prescribed Persons) Regulations 2016
- The Social Care Wales (Proceedings before Panels) Regulations 2016
- The Social Care Wales (Proceedings before Panels) (Amendment) Regulations 2017
- The Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016
- The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2018
- Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2020
- The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2022

The Social Care Wales rules are available at:

<https://socialcare.wales/dealing-with-concerns/how-do-hearings-work>  
<https://socialcare.wales/registration/why-we-register>

Social Care Wales, in exercise of its powers under sections 73(2) and (4), and 174(1),(6),(7),(8) and (9) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) and of all other powers enabling Social Care Wales in that behalf, and in accordance with section 75(3) of the Act, hereby makes the following Rules:

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## PART I

### INTRODUCTION

#### Citation and commencement

1. (1) These Rules may be cited as the Social Care Wales (Interim Orders) Rules 2022 and shall come into force on 1 October 2022.  
  
The Social Care Wales (Interim Orders) Rules 2017 ("the 2017 Rules") are hereby revoked save that the 2017 Rules shall continue to apply in relation to any interim order panel hearings or fitness to practise interim orders panel hearings which commenced before 1 April 2018, but which are not completed by that date.
- (2) The Social Care Wales (Interim Orders) Rules 2018 ("the 2018 Rules") are hereby revoked save that the 2018 Rules shall continue to apply in relation to any interim order panel hearings or fitness to practise interim orders panel hearings which commenced on or after 1 April 2018, but which are not completed by 1 April 2020.
- (3) The Social Care Wales (Interim Orders Rules) 2020 ("the 2020 Rules") are hereby revoked save that the 2020 Rules shall continue to apply in relation to any interim order panel hearings or fitness to practise interim orders panel hearings which commenced on or after 1 April 2020, but which are not completed by 1 October 2022.

#### Interpretation

2. (1) In these Rules, unless the context otherwise requires:
 

**"Act"** means the Regulation and Inspection of Social Care (Wales) Act 2016 (as amended);

**"Care Council"** means one of the bodies keeping a relevant register as referred to in section 111(4) (b), (c) and (d) of the Act;

**"case"** means:

  - (a) proceedings relating to interim proceedings before an interim orders panel, or
  - (b) interim orders proceedings before a fitness to practise panel;

**"case management meeting"** means a meeting before a panel of one or three panel members, advised by a legal adviser, established to undertake a case management meeting under Part II of these Rules;

**"civil procedure rules"** means the rules of court made under section 2 of the Civil Procedure Act 1997;

**"clerk"** means the person responsible for the administrative arrangements for the meeting or hearing;

**"days"** means calendar days;

**“duly authorised person”** means an individual to whom authority has been delegated by Social Care Wales and can include:

- (e) one or more members of Social Care Wales's staff, and/or
- (f) one or more persons appointed by Social Care Wales for that purpose;

**“employer”** includes employment agencies, the self-employed, and any employer of a social worker or social care worker (working in the capacity of a social worker or social care worker) of whom Social Care Wales is aware;

**“fitness to practise hearing”** means a hearing before a fitness to practise panel in fitness to practise proceedings;

**“fitness to practise panel”** means a panel established to:

- (a) make determinations in relation to the fitness to practise of persons registered in the register to practise as social care workers;
- b) suspend, or attach conditions to, a person's registration in the register pending a determination of the kind mentioned in paragraph (a);

**“in camera”** means in the absence of the parties, their representatives and the public;

**“interim conditional registration order”** means an interim order imposing conditions on a registered person's registration;

**“interim order”** means an interim conditional registration order or an interim suspension order;

**“interim orders hearing”** means:

- (a) a hearing before an interim orders panel in interim orders proceedings, or
- (b) a hearing before a fitness to practise panel in interim orders proceedings;

**“interim orders panel”** means a panel established with powers to suspend, or attach conditions to, a person's registration in the register pending a determination by a registration appeals panel or a fitness to practise panel;

**“interim order proceedings”** means proceedings before an interim orders panel to which Chapter 4 of Part 6 of the Act applies;

**“interim suspension order”** means an order suspending a registered person's registration;

**“legal adviser”** means a person with a ten-year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 who is entitled to practise law in England and Wales;

**“meeting”** means a meeting of an interim orders panel convened in accordance with rules 16 and 17 of these Rules or a meeting of a fitness to practise panel in accordance with rule 21 and 22 of these Rules;

**“notice”** means information issued in relation to the proceedings of an interim orders panel;

**“panel”** means a Social Care Wales interim orders panel or fitness to practise panel, as the case may be, constituted in accordance with section 174 of the Act before which the proceedings are brought;

**“parties”** means the registered person to whom interim orders proceedings relate and Social Care Wales (or their representatives);

**“presenter”** means the person acting on behalf of Social Care Wales at a hearing before a panel, and may include an officer of Social Care Wales or a solicitor or a barrister engaged by Social Care Wales for this purpose;

**“register”** means the register maintained by Social Care Wales under section 80 of the Act;

**“registered person”** means a person in respect of whom the referral to the interim orders panel or the fitness to practise panel (as the case may be) has been made who is registered in a part of the register, including a person whose registration would have lapsed under section 87(1) of the Act, but for the fact that subsection (2) of that section applies to the person;

**“registration”** means the entry in the register relating to a particular registered person;

**“registration appeals panel”** means a panel established to make determinations under Part 4 of the Act in relation to the initial registration in, remaining on and being restored to, the register;

**“regulatory body”** means a body in the United Kingdom or elsewhere that has responsibility for the regulation, audit, inspection, licensing or review of social care, health or education provision, or the regulation or licensing of a social care, health or teaching profession;

**“Social Care Wales”** means the body corporate known as Social Care Wales and which was previously known as the Care Council for Wales;

**“tribunal”** means the First-tier Tribunal (Care Standards);

(2) In these Rules, unless the context otherwise requires:

- (a) words in the singular include the plural, and words in the plural include the singular;
- (b) any reference to a numbered rule or part is a reference to the rule or part bearing that number in these rules, as the case may be;
- (e) any reference in a rule or a part to a numbered paragraph, is a reference to the paragraph bearing that number in that rule or part;
- (f) any reference in a paragraph in a rule or a part to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in that rule or part.

## PART II

### INTERIM ORDERS

#### Scope and interpretation

3. (1) Part III of these rules ('interim orders panel hearings') apply where a matter has been referred to an interim orders panel.
- (2) Part IV of these rules ('fitness to practise interim orders hearings') apply where a matter has been referred to a fitness to practise panel, to the proceedings before the fitness to practise panel, or that part of those proceedings in which the fitness to practise panel is considering:
  - (a) whether to make an interim order, or
  - (b) the review of an interim order.
- (3) Where a case has been referred to a fitness to practise panel, any interim order must be made before the matter is disposed with by the fitness to practise panel in accordance with sections 135 to 138 of the Act.

#### Conduct of proceedings

4. (1) In considering whether to make or review an interim order, the interim orders panel and the fitness to practise panel will conduct its proceedings in accordance with the requirements of these Rules and the requirements of the SCW (Proceedings before Panels) Regulations 2016, (as amended).

#### Witness summons

5. (1) Where one of the parties requires the attendance of a witness or the production of a material document or evidence by a witness who has refused to attend or produce the document before the hearing or failed to confirm that they will do so, that party may make a written application for Social Care Wales to apply to the County Court or the High Court to issue a witness summons in accordance with Rule 34.4 of the Civil Procedure Rules 1998.
- (2) A written application made under paragraph (1) above, shall be considered by a duly authorised person who may determine that:
  - (a) the application should be granted;
  - (b) the application should be refused; or
  - (c) the application should be considered by a panel at a case management meeting under rule 6 or a hearing convened under Part III of these rules.
- (3) In making a determination, the duly authorised person or the panel (as the case may be) shall consider the relevance and importance of the evidence of the witness or document concerned and whether it is fair and appropriate to make the direction sought.
- (4) Where an application under paragraph (2) above is granted by a duly authorised person or a direction is given by a panel under rule 6(8)(i), Social Care Wales will apply to the County Court or High Court and obtain the appropriate witness summons.

- (5) Where Social Care Wales made the application for a direction for the witness summons, Social Care Wales will arrange for the witness summons to be served on the witness concerned.
- (6) Unless otherwise directed, where the application for a direction was made by or on behalf of the registered person, Social Care Wales will provide the registered person or his representative with the witness summons after it has been issued and the registered person or their representative will arrange to serve the witness summons on the witness concerned.
- (7) Unless otherwise directed, the party serving the witness summons shall be responsible for payment of any travelling expenses and/or compensation for loss of time as required by Rule 34.7 of the Civil Procedure Rules.

### **Case management meeting**

- 6. (1) A case management meeting will be convened:
  - (a) where following a request by one of the parties a duly authorised officer considers that a case management meeting would be appropriate; or
  - (b) at the direction of a duly authorised person; or
  - (c) at the direction of a panel;
- (2) A case management meeting may be conducted by personal attendance at the meeting or participation by telephone or video conference.
- (3) Subject to paragraph (4), a clerk shall send an appropriate notice to the registered person and to the presenter not less than five days before the case management meeting.
- (4) The panel may dispense with the notice period referred to in paragraph (3) if the panel is satisfied that the public interest requires a shorter notice.
- (5) A case management meeting will consist of one panel member unless:
  - (a) a duly authorised person determines that the panel should consist of three members; or
  - (b) where a panel directs that a case management meeting should be held, the panel also directs that the panel for the case management meeting should consist of three members.
- (6) The panel member or members may or may not be the same member(s) who will be used for the interim orders panel hearing or fitness to practise interim orders hearing, as the case may be.
- (7) The panel at a case management hearing will be advised by a legal adviser.
- (8) The case management meeting may give directions for the purpose of securing the just, expeditious and effective running of the case, and may make a determination in relation to a preliminary matter that can only be determined by a case management panel, including whether:
  - (a) particular evidence should be admitted;
  - (b) a particular witness or witnesses should be permitted to give oral evidence at an interim order hearing;



- (c) if a person is entitled to special measures as of right in accordance with regulation 35(1)(a) and 35(2) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended), what special measures should be put in place;<sup>14</sup>
  - (d) any other witness should be treated as requiring special measures and, if so, what special measures should be put in place;
  - (e) there should be a joint hearing involving two or more registered persons;
  - (f) whether the interim orders hearing should be in public or in private, in accordance with regulations 22 or 33 of the Social Care Wales (Proceedings before Panels) Regulations 2016;
  - (g) the registered person may be represented at the interim orders hearing by a person other than a solicitor, counsel or a representative from a professional body;
  - (h) the interim orders proceedings can be conducted without a hearing where the circumstances in regulations 18(1) or 30(1) of the Social Care Wales (Proceedings before Panels) Regulations 2016 apply;
  - (i) a direction for a witness summons should be given.
- (9) The procedure at the case management meeting will be determined solely by the case management panel.
- (10) A case management meeting will be held in private, unless the case management panel direct otherwise.
- (11) Where a party fails to comply with the directions given at a case management meeting, an interim orders panel or fitness to practise panel, as the case may be, may draw such inferences as it considers appropriate and/or take whatever decision it thinks is most appropriate in relation to the admissibility of evidence or any other relevant matter.

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<sup>14</sup> Under regulation 35(1)(a) a person giving evidence at an Interim Orders Panel hearing, including a registered person, is entitled to special measures if they are under 18. Under 35(2) a person is entitled to special measures if the matter to which the proceedings relate is of a sexual nature and the person is an alleged victim.

## PART III

## INTERIM ORDERS PANEL HEARINGS

## Notice of the hearing

7. (1) Where a case is referred to an interim orders panel under sections 94(3), 118(2)(b), 119(2) or 125(2) of the Act, notice shall be sent to the registered person which shall:
- (a) inform the registered person of the right to attend the hearing;
  - (b) inform the registered person of the time and venue for the hearing;
  - (c) provide the registered person with a brief statement of the matters which appear to raise the question whether:
    - (i) the registered person's registration should be suspended or be subject to conditions; and
    - (ii) why such action is necessary for the protection of members of the public or is otherwise in the public interest or is in the interests of the registered person;
  - (d) inform the registered person of the rights to give evidence in person, to call witnesses and to cross examine any witnesses called by Social Care Wales, subject to restrictions on the right to cross-examine witnesses under regulation 35(12)-(14) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended);<sup>15</sup>
  - (e) inform the registered person of the right to make oral submissions to the panel in person or to be represented by:
    - (i) a solicitor or counsel; or
    - (ii) a representative from any professional organisation; or
    - (iii) if the panel agrees, any other person;
  - (f) inform the registered person that the hearing will take place in private unless the registered person requests that the hearing be held in public and the interim orders panel considers that doing so would not be against the public interest;
  - (g) inform the registered person that, subject to paragraph (3), any application to be represented by a person other than those listed in paragraph (e) (i) or (ii) above, must be sent to the clerk no later than seven days in advance of a hearing setting out the name of the proposed representative and confirming that the proposed representative will not be called as a witness;
  - (h) inform the registered person that a person representing or advising the registered person may not give evidence;
  - (i) inform the registered person that, subject to paragraph (3), if they do not wish to attend the hearing, they may submit written representations not later than three days before the date of the hearing for consideration by the panel;
  - (j) inform the registered person of the possible outcomes open to the panel;
  - (k) request confirmation as to whether the registered person intends to:
    - (i) attend the hearing;
    - (ii) be represented at the hearing;
    - (iii) submit written representations;

<sup>15</sup> Under regulation 35(12) if the matter to which the proceedings relates is of a sexual nature, the registered person may not personally be the alleged victim subject to limited exceptions. Regulation 35(13) and (14) provide how the proceedings are to be conducted in such circumstances.

- (iv) ask for the application to be determined without a hearing if the circumstances in regulation 30(1) of the Social Care Wales (Proceedings before Panels) Regulations 2016, as amended apply;<sup>16</sup>
  - (l) enclose copies of any documents to be put before the panel, including a copy of these Rules.
- (2) Subject to paragraphs (3) and (4) below, where a notice of hearing under paragraph (2) is issued, an application for an interim order shall be heard no earlier than seven days after the date on which the notice of hearing was served upon the registered person.
  - (3) The panel may dispense with the requirements of paragraph (1)(g) or (i) or the notice period referred to in paragraph (2) if the panel is satisfied that the public interest or the interests of justice require a shorter period.
  - (4) Notwithstanding paragraph (3) above, the panel shall not impose an interim order on a registered person's registration without first giving the registered person notice of such intention as is reasonable in all the circumstances of the case.

### **Postponement of the hearing**

- 8. (1) Where either party wishes the hearing to be postponed, an application shall be made in writing to Social Care Wales.
- (2) The party making such application shall serve a copy of the application on the other party, together with any supporting documentation.
- (3) Where the parties agree to a postponement more than 3 days before the date of an interim orders panel hearing, a duly authorised person may postpone the hearing provided the postponement complies with section 146 of the Act.<sup>17</sup>
- (4) In making a decision, the duly authorised person shall have regard to the general objective to deal fairly and justly with cases.
- (5) If an application for a postponement is made less than 3 days before the date of an interim orders panel hearing, the parties do not agree to a postponement or if the duly authorised person does not agree to the application, the application shall be considered by the chair of the panel who, subject to paragraph (7) shall determine the application, taking into account:
  - (a) the submissions of both parties;
  - (b) any likely prejudice to either party;
  - (c) the public interest in the expeditious disposal of the case.
- (6) The party served with the application may submit a written response to the chair of the panel.

<sup>16</sup> Regulation 30 of the Social Care Wales (Proceedings before Panels) Regulations 2016 specifies circumstances in which an application for an interim orders hearing may be determined without a hearing. This is only possible if the circumstances specified in paragraphs (a), (b), (c) and (d) of regulation 30 apply.

<sup>17</sup> Under regulation 146(1) and (7) a panel must review an interim order within 6 months of the date that the order was made or within 6 months of the most recent review. (A different review period applies if the interim order has been extended by the First Tier Tribunal (Care Standards)).

- (7) Where the chair considers that a determination cannot be made without further information or submissions from one or more of the parties the chair may direct that:
- (a) the application be referred to a case management meeting for consideration under rule 6; or
  - (b) where the application for postponement is made less than three days before the date of the interim orders hearing, that the application should be determined by the panel convened to hear the application for an interim order.
- (9) In the event that the application for postponement is granted, or the matter has to be re-scheduled for some other reason, the clerk shall inform the parties of the new hearing date, as soon as possible.

### **Procedure at an interim orders panel hearing**

9. (1) If the registered person is not present and not represented at the hearing, the panel shall:
- (a) require evidence that notice of the hearing has been sent to the registered person in accordance with rule 7 or of the efforts made to give notice of the hearing to the registered person, and
  - (b) enquire whether any reasons for the registered person's non- attendance have been communicated to Social Care Wales.
- (2) Where paragraph (1) applies, the interim orders panel shall determine whether to exercise the discretion under regulation 36(4) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended) to proceed with the hearing in the absence of the registered person or adjourn and shall give reasons for its decision.
- (3) The following procedure shall be followed at an interim orders panel hearing:
- (a) the presenter shall outline the facts of the case and set out the reasons why the registered person's registration should be made subject to an interim order, together with any evidence in support;
  - (b) the registered person may set out the reasons why such application should not be granted by the panel, together with any evidence in support;
  - (c) the panel shall obtain advice from the legal adviser;
  - (d) the panel shall obtain advice from the medical adviser (if present);
  - (e) the panel shall deliberate *in camera*;
  - (f) where the panel determines that an interim conditional registration order should be imposed, the panel shall announce the condition(s) to be included in that order and invite the registered person or the registered person's representative (when present) and the presenter to comment on the wording of the proposed condition(s) and the registered person's ability to comply, prior to the panel finalising the wording of the condition(s);
  - (g) the panel shall determine the application and announce its decision, and the reasons for that decision, in the presence of the parties (when present);
  - (h) where the proceedings are held in public, the panel shall announce its decision, and the reasons for that decision, in public.

## Evidence

10. (1) Subject to regulation 32(2) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended), a panel may receive oral, documentary or other evidence.
- (2) In addition to the admission of the certificates referred to in regulation 20(3),<sup>18</sup> (4)<sup>19</sup> and (5)<sup>20</sup> of the Social Care Wales (Proceedings before Panels) Regulations 2016, production of a record of a caution shall be prima facie evidence of the underlying facts of the offence giving rise to the caution.
- (3) A panel may of its own volition, request the parties to provide documentation or other evidence or request any person to give oral evidence which it considers might assist in making a determination.

## Witnesses

11. (1) Witnesses shall be sworn or required to affirm.
- (2) A panel may, on the application of the party calling the witness, agree that the witness' personal details shall not be revealed in public.
- (3) Subject to regulation 35(12) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended) witnesses shall be examined by the party calling them and may then be cross-examined by the opposing party, subject to restrictions on the right to cross-examine witnesses under regulation 35(12)-(14) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended). The party calling the witness may then re-examine the witness.
- (4) Witnesses may then be questioned by a panel, or by the legal adviser, with the leave of the chair.
- (5) The parties may then question the witnesses on matters arising out of the panel's questions. The party calling the witness shall question the witness last.
- (6) Any further questioning of witnesses shall be at the discretion of a panel.
- (7) Witnesses shall not be allowed to attend and observe the proceedings until they have completed giving evidence to a panel and have been formally released by the chair.

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<sup>18</sup> Regulation 20(3) provides that a certificate signed by a competent officer of a court of any jurisdiction that a person has been convicted of a criminal offence, or in Scotland an extract conviction, is conclusive evidence of the offence.

<sup>19</sup> Regulation 20(4) provides that a certificate that a person is included in a barred list (for the purposes of section 117(1)(c) of the Act) issued by the person responsible for maintaining that list, is conclusive evidence of that fact.

<sup>20</sup> Regulation 20(5) provides that a certificate issued by a relevant body (for the purposes of section 117(1)(d) of the Act) that it has determined that a person's fitness to practise is impaired is conclusive evidence of that determination.

**Special measures**

12. (1) Where an interim orders panel gives a direction under regulation 35(11) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended), the special measures to be implemented or provided may include, but shall not be limited to:
- (a) use of video links;
  - (b) use of pre-recorded evidence as the evidence of a witness;
  - (c) use of screens;
  - (d) use of interpreters (including signers and translators) or intermediaries.

**Adjournment of the hearing**

13. (1) Subject to the requirements of a fair hearing, and after hearing representations from the parties, a panel may, at any stage of the hearing, adjourn the proceedings for the purposes of seeking further information or for any other purpose.
- (2) Where the hearing has been adjourned, the clerk shall, as soon, as practicable, notify the parties of the date fixed for the hearing to be resumed.

**Voting**

14. (1) Decisions of the panel shall be taken by simple majority.
- (2) The chair of the panel may not exercise a casting vote.
- (3) Any abstention shall be deemed to be a vote in favour of the registered person.

**Transcript of the hearing**

15. (1) Arrangements shall be made for the recording of a hearing before a panel.
- (2) Upon application, Social Care Wales shall send the registered person a transcript and/or an electronic copy of the recording, of any part of the proceedings at which the registered person was entitled to be present.

**Proceeding without a hearing**

16. (1) Where the circumstances in regulation 30(1) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended) apply the following requirements of this rule shall apply and rule 17 shall apply in relation to the procedure to be followed
- (2) The clerk shall send a notice of the meeting to the parties which shall:
- (a) state the date, time and venue of the meeting;
  - (b) be accompanied by all documents to be considered by the panel, including:
    - (i) the parties' agreement in writing that the application may be determined without a hearing;
    - (ii) a statement of agreed facts in which the registered person agrees that the ground(s) for imposing an interim order exist(s); and

- (iii) the parties agreement in writing to the interim order which is to be made by the panel, or (in a case where the panel is considering the review of an interim order) to the decision specified in section 147(1)(b) to (e) of the Act which is to be made by the panel, including:
  - (aa) the period for which the interim order is to have effect; and
  - (bb) in the case of an interim conditional registration order, the conditions to be imposed on the registered person's registration with Social Care Wales.
- (3) Subject to paragraph (4) below, where a notice of meeting under paragraph (2) is issued, an application for an interim order shall be heard no earlier than seven days after the date on which the notice of hearing was served upon the registered person.
- (4) The panel may dispense with the notice period referred to in paragraph (2) if the panel is satisfied that the public interest requires a shorter notice period.
- (5) Rule 17 shall also apply where a Notice of Hearing has been issued under Rule 7 and the parties agree in writing that the application may be determined without a hearing and the other requirements of paragraph (2)(b) (i), (ii) and (iii) of this rule are satisfied.
- (6) Where paragraph (5) of this rule applies, the meeting shall take place on the date on which the interim orders panel hearing was originally scheduled to take place.

#### **Procedure at a meeting**

- 17. (1) The interim orders panel shall meet in private and be advised by a legal adviser, but no party shall be present.
- (2) The procedure to be followed will be determined by the chair of the panel.
- (3) After considering the relevant documents and receiving legal advice, the panel shall consider whether it is satisfied that the requirements of rule 16(2)(b) (i) to (iii) (a) and (b) have been met.
- (4) If satisfied as to (3), the panel shall consider whether it is appropriate to make the interim order on one or more of the grounds specified in section 144(5) of the Act, to which the parties agree and, if so, may make the interim order concerned.
- (5) If the panel is not satisfied as to any matter in (3) or (4) above, or if the panel considers that it is in the interests of justice or in the public interest, the panel shall refer the application for consideration at an interim orders panel hearing, in accordance with rule 7.
- (6) The following rules shall apply to a meeting of an interim orders panel as they apply to interim orders panel hearings, namely rule 8 (postponement of hearing); rule 13 (adjournment of the hearing) and rule 14 (voting).

#### **Notice of the decision**

- 18. (1) Within seven days of the conclusion of the hearing or meeting, the clerk shall send a notice of the decision to:

- (a) the registered person;
  - (b) the complainant;
  - (c) the employer(s) if known, (if any);
  - (d) where the registered person is registered in the part of the register for students, the university.
- (2) Social Care Wales may inform:
  - (a) the Welsh Government;
  - (b) a regulatory body of its decision.
- (3) Social Care Wales must inform other relevant Competent Authorities if required pursuant to any applicable reciprocal arrangements between European Economic Area states and the UK.
- (4) The notice of the decision to the registered person shall:
  - (a) record any advice given by the legal adviser or the medical adviser;
  - (b) set out the panel's decision as to whether to make an interim order and, if so, the terms and duration of the order;
  - (c) specify the reasons for the panel's decision;
  - (d) where an interim suspension order has been imposed, set out the period of suspension, beginning on the date on which the order is made;
  - (e) where an interim conditional registration order has been imposed, set out the duration of the order and the condition or conditions with which the registered person must comply;
  - (f) inform the registered person of the right of appeal to the tribunal.
- (5) The notice of the decision to any person other than the registered person shall set out the panel's decision as to whether to make an interim order and, if so, the terms and duration of the order.



## PART IV

### FITNESS TO PRACTISE INTERIM ORDERS HEARINGS

#### Notice of the hearing

19. (1) Subject to paragraphs (4) and (5) below, where a case has been referred to the panel for hearing and Social Care Wales wishes to apply for an interim order a notice shall be sent to the registered person which shall:
- (a) inform the registered person of the right to attend the hearing before the panel;
  - (b) inform the registered person of the time and venue for the hearing;
  - (c) provide the registered person with a brief statement of the matters which appear to raise the question whether:
    - (i) the registered person's registration should be suspended or be subject to conditions; and
    - (ii) why such action is necessary for the protection of members of the public or is otherwise in the public interest or is in the interests of the registered person;
  - (d) inform the registered person of the rights to give evidence in person, to call witnesses and to cross examine any witnesses called by SCW, subject to restrictions on the right to cross-examine witnesses, regulation under 35(12)-(14) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended);
  - (e) inform the registered person of the right to make oral submissions to the panel in person or to be represented by:
    - (i) a solicitor or counsel; or
    - (ii) a representative from any professional organisation; or
    - (iii) if the panel agrees, any other person;
  - (f) inform the registered person that the hearing will take place in private unless the registered person requests that the hearing be held in public and the panel considers that doing so would not be against the public interest;
  - (g) inform the registered person that, subject to paragraph any application to be represented by a person other than those listed in paragraph (e) (i) or (ii) above, must be sent to the clerk no later than three days in advance of a hearing setting out the name of the proposed representative and confirming that the proposed representative will not be called as a witness;
  - (h) inform the registered person that a person representing or advising the registered person may not give evidence;
  - (i) inform the registered person that, subject to paragraph (3), if they do not wish to attend the hearing, they may submit written representations not later than three days before the date of the hearing for consideration by the panel;
  - (j) inform the registered person of the possible outcomes open to the panel;
  - (k) request confirmation as to whether the registered person intends to:
    - (i) attend the hearing;
    - (ii) be represented at the hearing;
    - (iii) submit written representations;
    - (iv) agree to the proceedings being determined without a hearing if the circumstances in regulation 18(1) of the Social Care Wales

(Proceedings before Panels) Regulations 2016 (as amended)  
apply;

- (l) enclose copies of any documents to be put before the panel, including a copy of these Rules.
- (2) Subject to paragraphs (3), (4) and (5) below where a notice of hearing under paragraph (1) is issued, an application for an interim order shall be heard no earlier than seven days after the date on which the notice of hearing was served upon the registered person.
- (3) The panel may dispense with the requirements of paragraph (1)(g) or (i) or the notice period referred to in paragraph (2) if the panel is satisfied that the public interest or the interests of justice require a shorter period.
- (4) Notwithstanding paragraph (3) above, subject to paragraph (5), the panel shall not impose an interim order on a registered person's registration without first giving the registered person notice of such intention as is reasonable in all the circumstances of the case.
- (5) Where a fitness to practise hearing has commenced but the panel has not yet made a final determination in accordance with sections 135 to 138 of the Act, the panel may make or review an interim order pending a final determination without notice having been given in accordance with this rule.

#### **Procedure at a fitness to practise panel interim orders hearing**

- 20. (1) If the registered person is not present and not represented at the hearing, the panel shall:
  - (a) require evidence that notice of the hearing has been sent to the registered person in accordance with rule 19 or of the efforts made to give notice to the registered person; and
  - (b) enquire whether any reasons for the registered person's non-attendance have been communicated to Social Care Wales.
- (2) Where paragraph (1) applies, the panel shall determine whether to exercise the discretion under regulation 25(4) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended) to proceed with the hearing in the absence of the registered person or adjourn and shall give reasons for its decision.
- (3) The following procedure shall be followed at a fitness to practise panel interim orders hearing:
  - (a) the presenter shall set out the reasons why the registered person's registration should be made subject to an interim order, together with any evidence in support;
  - (b) the registered person may set out the reasons why such application should not be granted by the panel, together with any evidence in support;
  - (c) the panel shall obtain advice from the legal adviser;
  - (d) the panel shall obtain advice from the medical adviser (if present);
  - (e) the panel shall deliberate *in camera*;

- (f) where the panel determines that an interim conditional registration order should be imposed, the panel shall announce the condition(s) to be included in that order and invite the registered person or the registered person's representative (when present) and the presenter to comment on the wording of the proposed condition(s) and the registered person's ability to comply, prior to the panel finalising the wording of the condition(s);
  - (g) the panel shall determine the application and announce its decision, and the reasons for that decision, in the presence of the parties;
  - (h) where the proceedings are held in public, the panel shall announce its decision, and the reasons for that decision, in public.
- (4) The following rules shall apply to fitness to practise panel interim orders hearings as they apply to interim orders panel hearings, namely rule 6 (case-management); rule 8 (postponement of hearing); rule 9 (procedure); rule 10 (evidence); rule 11 (witnesses); rule 12 (special measures); rule 13 (adjournment of the hearing); rule 14 (voting); rule 15 (transcript of hearing); and rule 18 (notice of decision).

### **Proceeding without a hearing**

21. (1) Where the circumstances in regulation 18(1) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended) apply the following requirements of this rule shall apply and rule 22 shall apply in relation to the procedure to be followed.
- (2) The clerk shall send a notice of the meeting to the parties which shall:
- (a) state the date, time and venue of the meeting;
  - (b) be accompanied by all documents to be considered by the panel, including
    - (i) the parties' agreement in writing that the application may be determined without a hearing;
    - (ii) a statement of agreed facts in which the registered person agrees that the ground(s) for imposing an interim order exist(s); and
    - (iii) the parties agreement in writing to the interim order which is to be made by the panel, or (in a case where the panel is considering the review of an interim order) to the decision specified in section 147(1)(b) to (e) of the Act which is to be made by the panel, including:
      - (aa) the period for which the interim order is to have effect; and
      - (bb) in the case of an interim conditional registration order, the conditions to be imposed on the registered person's registration with Social Care Wales.
- (3) Subject to paragraph (4) below, where a notice of hearing under paragraph (2) is issued, an application for an interim order shall be heard no earlier than seven days after the date on which the notice of hearing was served upon the registered person.
- (4) The panel may dispense with the notice period referred to in paragraph (2) if the panel is satisfied that the public interest requires a shorter notice period.
- (5) Rule 22 shall also apply where a Notice of Hearing has been issued under Rule 19 and the parties agree in writing that the application may be determined without a hearing and the other requirements of paragraph (2)(b) (i), (ii) and (iii) of this rule are satisfied.

- (6) Where paragraph (5) of this rule applies, the meeting shall take place on the date on which the Fitness to Practise Interim Orders Panel hearing was originally scheduled to take place.

### **Procedure at a meeting**

22. (1) The fitness to practise panel shall meet in private and be advised by a legal adviser, but no party shall be present.
- (2) The procedure to be followed will be determined by the chair of the fitness to practise panel.
- (3) After considering the relevant documents and receiving legal advice, the fitness to practise panel shall consider whether it is satisfied that the requirements of rule 21(2)(b)(i) to (iii) (aa) and (bb) have been met.
- (4) If satisfied as to (3), the fitness to practise panel shall consider whether it is appropriate to make the interim order on one or more of the grounds specified in section 144(5) of the Act, to which the parties agree and, if so, may make the interim order concerned.
- (5) If the fitness to practise panel is not satisfied as to any matter in (3) or (4) above, or if it considers that it is in the interests of justice or in the public interest, the fitness to practise panel may refer the application for consideration at a fitness to practise panel interim orders panel hearing, in accordance with rules 19 and 20.
- (6) The following rules shall apply to fitness to practise panel interim orders meetings as they apply to interim orders panel hearings, namely rule 8 (postponement of hearing); rule 13 (adjournment of the hearing); rule 14 (voting); and rule 18 (notice of decision).

## **PART V**

### **REVIEW OF INTERIM ORDERS**

#### **Notice of the hearing**

23. (1) Where a review of an interim order is required under section 146 of the Act, a notice of hearing shall be sent to the registered person which shall specify a date for the hearing to take place according to the timescales specified in sections 146 (4), (6), (7) or (8) of the Act.
- (2) The notice under paragraph (1) shall:
- (a) inform the registered person of the right to attend the hearing;
  - (b) inform the registered person of the time and venue for the hearing;
  - (c) inform the registered person that on the completion of the review, the panel may make one of the decisions specified in section 147(1)(a) to (e) of the Act;
  - (d) inform the registered person of the rights to give evidence in person, to call witnesses and to cross examine any witnesses called by Social Care

- Wales, subject to restrictions on the right to cross-examine witnesses under regulation 35(12)-(14) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended);
- (e) inform the registered person of the right to make oral submissions to the panel in person or to be represented by:
    - (i) a solicitor or counsel; or
    - (ii) a representative from any professional organisation; or
    - (iii) if the interim orders panel agrees, any other person;
  - (f) inform the registered person that the hearing will take place in private unless the registered person requests that the hearing be held in public and the panel considers that doing so would not be against the public interest;
  - (g) inform the registered person that, subject to paragraph (3), any application to be represented by a person other than those listed in paragraph (e) (i) or (ii) above, must be sent to the clerk no later than three days in advance of a hearing setting out the name of the proposed representative and confirming that the proposed representative will not be called as a witness;
  - (h) inform the registered person that a person representing or advising the registered person may not give evidence;
  - (i) inform the registered person that, subject to paragraph (3), if they do not wish to attend the hearing, they may submit written representations not later than three days before the date of the hearing for consideration by the panel;
  - (j) request confirmation as to whether the registered person intends to:
    - (i) attend the hearing;
    - (ii) be represented at the hearing;
    - (iii) submit written representations;
    - (iv) agree to the proceedings being determined without a hearing if the circumstances in regulation 18(1) or 30(1) of the Social Care Wales (Proceedings before Panels) Regulations 2016 (as amended) apply;
  - (k) enclose copies of any documents to be put before the panel, including a copy of these Rules.

- (3) The panel may dispense with the requirements of paragraph (1)(g) or (i) if the panel is satisfied that the public interest or the interests of justice require a shorter period.

#### **Procedure on review of an interim order**

- 24. (1) The following rules shall apply to proceedings to review an interim order as they apply to either interim orders panel proceedings or fitness to practise panel interim orders proceedings, as the case may be, namely: rule 6 (case management); rule 8 (postponement of the hearing); rules 9 and 20 (procedure at a hearing); rule 10 (evidence), rule 11 (witnesses); rule 12 (special measures); rule 13 (adjournment of the hearing); rule 14 (voting); rule

15 (transcript of the hearing); rules 16 and 21 (proceeding without a hearing); rules 17 and 22 (procedure at a meeting) and rule 18 (notice of decision).

- (2) Any decision in relation to postponement pursuant to rule 8 or adjournment pursuant to rule 13 will need to be made in accordance with the requirements of section 146 of the Act.

### **Service of Notices**

25. (1) The notices required by these rules to be sent to a Registered person, may be sent:
- (a) by electronic mail to an electronic mail address that the Applicant, Appellant or Registered Person has notified to the SCW as an address for communications or such other latest electronic mail address known to SCW, or
  - (b) by a postal service or other delivery service in which delivery or receipt is recorded to, or by leaving it at, the postal address of the Applicant, Appellant or Registered Person as specified in the register (where applicable) or such other latest address known to SCW.

**Signed on behalf of Social Care Wales**

**Mick Giannasi**

**Chair Social Care Wales**



# **THE SOCIAL CARE WALES (CONTENT OF THE REGISTER) RULES 2022**

**October 2022**



The regulation of the registration and fitness to practise of the social care workforce by Social Care Wales is governed by three types of legal documents, which are **all** applicable to the registration and fitness to practise of registered persons:

- **Regulation and Inspection of Social Care (Wales) Act 2016 (the Act);**
- **Welsh Government Regulations;**
- **Social Care Wales' suite of Registration Rules and Fitness to Practise Rules.**

Neither the content of the Act nor the Regulations are contained in these Rules. You should therefore read the content of the Act and the Regulations in conjunction with the Rules to provide a comprehensive understanding of the registration and fitness to practise procedures

The latest available (revised) version of the **Act** can be found at:

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

The Regulations are listed below and can be found at - <http://www.legislation.gov.uk/wsi>

- The Social Care Wales (Extension of Meaning of “Social Care Worker”) Regulations 2016
- The Social Care Wales (Content of Register) Regulations 2016
- The Social Care Wales (List of Persons Removed from the Register) Regulations 2016
- The Social Care Wales (Constitution of Panels: Prescribed Persons) Regulations 2016
- The Social Care Wales (Proceedings before Panels) Regulations 2016
- The Social Care Wales (Proceedings before Panels) (Amendment) Regulations 2017
- The Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016
- The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2018
- Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2020
- The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2022

The Social Care Wales rules are available at:

<https://socialcare.wales/dealing-with-concerns/how-do-hearings-work>

<https://socialcare.wales/registration/why-we-register>

Social Care Wales, in exercise of its powers under sections 73(2) and (4) and 91(2) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) and of all other powers enabling Social Care Wales in that behalf, and in accordance with section 75(3) of the Act, hereby makes the following Rules:

## **ARRANGEMENT OF RULES**

### **PART I**

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### **PART II**

#### **THE REGISTER**

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## PART I

### INTRODUCTION

#### Citation, commencement and revocation

1. (1) These Rules may be cited as the Social Care Wales (Content of the Register) Rules 2022 and shall come into force on 1 October 2022.
- (2) The Social Care Wales (Content of the Register) Rules 2020 (“the 2020 Rules”) are hereby revoked.

#### Interpretation

2. (1) In these Rules, unless the context otherwise requires:
 

“**Act**” means the Regulation and Inspection of Social Care (Wales) Act 2016, as amended;

“**Content of Register Regulations**” means the Social Care Wales (Content of Register) Regulations 2016;

“**employer**” includes employment agencies, the self-employed, and any employer of a social worker or social care worker (working in the capacity of a social worker or social care worker) of whom Social Care Wales is aware;

“**entry**” means the particulars entered onto the register as specified in rule 3(1);

“**Fitness to Practise Rules**” means the Social Care Wales (Fitness to Practise Hearings) Rules 2022 or, if applicable, the corresponding provision(s) of an earlier version of those rules;

“**indefinite suspension order**” means an order made by a fitness to practise panel under section 154(10) of the Act;

“**Interim Orders Rules**” means the Social Care Wales (Interim Orders) Rules 2022 or if applicable, the corresponding provision(s) of an earlier version of those rules;

“**interim order**” means an order suspending a registered person’s registration or imposing conditions on that registration under the Interim Orders Rules;

“**Investigation Rules**” means the Social Care Wales (Investigation) Rules 2022 or if applicable, the corresponding provision(s) of an earlier version of those rules;

**“part of the register”** means the part of the register for social workers or the part of the register for each description of social care workers specified in regulations under section 80(1)(b);

**“register”** means the register kept by Social Care Wales under section 80 of the Act;

**“registered person”** means a person who is registered in a part of the register; and it includes a person:

- (i) whose registration would have lapsed under section 87(1) of the Act, but for the fact that subsection (2) of that section applies to the person,
- (j) in respect of whom a suspension order has effect,
- (k) in respect of whom an interim suspension order has effect,
- (l) in respect of whom an indefinite suspension order has effect;

**“registrar”** means the person appointed in accordance with section 81(1) and (2) of the Act;

**“registration”** means the entry in the register relating to a particular registered person;

**“Registration Appeals Panel Rules”** means the Social Care Wales (Registration Appeals Panel) Rules 2022 or, if applicable, the corresponding provision(s) of an earlier version of those rules;

**“Registration Rules”** means the Social Care Wales (Registration) Rules 2022 or, if applicable, the corresponding provision(s) of an earlier version of those Rules;

**“Social Care Wales”** means the body corporate known as Social Care Wales and which was previously known as the Care Council for Wales;

**“social work student”** means a person participating in a course approved by Social Care Wales under section 114(1)(a) of the Act or a person participating in a social work qualifying programme elsewhere in the UK approved by a Care Council, who are or wish to become registered in the social worker part of the register;

**“suspension order”** means an order made by a fitness to practise panel for suspension of the registered person’s registration under the Fitness to Practise Rules.

**“Tribunal”** means the First Tier Tribunal (Care Standards).

(2) In these Rules, unless the context otherwise requires:

- (a) words in the singular include the plural, and words in the plural include the singular;
- (b) any reference to a numbered rule or part is a reference to the rule or part bearing that number in these rules, as the case may be;

- (g) any reference in a rule or a part to a numbered paragraph, is a reference to the paragraph bearing that number in that rule or part;
- (h) any reference in a paragraph in a rule or a part to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in that rule or part.

## PART II

### THE REGISTER

#### Entries in the register

3. (1) The registrar shall include in an entry in the register in respect of a registered person the following information, in addition to that required by section 91(1) of the Act<sup>21</sup> and by regulations 3 to 9 of the Content of Register Regulations:
  - (a) name or names (current and previous);
  - (b) registration number;
  - (c) the part of the register in which the registered person is registered;
  - (d) postal county relating to the address at which the registered person is employed or self-employed (unless located outside the UK);
  - (e) where the registered person is a social work student, the postal county in which the registered person is participating in a degree course.

#### Entry of social work student names onto the register

4. (1) Where an application for registration has been granted by the registrar in respect of a social work student, that student's name or names shall not be entered onto the register until the registrar is satisfied that the student has begun participating in a degree course.

#### Issue and form of certification of registration

5. (1) Where the registrar enters and publishes the name or names of a person on the register, certification of registration shall be in the form determined by Social Care Wales and shall:
  - (a) state the registered person's:
    - (i) current name;
    - (ii) registration number;
    - (iii) date of registration; and
    - (iv) registered role(s).

#### The keeping of the register

6. (1) The register shall be kept secure in a manner which guards against falsification.

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<sup>21</sup> Section 91(1) states that an entry in the register in respect of a person must show the following information:

- (a) the date on which the person was entered on the register;
- (b) the person's qualifications to practise work of the kind to which his or her registration relates;
- (c) such other qualifications, knowledge or experience relevant to the person's registration as may be prescribed;
- (d) such information relating to the person's fitness to practise as may be prescribed.

- (2) The registrar shall update the register in accordance with the requirements of regulations 3 to 9 of the Content of the Register Regulations and those imposed by:
  - (a) the Registration Rules - rule 14 (notice of decision in respect of application for registration), rule 24 (notice of decision in respect of renewal of registration), rule 25 (lapse of registration), rule 26 (changes of registration information), rule 27 (removal of entries from the register by agreement), rule 28 (death of a registered person), rule 29 (entries based on false or misleading information), rule 30 (removal from the register for other reasons), rule 32 (grant of application to return to the register) and rule 35 (grant of application for restoration to the register);
  - (b) Registration Appeals Panel Rules – rule 22 (decision of registration appeals panel), rule 29 (grant of application for restoration following fitness to practise proceedings) and rule 36 (decision of panel in relation to suspension of right to apply for restoration);
  - (c) Investigation Rules – rule 7 (issue of warning), rule 8 (agreement of undertakings), rule 9 (removal by agreement),
  - (d) Interim Orders Rules – rule 18 (decision of interim orders panel to impose interim order), rule 20 (decision of fitness to practise panel to impose interim order) and rule 23 (decision on review of an interim order),
  - (e) Fitness to Practise Rules – rule 24 (issue of warning), rule 27 (undertakings) and rule 28 (disposal by fitness to practise panel).
  - (f) The Social Care Wales (Registration) Rules 2021 – rules 3 and 4 (duration and lapse of registration);
- (3) The registrar shall also update the register to reflect any necessary change as a result of a decision of the Tribunal made under any of the following sections of the Act:
  - (a) 104(5) – appeal against decision of Registration Appeals Panel;
  - (b) 145(4) – appeal against interim order;
  - (c) 148(2) – application for extension of interim order;
  - (d) 158(5) – appeal against decision of a fitness to practise panel.

**Signed on behalf of Social Care Wales**

**Mick Giannasi**  
**Chair**  
**Social Care Wales**





Gofal Cymdeithasol **Cymru**  
Social Care **Wales**

# **THE SOCIAL CARE WALES (REGISTRATION) RULES 2022**

**October 2022**

The regulation of the registration and fitness to practise of the social care workforce by Social Care Wales is governed by three types of legal documents, which are **all** applicable to the registration and fitness to practise of registered persons:

- **Regulation and Inspection of Social Care (Wales) Act 2016 (the Act);**
- **Welsh Government Regulations;**
- **Social Care Wales's suite of Registration Rules and Fitness to Practise Rules.**

Neither the content of the Act nor the Regulations are contained in these Rules. You should therefore read the content of the Act and the Regulations in conjunction with the Rules to provide a comprehensive understanding of the registration and fitness to practise procedures.

The latest available (revised) version of the Act can be found at:

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

The Regulations are listed below and can be found at - <http://www.legislation.gov.uk/wsi>

- The Social Care Wales (Extension of Meaning of “Social Care Worker”) Regulations 2016
- The Social Care Wales (Content of Register) Regulations 2016
- The Social Care Wales (List of Persons Removed from the Register) Regulations 2016
- The Social Care Wales (Constitution of Panels: Prescribed Persons) Regulations 2016
- The Social Care Wales (Proceedings before Panels) Regulations 2016
- The Social Care Wales (Proceedings before Panels) (Amendment) Regulations 2017
- The Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016
- The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2018
- Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2020
- The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2022

The Social Care Wales rules are available at:

<https://socialcare.wales/dealing-with-concerns/how-do-hearings-work>

<https://socialcare.wales/registration/why-we-register>

Social Care Wales, in exercise of its powers under sections 73(2) and (4) and 91(2) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) and of all other powers enabling Social Care Wales in that behalf, and in accordance with section 75(3) of the Act, hereby makes the following Rules:

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## PART I

### INTRODUCTION

#### Citation, commencement and revocation

1. (1) These Rules may be cited as the Social Care Wales (Registration) Rules 2022 and shall come into force on 1 October 2022.
- (2) The Social Care Wales (Registration) Rules 2018 ("the 2018 Rules") and the 2018(b) Rules 9 ("the 2018b Rules") are hereby revoked save only that amendments to those Rules made by The Social Care Wales (Registration) Rules 2021 ("the 2021 Rules") shall continue to apply to any social care worker within the scope of Rule 1(2)(a) and (b) of the 2021 Rules until the expiry of the extended period referred to in Rule 1(3) of the 2021 Rules.
- (3) The Social Care Wales (Registration) Rules 2020 ("the 2020 Rules") are hereby revoked save that:
  - (a) the 2020 Rules shall continue to apply in relation to applications for registration, renewal, returning to or removal from the register received before 1 October 2022, subject to Rules 38(2) and 39(1) of these Rules; and
  - (b) the amendments made to the 2020 Rules by the 2021 Rules shall continue to apply to any social care worker within the scope of Rule 1(2)(a) and (b) of the 2021 Rules until expiry of the extended period referred to in Rule 1(3) of the 2021 Rules.

#### Interpretation

2. (1) In these Rules, unless the context otherwise requires:
 

**"Act"** means the Regulation and Inspection of Social Care (Wales) Act 2016;

**"added part"** means a part of the register for each description of social care worker specified by the Welsh Ministers in regulations under section 80(1)(b) of the Act;

**"adoption service"** has the same meaning as that given in paragraph 4 of Schedule 1 to the Act;

**"adult placement service"** has the same meaning as that given in paragraph 6 of Schedule 1 to the Act and any regulations made under that paragraph;

**"advocacy service"** has the same meaning as that given in paragraph 7 of Schedule 1 to the Act and any regulations made under that paragraph;

**“All Wales Induction Framework for Health and Social Care”** means the Social Care Induction Framework setting common standards for induction of social care workers published by Social Care Wales;

**“applicant”** means a person applying for registration, restoration, renewal or to return to the register as a social worker, social care worker or as a social work student;

**“barred list”** is a list defined in section 117(3) of the Act;

**“Care Council”** means Social Work England, the Northern Ireland Social Care Council or the Scottish Social Services Council;

**“Code of Professional Practice for Social Care”** means the code of practice laying down the standards of conduct and practice expected of social care workers published by Social Care Wales under Section 112(1)(a) of the Act;

**“care home service”** has the same meaning as that given in section 2(1)(a) of and paragraph 1 of Schedule 1 to the Act, subject to regulation 2(1) of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017;

**“days”** means calendar days;

**“degree course”** means an undergraduate or post graduate degree course approved by Social Care Wales in accordance with The Approval and Inspection of Degree Courses in Social Work (Wales) Rules 2021;

**“domiciliary support service”** has the same meaning as that given in section 2(1)(h) of and paragraph 8 of Schedule 1 to the Act, subject to regulation 3(1) of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017;

**“electronic process”** means a process approved by Social Care Wales for the electronic exchange of information between SCW and an applicant, registered person, employer, regulatory body, university or Welsh Government, including the electronic submission of an application or confirmation of information submitted in connection with an application;

**“employer”** includes employment agencies, the self-employed, and any employer of a social worker or social care worker (working in the capacity of a social worker or social care worker) of whom Social Care Wales is aware;

**“entry”** means the particulars entered onto the register as specified in rule 3 of the Social Care Wales (Content of the Register) Rules 2022 or, if applicable, the corresponding provision(s) of an earlier version of those rules;

**“equivalent register”** means a register held by , Social Work England, the Northern Ireland Social Care Council or the Scottish Social Services Council;



**“Fitness to Practise Rules”** means the Social Care Wales (Fitness to Practise Hearings) Rules 2022; or, if applicable, the corresponding provision(s) of an earlier version of those rules;

**“fostering service”** has the same meaning as that given in paragraph 5 of Schedule 1 to the Act;

**“indefinite suspension order”** means an order made by a fitness to practise panel under section 154(10) of the Act;

**“interim suspension order”** means an order suspending a registered person’s registration under the Interim Orders Rules;

**“manager”** means a person who manages a place at or from which a regulated service is provided in Wales;

**“notice”** means information relating to a registered person’s registration issued by the registrar or the registered person (or their representative);

**“part of the register”** means the part of the register for social workers or the part of the register for each description of social care workers specified in regulations under section 80(1)(b) of the Act;

**“register”** means the register kept by Social Care Wales under section 80 of the Act;

**“registered person”** means a person who is registered in a part of the register, and it includes a person:

- (m) whose registration would have lapsed under section 87(1) of the Act, but for the fact that subsection (2) of that section applies to the person;
- (n) in respect of whom a suspension order has effect;
- (o) in respect of whom an interim suspension order has effect;
- (p) in respect of whom an indefinite suspension order has effect;

**“registrar”** means the person appointed in accordance with section 81(1) and (2) of the Act;

**“registration”** means the entry in the register relating to a particular registered person;

**“regulated service”** means:

- (a) a care home service,
- (b) a secure accommodation service,
- (c) a residential family centre service,
- (d) an adoption service,
- (e) a fostering service,
- (f) an adult placement service,
- (g) an advocacy service,
- (h) a domiciliary support service,

**“regulatory body”** means a body in the United Kingdom or elsewhere that has responsibility for the regulation, audit, inspection, licensing or review of social care, health or education provision, or the regulation or licensing of a social care, health or teaching profession;

**“relevant body”** means:

- (a) Social Work England or the Health and Care Professions Council;
- (b) the Nursing and Midwifery Council;
- (c) the Scottish Social Services Council;
- (d) the Northern Ireland Social Care Council;
- (e) a body outside of the United Kingdom which is responsible for the regulation of activities which would, in Wales, be regulated by SCW;

**“relevant social work”** means social work which is required in connection with any health, education or social services provided in Wales;

**“residential family centre service”** has the same meaning as that given in section 2(1)(c) of and Schedule 1 to the Act, subject to regulation 4 of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017;

**“secure accommodation service”** has the same meaning as that given in paragraph 2 of Schedule 1 to the Act;

**“service provider”** means a person registered under section 7 of the Act to provide a regulated service;

**“Social Care Induction Framework for Wales”** means the Social Care Induction Framework setting common standards for induction of social care workers published by Social Care Wales which was replaced by the “All Wales Induction Framework for Health and Social Care” from 1 April 2018;

**“Social Care Wales”** means the body corporate known as Social Care Wales and which was previously known as the Care Council for Wales;

**“social care worker”** means, for the purposes of these Rules, any person who falls within any of the following descriptions of social care worker:

- (a) a person who manages a place of work at or from which a regulated service is provided; or
- (b) a person who in the course of their employment with a service provider or under a contract for services, provides care and support to any person in Wales in connection with –
  - (i) a care home service provided wholly or mainly for adults; or
  - (ii) a care home service provided wholly or mainly for children;

- (iii) a secure accommodation service within the meaning of paragraph 2 of Schedule 1 to the Act;
- (iv) a domiciliary support service in order to provide care and support to a person referred to in paragraph 8(1) of Schedule 1 to the Act, or
- (v) a residential family centre service, provided by a service provider;

**“social worker”** has the meaning ascribed by section 79(1)(a) of the Act, namely a person who engages in relevant social work in Wales;

**“social worker part”** means the part of the register for social workers;

**“social work student”** means a person:

- (a) participating in a course approved by SCW under section 114(1)(a) of the Act;
- (b) participating in a social work qualifying programme elsewhere in the UK approved by a Care Council, or
- (c) participating in a social work qualifying programme approved by a Care Council where part of the programme is undertaken in Wales, who is or wishes to become registered in the social worker part of the register;

**“Specification of Social Care Workers Regulations”** means The Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016, as amended;

**“suspension order”** means an order made by a fitness to practise panel for suspension of the registered person’s registration under the Fitness to Practise Rules;

**“the 2018 Rules”** means the Social Care Wales (Registration) Rules 2018;

**“the 2018(b) Rules”** means the Social Care Wales (Registration) Rules 2018 (b);

**“the 2020 Rules”** means the Social Care Wales (Registration) Rules 2020;

**“the 2021 Rules”** means the Social Care Wales (Registration) Rules 2021;

**“training requirement for social workers”** for the purposes of section 84(a)(iii) of the Act, a person meets the training requirements for social workers if he or she:

- (a) has completed training specified on the Social Care Wales website.;  
or
- (b) has completed training or assessed practice deemed by Social Care Wales or by a Care Council to be equivalent;

**“training requirement for social care workers”** for the purposes of section 84(b)(ii) of the Act a person meets the training requirement for social care workers in respect of social care work of a particular description if he or she:

- (a) has completed relevant training specified on the Social Care Wales website; or
- (b) holds another social care qualification deemed by Social Care Wales to be equivalent;

**“undertakings”** means undertakings that the registered person has agreed to comply with under sections 126(3)(d), 136(1), 152 (5) and (6), 153(4), 154(5) or 155(7) of the Act;

**“university”** means the university or higher education institution providing the degree course approved by Social Care Wales under section 114(1)(a) of the Act for persons wishing to become social workers;

- (2) In these rules, unless the context otherwise requires:
  - (a) words in the singular include the plural, and words in the plural include the singular;
  - (b) any reference to a numbered rule or part is a reference to the rule or part bearing that number in these rules, as the case may be;
  - (i) any reference in a rule or a part to a numbered paragraph, is a reference to the paragraph bearing that number in that rule or part;
  - (j) any reference in a paragraph in a rule or a part to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in that rule or part.

## PART II

### APPLICATION FOR REGISTRATION

#### Form and manner of application

3. (1) An application for registration shall be made to the registrar in a form approved by Social Care Wales and available from Social Care Wales's website.
- (2) Where the applicant is a social worker or social care worker (other than a student), for the purposes of endorsing the application, it must be countersigned (or confirmed by electronic process):
  - (a) where the applicant is in employment, by an employer; or
  - (b) where the applicant is self-employed, employed by a family member or not in employment, by:
    - (i) a previous social care employer by whom the applicant was employed during the period of five years preceding the date of the application, or
    - (ii) a person acceptable to the registrar as being fit to provide such an endorsement.
- (3) An application must be signed by the applicant or confirmed by the applicant by electronic process.
- (4) An application must be submitted to the registrar in writing or by electronic process.

#### Information to be provided to the applicant

4. (1) The application shall contain a warning to the applicant:
  - (a) about the consequences (including removal from the register) of providing false or misleading information; and
  - (b) that failure to inform Social Care Wales of any material changes in the information provided, as soon as reasonably practicable (including, where the applicant is a social care worker beginning a different description of social care work to that specified in his or her application, if the means by which the applicant originally satisfied the training requirement for social care workers does not meet the training requirement for the new description of social care work; and, where the applicant is a social work student, a change of degree course, or non-participation in the degree course), may be considered by Social Care Wales as serious misconduct for the purpose of section 117(1)(b) of the Act; and
  - (c) that upon registration with Social Care Wales, all applicants (including social work students) should comply with the Code of Professional Practice for Social Care issued by Social Care Wales and any failure to comply with any standard in the Code may be taken into account in proceedings under the Social Care Wales's Fitness to Practise Rules.

## Information to be provided in the application by the applicant

### Name, address, part of register etc

5. (1) An applicant must provide the following information in an application for registration:
  - (a) the applicant's personal details, including full name, name under which the applicant intends to practise, any previous or other name/s, date of birth, contact details including postal and email addresses and telephone number;
  - (b) the part or parts of the register in which registration is sought;
  - (c) the name and address of the applicant's current social work or social care employer or employer(s) (if any);
  - (d) a statement that the applicant has read and understood the Code of Professional Practice for Social Care and an undertaking to abide by the Code;
  - (e) (if required) evidence of the applicant's identity satisfactory to Social Care Wales;
  - (f) where an applicant is self-employed, employed by a family member or not in employment, the registrar may require that applicant to provide endorsements in a form specified by the registrar for the purposes of rules 3(2)(b), 7(1)(a)(i) and 7(1)(f), and where this is required, the character references must be signed (or confirmed by electronic process) by a person who is:
    - (i) unrelated to the applicant by birth or marriage;
    - (ii) not conducting a personal relationship, or living with, the applicant; and
    - (iii) who has known the applicant for a period of at least two years.

### Evidence that the applicant is appropriately qualified

6. (1) An application for registration must include evidence that the applicant is appropriately qualified in accordance with the requirements of this rule.
- (2) Where an applicant has such other qualifications, knowledge or experience relevant to registration as are prescribed in regulations made under section 91(1)(c) of the Act<sup>22</sup> the applicant may be required to provide evidence of such qualifications, knowledge or experience.

### Social workers

- (3) Where the applicant is a social worker, the applicant must provide evidence as to:
  - (a) either:
    - (i) the successful completion of a course approved by Social Care Wales under section 114(1)(a) of the Act or an approved social

<sup>22</sup> The Social Care Wales (Content of Register) Regulations 2016 have been made under section 91(1)(c). Regulation 3(1)(a) and the Schedule to the Regulations refers to the approval by any social services authority whose area is in Wales to act as an approved mental health professional pursuant to section 114(1) of the Mental Health Act 1983, as amended.

- work qualifying programme elsewhere in the UK for persons wishing to become social workers; or
  - (ii) the satisfaction of a training requirement for social workers referred to on the Social Care Wales website;
  - (b) name of the course provider;
  - (c) name of the body that awarded the qualification(s);
  - (d) date of award of the qualification(s);
  - (e) name in which the qualification(s) is/are held.
- (4) Where the applicant is a social worker to whom Part VII, Rule 31(5) of these rules applies, the applicant must provide evidence of meeting the return to practice requirements set out on the Social Care Wales website.

### **Social care workers**

- (5) Where the applicant is a social care worker, the applicant must provide evidence as to:
- (a) either:
    - (i) the successful completion of a course approved by Social Care Wales for persons wishing to become social care workers; or
    - (ii) the satisfaction of a training requirement for social care workers in respect of the description of social care work in which he or she wishes to work referred to on the Social Care Wales website;
  - (b) name of the course provider;
  - (c) name of the body that awarded the qualification(s);
  - (d) date of award of the qualification(s);
  - (e) the dates of the course;
  - (f) name in which the qualification(s) is/are held.

### **Social work student**

- (6) Where the applicant is a social work student:
- (a) the name of the course provider which is providing or is to provide the degree course; and
  - (b) confirmation that the applicant is:
    - (i) undertaking a degree course in Wales, that has been approved by Social Care Wales under 'The framework for the degree in social work in Wales'<sup>23</sup> or
    - (ii) undertaking a social work qualifying programme elsewhere in the UK, that has been approved by a Care Council; or
    - (iii) undertaking a social work qualifying programme approved by a Care Council where part of the programme is undertaken in Wales; and
  - (c) confirmation that the applicant has accepted an offer from the degree course provider in Wales or the qualifying programme provider elsewhere in the UK, as the case may be.

<sup>23</sup> [https://socialcare.wales/cms\\_assets/file-uploads/Framework-for-social-work-degree-2021.pdf](https://socialcare.wales/cms_assets/file-uploads/Framework-for-social-work-degree-2021.pdf)

**Evidence of fitness to practise**

7. (1) The application must provide evidence, to the satisfaction of the registrar, that the applicant's fitness to practise is not impaired on one or more of the grounds in section 117 (1) of the Act and shall, in this regard, provide in connection with the application:
- (a) where the applicant is a social worker, social care worker or social work student, evidence, to the satisfaction of the registrar, as to the applicant's:
    - (i) character and competence, as they relate to the applicant's fitness to practise the work expected of a social worker or a social care worker in respect of the description of social care work in which the applicant wishes to practise (including endorsements from an employer or, where the applicant is self-employed, employed by a family member or not in employment, from a social care employer or other person acceptable to the registrar as being fit to provide such an endorsement);
    - (ii) physical and mental fitness to practise in social work or in the description of social care work in which the applicant wishes to practise;
  - (b) details of any criminal convictions, formal cautions issued by the Police (other than protected convictions or cautions) and any pending criminal proceedings in which the applicant has been formally charged);
  - (c) details of any restraining order, non-molestation order or other similar order made otherwise than following a conviction for a criminal offence;
  - (d) the applicant's professional details (if any), and whether the applicant has applied to register and was refused, or is registered, or was previously registered, including reasons for leaving a register, with a UK or non-UK regulatory body;
  - (e) details of any determination by a relevant body relating to the applicant's fitness to practise;
  - (f) a declaration that the applicant is not included in a barred list;
  - (g) (if requested by the registrar) a completed form, required documents and appropriate fee, for the purpose of obtaining an enhanced criminal record certificate, known as enhanced disclosure, under Section 115(1) of the Police Act 1997.

**Evidence of intention to practise**



8. (1) In the case of a social worker, the application must include confirmation, and may be required to include evidence, that, during the period of registration applied for, the applicant intends to practise relevant social work in Wales.
- (2) In the case of a social care worker, the application must include confirmation, and may be required to include evidence, that during the period of registration applied for, the applicant intends to practise in Wales the work of a person registered in the part of the register to which the application relates.

### **Fees**

9. (1) The application must include the appropriate fee or fees as specified on the Social Care Wales Website or otherwise notified by Social Care Wales.<sup>24</sup>

### **Acknowledgement of receipt of an application for registration**

10. (1) An acknowledgment of receipt of an application for registration shall be provided to the applicant in writing or by electronic process within three days of receipt of the application.

### **Requirement to provide additional information**

11. (1) The registrar may, for the purposes of determining the application:
  - (a) where the applicant has omitted to provide information regarding one or more of the matters set out in Rules 5 to 9, request the information from the applicant in writing or by electronic process which the applicant must provide within the period of 42 days beginning after the day on which the request is made to the applicant; or
  - (b) seek information or evidence additional to that provided by the applicant from both the applicant and any other person or source.
- (2) Where the registrar receives information under paragraph (1)(b) above, the applicant will be informed of the receipt of the information, and the registrar shall give the applicant an opportunity to comment on that information and the applicant must provide any comments within the period of 28 days beginning after the day on which the information is imparted to the applicant.

### **Grant of application for registration**

12. (1) In determining that the requirements of sections 83(2)(a) and 84 of the Act ('Appropriately qualified') have been met, the registrar must be satisfied of the matters set out in sub-sections (2), (3) or (4) below.

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<sup>24</sup> Information about current fees can be found here - <https://socialcare.wales/registration/fees>

- (2) Where the application is for registration as a social worker, the registrar must be satisfied that evidence has been provided that:
  - (a) either:
    - (i) the applicant has successfully completed a course for social workers approved by Social Care Wales or a social work qualifying programme elsewhere in the UK approved by a Care Council, for persons who are or wish to become social workers; or
    - (ii) satisfies the training requirements for social workers; and
  - (b) where the applicant is a social worker to whom Part VII, rule 31(5) of these rules applies, the applicant has met the return to practice requirements set out on the Social Care Wales website.
- (3) In the case of an application for registration as a social care worker other than a social worker, the applicant has provided evidence that the applicant has successfully completed a course approved by Social Care Wales for persons who wish to become social care workers, or satisfies the training requirements for social care workers for the description of social care work to which the application relates.
- (4) Where the applicant is a social work student, that the applicant has been accepted by a course provider to participate in:
  - (i) a degree course in Wales, that has been approved by Social Care Wales under 'The framework for the degree in social work in Wales'<sup>25</sup> or
  - (ii) a social work qualifying programme elsewhere in the UK, that has been approved by a Care Council; or
  - (iii) a social work qualifying programme approved by a Care Council where part of the programme is undertaken in Wales.

### Refusal of application for registration

13. (1) The registrar must refuse an application for registration if:
  - (a) not satisfied that one or more of the matters set out in Rules 5, 6(1), (3) to (9), 7 (1), 8 or 9, as required, are met; or
  - (b) subject to paragraph (2), the applicant has failed to provide the information requested under Rule 11(1)(a).
- (2) Where the applicant has failed to provide information requested under Rule 11(1)(a) and the information not provided is limited to evidence of other qualifications, knowledge or experience under Rule 6(2),<sup>26</sup> the registrar may grant the application for registration, but may not make an

<sup>25</sup> [https://socialcare.wales/cms\\_assets/file-uploads/Framework-for-social-work-degree-2021.pdf](https://socialcare.wales/cms_assets/file-uploads/Framework-for-social-work-degree-2021.pdf)

<sup>26</sup> Regulation 3(1)(c) of The Social Care Wales (Content of Register) Regulations 2016 refers to the approval by any social services authority whose area is in Wales to act as an approved mental health professional pursuant to section 114(1) of the Mental Health Act 1983.

entry in the register of the other qualifications, knowledge or experience until relevant evidence has been provided.

- (3) Where the registrar refuses two applications for registration made by an applicant, whether in the same or different categories, within a period of 12 months, no further application for registration may be made until two years have passed from the date of the most recent refusal.

#### **Notice of decisions in respect of an application for registration**

14. (1) Where the registrar decides to grant an application for registration, the registrar must give notice of the decision in writing or by electronic process to the applicant within seven days of the decision being made.
- (2) Where the registrar decides to refuse an application for registration the registrar must give the applicant notice in writing or by electronic process:
  - (a) of the decision;
  - (b) of the reasons for the decision; and
  - (c) of the right of appeal to the registration appeals panel<sup>27</sup>

within seven days of the decision being made.
- (3) Social Care Wales may inform in writing or by electronic process and within seven days of the decision:
  - (a) the applicant's last known employer(s) (if any);
  - (b) the university, where the applicant is a social work student;
  - (c) the Welsh Government;
  - (d) any regulatory body.

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<sup>27</sup> Section 101(2) of the Act provides that a person may not appeal a decision of the registrar if the decision was taken by reason only that the person failed to (a) pay any fee, (b) make the application in the form and manner required by SCW, or (c) provide documents or information in support of the application.

## PART III

### Renewal of Registration

#### Renewal of registration and social work students

15. (1) This rule shall not apply to social work students.

#### Form and manner of renewal application

16. (1) An application for renewal of registration shall be made to the registrar in a form approved by Social Care Wales and available from Social Care Wales's website.
- (2) Where the applicant is a social care worker, for the purposes of endorsing the application, it must be countersigned (or confirmed by electronic process):
- (a) where the applicant is in employment, by an employer; or
  - (b) where the applicant is self-employed, employed by a family member or not in employment, by:
    - (i) a previous social care employer by whom the applicant was employed during the period of five years preceding the date of the application, or
    - (ii) a person acceptable to the registrar as being fit to provide such an endorsement.
- (3) An application must be signed by the applicant or confirmed by the applicant by electronic process.
- (4) An application should be submitted to the registrar in writing or by electronic process which contains all of the information required by rules 5, 6(1), 7 and 8 so that it is received by Social Care Wales not less than 21 days before the date on which registration will expire.
- (5) An application received by Social Care Wales before the date when registration will expire, but less than 21 days before that date, will be considered, but the applicant will not be able to continue to practise after the date on which registration will expire until renewal of registration is granted.

#### Information to be provided to the applicant

17. (1) The application for renewal of registration shall contain the information set out in Rule 4 above.

#### Information to be provided in the application by the applicant

18. (1) In the application for renewal of registration, the applicant must provide the information set out in rules 5 (name, address etc) and 8 (intention to practise) above.

**Evidence of qualifications and training required for renewal**

19. (1) Where the applicant is a social care worker who is required to complete training requirements for renewal, as specified on the Social Care Wales website, evidence of completion must be provided. Where the applicant is a social care worker who, at the time of registration, had not completed the training requirement for social care workers in respect the description of social care work concerned, on the first application for renewal of registration evidence must be provided, signed (or confirmed by electronic process) by the applicant's employer, or, where the applicant is not in employment, by a former employer or other person acceptable to the registrar, that the applicant has met the relevant training requirement.
- (2) Where the applicant is a social worker to whom Schedule 3 applies, the applicant must provide evidence that the applicant has completed a consolidation programme for newly qualified social workers or has undergone such additional training as Social Care Wales may require or deem equivalent.
- (3) Where the applicant is a social worker or social care worker, the applicant must provide evidence of completion of the continuing professional development and learning requirements set out in Schedule 1.

**Fees**

20. (1) The application must be accompanied by the appropriate fee or fees as specified on the Social Care Wales website or otherwise notified by Social Care Wales, including payment of any outstanding annual fee(s) relating to the period of registration immediately preceding the application for renewal.

**Acknowledgement of receipt of an application for renewal of registration**

21. (1) An acknowledgment of receipt of an application for renewal of registration shall be provided to the applicant in writing or by electronic process within three days of receipt of the application.

**Requirement of additional information**

22. (1) The registrar may, for the purposes of determining the application:
- (a) where the applicant has omitted to provide information regarding one or more of the matters set out in Rule 18, request the information from the applicant in writing or by electronic process within the period of 28 days beginning the day after the day on which the request is sent to the applicant; or
  - (b) seek information additional to that provided by the applicant from both the applicant and any other person or source.
- (2) Where the registrar receives information under paragraph (1)(b) above, the applicant will be informed of the receipt of the information, and the registrar shall give the applicant an opportunity to comment on that

information within the period of 28 days beginning the day after the day on which the information is sent to the applicant.

### **Refusal of application for renewal of registration**

23. (1) The registrar must refuse an application for renewal of registration if:
  - (a) the registrar is not satisfied that one or more of the matters set out in Rules 18 or 20 are met;
  - (b) the applicant has failed to provide the information requested in Rule 22(1)(a), or
  - (c) subject to paragraph (2), the registrar is not satisfied that the applicant's fitness to practise is not impaired on one or more of the grounds in section 117 (1) of the Act.
- (2) Where the registrar is not satisfied that one or more of the requirements of Rule 19 relevant to the application have been met, the registrar may:
  - (a) refuse the application for registration; or
  - (b) if satisfied that there are exceptional reasons for doing so, grant the application for renewal of registration.
- (3) Where the registrar is not able to make a determination under paragraph 1(c) above, the registrar may make a referral under section 118 of the Act for preliminary consideration of an allegation of impaired fitness to practise;
- (4) Where a referral is made by the registrar under section 118 of the Act, the registrar shall not make a determination as to whether to grant or refuse the application for renewal until any proceedings under Part 6 of the Act have been concluded.<sup>28</sup>

### **Notice of decisions in respect of renewal**

24. (1) Where the registrar decides to grant an application for renewal of registration, the registrar must give notice of the decision in writing or by electronic process to the applicant within seven days of the decision being made.
- (2) Where the registrar decides to refuse an application for renewal of registration the registrar must give the applicant notice:
  - (a) of the decision;
  - (b) of the reasons for the decision; and
  - (c) of the right of appeal to the registration appeals panel<sup>29</sup>

<sup>28</sup> Section 87 (2) and (3) of the Act provide that a person's is subject to proceedings under Part 6 of the Act, including preliminary consideration or investigation under Chapter 2 of that part, that person's registration shall not lapse whilst they are the subject of those proceedings.

<sup>29</sup> Section 101(2) of the Act provides that a person may not appeal a decision of the registrar if the decision was taken by reason only that the person failed to (a) pay any fee, (b) make the application in the form and manner required by SCW, or (c) provide documents or information in support of the application.

in writing or by electronic process within seven days of the decision being made.

- (3) Social Care Wales may inform in writing or by electronic process and within seven days of the decision:
  - (a) the applicant's last known employer(s) (if any);
  - (b) the Welsh Government;
  - (c) any regulatory body.

## PART IV

### DURATION AND LAPSE OF REGISTRATION

- 25. (1) Save where the 2021 Rules apply,<sup>30</sup> subject to removal under Part VI or under the Fitness to Practise Rules, the registered person's entry in the register will remain effective:
  - (a) for a period of 12 months from the date of granting of the application for registration or renewal of registration;
  - (b) for a further period of 12 months from the first anniversary of the date of granting the application for registration or renewal of registration on payment of the relevant annual fee;
  - (c) for a further period of 12 months from the second anniversary of the date of the date of granting the application for registration or renewal of registration on payment of the relevant annual fee.
- (2) Save where the 2021 Rules apply and save where the registered person is a social work student, subject to removal under Part VI or under the Fitness to Practise Rules and subject to payment of the annual fees referred in paragraph (1)(b) and 1(c) above, the registered person's entry in the register will remain effective for a period of three years from the date of granting the application for registration or renewal of registration.
- (3) Where the 2021 Rules apply and save where the registered person is a social work student, subject to removal under Part VI or under the Fitness to Practise Rules, the registered person's entry in the register will remain effective:
  - (a) for a period of 12 months from the date of the granting of the application for registration or renewal of registration;
  - (b) for a further period of 12 months from the first anniversary of the date of granting the application for registration or renewal of registration on payment of the relevant annual fee;

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<sup>30</sup> The 2021 Rules apply to a social care worker where, as at 31 March 2021, their registration or last renewal of registration commenced on a date between 1 April 2018 and 31 March 2021.

- (c) for a further period of 12 months from the second anniversary of the date of the date of granting the application for registration or renewal of registration on payment of the relevant annual fee.
- (d) for a further period of 12 months from the third anniversary of the date of granting the application for registration or renewal of registration on payment of the relevant annual fee;
- (4) Where the 2021 Rules apply and save where the registered person is a social work student, subject to removal under Part VI or under the Fitness to Practise Rules and subject to payment of the annual fees, the registered person's entry in the register will remain effective for a period of four years from the date of granting the application for registration or renewal of registration.
- (5) Where the registered person is a social work student, subject to removal under Part VI or under the Fitness to Practise Rules and subject to payment of the applicable annual fee, the registered person's entry in the register will remain effective:
  - (a) whilst the registered person continues to undertake the course or qualifying programme;
  - (b) for the duration of the course or qualifying programme;
  - (c) eight years from the date of granting the application for registration by Social Care Wales,

whichever is the earlier.
- (6) Subject to section 87(3)<sup>31</sup> and (4)<sup>32</sup> of the Act, registration lapses:
  - (a) at the end of the period of 12 months from the date of granting the application for registration or renewal of registration if the relevant annual fee has not been paid by that date;
  - (b) at the end of the period of 24 months from granting the application for registration or renewal of registration if the relevant annual fee has not been paid by that date;

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<sup>31</sup> Section 87(3) of the Act provides that registration will not lapse in relation to a person –

(a) who is the subject of any proceedings under Part 6, including preliminary consideration or investigation under Chapter 2 of that Part, which relate to the person's fitness to practise the work to which his or her registration relates ("the relevant work");

(b) in respect of whom a decision has been made relating to relevant work which may be appealed under section 158 (appeals against decisions of fitness to practise panel);

(c) in respect of whom a conditional registration order relating to the relevant work has effect under section 138(7), 152(8)(c), 153(6) or (7), 154(8)(c) or 155(10)(c);

(d) in respect of whom a suspension order relating to the relevant work has effect under section 138(8), 152(8)(d), 153(9)(c), 154(6), (7) or (10) or 155(9);

(e) in respect of whom an interim order relating to the relevant work has effect under section 144 or 147

<sup>32</sup> Section 87(4) of the Act provides that section 87(3)(b) will cease to apply to a person –

(a) at the end of the period specified in section 158(3) in which an appeal must be brought (i.e. 28 days), or

(b) when an appeal is made before the end of that period, at the determination of the appeal.



- (c) save where the 2021 Rules apply and, save where either paragraph (5) (a) or (b) applies, in the case of a person other than a social work student, at the end of the period of three years from the date of granting of the application for registration or renewal of registration;
  - (d) where the 2021 Rules apply and, save where either paragraph (5) (a), (b) or (c) applies, in the case of a person other than a social work student, at the end of the period of four years from the date of granting of the application for registration or renewal of registration;
  - (e) in the case of a social work student, at the end of the period specified in paragraph (3)(a), (b) or (c) above, whichever is the earlier, or, if later, at the end of a period of extension granted under paragraph (4) above.
- (6) At least 28 days before the expiry of the period referred to in paragraphs (5)(a),(b) or (c) above, Social Care Wales shall send to the registered person in writing or by electronic process:
  - (a) a reminder of expiry of registration; and
  - (b) in the case of expiry of the three-year period referred to in (5)(c),an application form or the means to apply electronically for renewal of registration.
- (7) Social Care Wales may send the reminder of expiry of registration referred to in paragraph (6) in writing or by electronic process to the registered person's employer or last known employer (if any).
- (8) In the case of an application to which rule 16(5) applies, the applicant will not be able to continue to practise in their registered role after the date on which registration expires until renewal of registration is granted.
- (9) Where the registered person is a social work student, the registrar may:
  - (a) require the registered person to provide, within 28 days of the request being made, confirmation and evidence that he or she is continuing to undertake the course or qualifying programme; and/or
  - (b) make enquiries of the university.
- (10) Subject to section 87(3) and (4) of the Act, in the absence of a satisfactory response from the registered person following a request being made under paragraph (9)(a) or upon receipt of information from the university that the registered person is not continuing to undertake the course or qualifying programme, the registrar may determine that the registered person's registration has lapsed.

**PART V****DUTY TO NOTIFY THE REGISTRAR  
OF CHANGES TO REGISTRATION INFORMATION**

26. (1) A registered person must, as soon as reasonably practicable, inform the registrar in writing or by electronic process, of any changes in the information recorded in the register in respect of that person.
- (2) The changes requiring notification relate to the information provided upon application for registration or renewal of registration and include the information required in rules 5(1)(a) and (c), and rules 7 and 8.
- (3) Where the notification requests an amendment to the person's name in the register, the registrar may request the production of evidence to satisfy Social Care Wales as to the accuracy of the information to be entered in the register, and may require the registered person making the application to produce an Affidavit, a marriage certificate or such other documentary evidence as Social Care Wales considers appropriate in any case.
- (4) (a) The registrar may request information from a registered person which relates to their fitness to practise.
- (b) A request under paragraph (a) must be made in writing (which may include by electronic process).
- (c) The registered person to whom the request is directed must, as soon as reasonably practicable and within the period of time specified in the written request, provide the information requested.
- (5) Failure to comply with paragraph (1), (2), (3) or (4) may be considered to be serious misconduct and result in referral of the registered person to a fitness to practise panel.

## PART VI

## REMOVAL OF ENTRIES FROM THE REGISTER

## Removal of entries from the register by agreement

27. (1) A registered person who no longer wishes to practise as a social worker or a social care worker in respect of the description of social care work for which they are registered may apply for removal of an entry from the register or a part of the register.
- (2) Subject to paragraphs (3) to (8), where a registered person applies for removal of his or her entry from the register or a part of the register, the registrar shall remove that entry from the register.
- (3) The application must be made to the registrar in writing or by electronic process and must include the registered person's name, registration number, reason for removal from the register and contact details.
- (4) The registrar may, for the purposes of determining the application seek information additional to that provided by the applicant from both the applicant and any other person or source.
- (5) Where the registrar receives information under paragraph (4) above, the applicant will be informed of the receipt of the information, and the registrar shall give the applicant an opportunity of commenting on that information within the period of 14 days beginning on the day after the day on which the information is sent to the applicant.
- (6) Subject to paragraph (7), the registrar must not remove a registered person's entry from the register or part of the register in accordance with paragraph (1) where any of the circumstances in section 87(3) and (4) of the Act apply to that person.<sup>33</sup>
- (7) Where paragraph (6) applies on the basis that the registered person is subject to a fitness to practise investigation, the registrar may remove the entry in the register by agreement if there is compliance with the procedure in Rule 9 of the Social Care Wales (Investigation) Rules 2022.
- (8) Where none of the circumstances in section 87 (3) and (4) apply, the registrar may refuse to remove an entry from the register by agreement, where:
- (a) undertakings apply to the registered person; or
  - (b) a warning has been issued to the registered person and has not expired.
- (9) The registrar shall give notice of the decision to the person to whom the application relates in writing or by electronic process within 28 days of receipt of the application, or within 56 days if additional information has been requested under paragraph (4).

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<sup>33</sup> The circumstances under section 87(3) include where the registered person is subject to a fitness to practise investigation or a conditional registration order or suspension order.

(10) Social Care Wales may inform in writing or by electronic process:

- (a) the former registered person's last known employer(s) (if any);
- (b) the Welsh Government;
- (c) any regulatory body,

that the former registered person is no longer registered with Social Care Wales.

### **Death of a registered person**

28. (1) Where a person registered in a part of the register has died, the registrar must remove the entry relating to that person within 14 days of receiving one or more of the following:
- (a) an original or certified true copy of a death certificate; or
  - (b) written notification from the registered person's employer or if a student, from the degree course provider; or
  - (c) such other evidence acceptable to the registrar.

### **Entries based on false or misleading information**

29. (1) Where the registrar removes an entry or an annotation to an entry in the register under section 94 of the Act,<sup>34</sup> in addition to giving notice to the person under section 94(4) of the Act,<sup>35</sup> Social Care Wales may inform in writing or by electronic process:
- (a) the former registered person's last known employer(s) (if any);
  - (b) (where the former registered person was a student) the university;
  - (c) the Welsh Government;
  - (d) any regulatory body,

that the former registered person is no longer registered with Social Care Wales.

### **Removal from the register for other reasons**

30. (1) Where the registered person's registration has lapsed in accordance with rule 25(5)(a) to (d) or (8), the registrar shall remove the registered person's entry from the register no later than 28 days after the date on which the annual fee was due.
- (2) Where an applicant or registered person's entry has been erroneously placed on the register, the registrar shall remove the registered person's entry from the register within two days of being informed of the error.
- (3) Where the registration appeals panel has directed that the registered person's name should be removed from the register following consideration of an appeal

<sup>34</sup> Section 94(1) of the Act provides that, if the registrar is satisfied that an entry in a part of the register, or an annotation to an entry, has been included on the register on the basis of false or misleading information, the registrar may remove the entry or annotation from the register.

<sup>35</sup> Section 94(4) of the Act provides that, where the registrar decides to remove an entry in respect of a person from the register under this section the registrar must give notice to the person of –

- (a) the decision;
- (b) the reasons for the decision, and
- (c) the right of appeal conferred by section 101 of the Act.

under section 101 (1) (b)<sup>36</sup> or (c) of the Act<sup>37</sup>, the registrar shall remove the registered person's entry from the register within two days of the panel's decision, unless any of the circumstances in section 87(3) of the Act<sup>38</sup> applies to that person.

- (4) Where the registrar has removed a registered person's entry from the register in accordance with this rule Social Care Wales shall inform in writing or by electronic process and within seven days of the decision:
  - (a) the applicant or former registered person;
  - (b) the applicant's or former registered person's last known employer(s) (if any);
  - (c) (where the applicant or former registered person was a student) the university;
  - (d) the Welsh Government;
  - (e) any regulatory body.

## PART VII

### RETURN TO THE REGISTER

#### Application to return to the register

31. (1) Save where an application for restoration is required, the following paragraphs shall apply to an application to return to the register.
- (2) Social Care Wales shall treat an application to return to the register as an initial application for registration, and the provisions set out in rules 3 – 11, 13 and 14 shall apply, subject to paragraph (3), (4), (5), (6) and (7) below.
- (3) An application to return to the register shall be accompanied by the payment of the application fee and any additional or outstanding fee or fees (as set out on the Social Care Wales website), as determined by the registrar.

#### Application following failure to renew

- (4) Where an application is made by a person who was removed from the register for failing to renew their registration, the application shall be accompanied by satisfactory evidence of completion of continuing professional development requirements (as set out in Schedule 1). The requirements of

<sup>36</sup> Under section 101(1) (b) of the Act, a person may appeal a decision of the registrar under section 86 not to grant renewal of an application for registration.

<sup>37</sup> Under section 101(1) (c) of the Act, a person may appeal a decision of the registrar under section 94 of the Act to remove an entry in respect of a person from the register.

<sup>38</sup> Section 87(3) of the Act provides that registration will not lapse in relation to a person –

(a) who is the subject of any proceedings under Part 6, including preliminary consideration or investigation under Chapter 2 of that Part, which relate to the person's fitness to practise the work to which his or her registration relates ("the relevant work");

(b) in respect of whom a decision has been made relating to relevant work which may be appealed under section 158 (appeals against decisions of fitness to practise panel);

(c) in respect of whom a conditional registration order relating to the relevant work has effect under section 138(7), 152(8)(c), 153(6) or (7), 154(8)(c) or 155(10)(c);

(d) in respect of whom a suspension order relating to the relevant work has effect under section 138(8), 152(8)(d), 153(9)(c), 154(6), (7) or (10) or 155(9);

(e) in respect of whom an interim order relating to the relevant work has effect under section 144 or 147.

Schedule 1 shall apply as if the words 'within the period of registration' were substituted by the words 'within the period of three years preceding the date of the application to return to the register'.

### **Social worker returning to practice**

- (5) Where to applicant is a social worker who has not been registered in the social worker part of the register or an equivalent register for a period of three years or more and who apply for registration in the social worker part of the register or to return to the social worker part of the register, they shall provide evidence that the applicant has met the return to practice requirements specified on the Social Care Wales website.

### **Notice of grant of application to return to the register**

32. (1) Where the registrar decides to grant an application to return to the register Social Care Wales must give notice of the decision to the person to whom the application relates in writing or by electronic process within seven days of the date of the decision.
- (2) Social Care Wales may inform in writing or by electronic process within seven days of the date of the decision:
  - (a) the applicant's known employer(s) (if any);
  - (b) the university, where the applicant is a social work student;
  - (c) the Welsh Government;
  - (d) any regulatory body.

### **Notice of refusal of an application to return to the register**

33. (1) Where the registrar decides to refuse an application to return to the register SCW must give the person to whom the application relates notice in writing or by electronic process within seven days:
  - (a) of the decision;
  - (b) of the reasons for the decision; and
  - (c) of the right of appeal to the registration appeals panel.
- (2) Social Care Wales may inform in writing or by electronic process within seven days of the date of the decision:
  - (a) the applicant's known employer(s) (if any);
  - (b) the university, where the applicant is a social work student;
  - (c) the Welsh Government;
  - (d) any regulatory body.
- (3) Where the registrar refuses two applications for return to the register made by an applicant (whether in the same or in different categories) within a period of 12 months, no further application for return to the register may be made until two years have passed from the date of the most recent refusal.

## PART VIII

### RESTORATION TO THE REGISTER

#### **Restoration following removal by agreement or removal based on false or misleading information**

34. (1) This rule applies where an application for restoration is made under section 96(2) of the Act following (removal by agreement) or (removal based on false or misleading information).
- (2) A person applying to be restored to the register under paragraph (1) must provide to the registrar in writing or by electronic process:
- (a) an application for registration satisfying the requirements of rules 5 - 9;
  - (b) where the applicant is a social worker to whom Part VII, rule 31(5) of these rules applies, the return to practice evidence required by Social Care Wales, as set out on its website;
  - (c) any documentary evidence relied upon in support of the application.
- (3) The registrar may grant the application for restoration under this rule only if satisfied that the applicant meets the registration requirements specified in section 83(2) of the Act.<sup>39</sup>

#### **Notice of grant an application for restoration to the register**

35. (1) Where the registrar decides to grant an application for restoration to the register following an application under rule 34, Social Care Wales must give notice of the decision to the person to whom the application relates in writing or by electronic process within seven days of the date of the decision.
- (2) Social Care Wales may inform in writing or by electronic process within seven days of the date of the decision:
- (a) the applicant's known employer(s) (if any);
  - (b) the university, where the applicant is a social work student;
  - (c) the Welsh Government;
  - (d) any regulatory body.

#### **Notice of refusal of an application for restoration to the register**

36. (1) Where the registrar decides to refuse an application for restoration to the register following an application under rule 34, Social Care Wales must give the person to

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<sup>39</sup> Section 83(2) of the Act states that the registration requirements are that –

- (a) the person is appropriately qualified (section 84)
- (b) the persons' fitness to practise is not impaired on one or more of the grounds in section 117(1), and
- (c) the person intends to practise the work of persons registered in the part of the register to which the application relates.

whom the application relates notice in writing or by electronic process within seven days:

- (a) of the decision;
  - (b) of the reasons for the decision; and
  - (c) of the right of appeal to the registration appeals panel.
- (2) Social Care Wales may inform in writing or by electronic process within seven days of the date of the decision:
- (a) the applicant's known employer(s) (if any);
  - (b) the university, where the applicant is a social work student;
  - (c) the Welsh Government;
  - (d) any regulatory body.

### **Application for restoration following fitness to practise proceedings**

37. (1) Where a fitness to practise panel has previously made a removal order an application for restoration may be made, unless any of the circumstances in section 97(3)(a)<sup>40</sup> or (b)<sup>41</sup> or 98(4)<sup>42</sup> of the Act apply.
- (2) An applicant for restoration under this rule must provide to the registrar in writing or by electronic process:
- (a) an application for registration satisfying the requirements of rules 3 to 9 and 19 (if applicable);
  - (b) the appropriate fee; and
  - (c) any documentary evidence relied upon in support of the application.
- (3) An application under this rule shall be referred to a registration appeals panel and the application shall be considered in accordance with Part IV of the Social Care Wales (Registration Appeals Panel) Rules 2019.

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<sup>40</sup> Section 97(3)(a) provides that the person may not make an application for restoration before the expiry of five years beginning with the date on which the order was made.

<sup>41</sup> Section 97(3)(b) provides that the person may not make an application for restoration if they have made an application for restoration to the register within a period of 12 months preceding the application.

<sup>42</sup> Section 98(4) provides that a registration appeals panel may give a direction that a person may not make an application for restoration to the register where the person has made two or more applications previously and, on the second or subsequent application, the registration appeals panel made a direction that the person may not make any further applications for restoration.



## PART IX

### FEES

#### **Application fee and renewal fee**

38. (1) The fee to be charged for processing an application for registration under Part II ("the application fee") shall be the application fee specified on the Social Care Wales website or otherwise notified by Social Care Wales for the year in which the application is received by Social Care Wales, and shall be non-refundable,
- (2) The fee to be charged for an application for renewal of registration under Part III ("the renewal fee") shall be the renewal fee specified on the Social Care Wales website or otherwise notified by Social Care Wales for the year in which the period of registration expires and shall be non-refundable.

#### **Annual fee**

39. (1) The fee to be charged in respect of registration in any year following the year in which registration or renewal was granted shall be the annual fee specified on the Social Care Wales website or otherwise notified by Social Care Wales for the year in which the annual fee is due and shall be non-refundable.
- (2) The registrar shall send the registered person a notice in writing or by electronic process, not less than 28 days before the date on which the annual fee is due, which states that the annual fee is due and the date on which it is due.
- (3) Any reference in the Rules to the date on which the annual fee is due is a reference to:
- (a) the anniversary of the date on which the entry was first made in the register and on that date in every subsequent year and if the entry was first made on 29 February, it shall be treated as having been made on 1 March;
  - (b) where an entry in the register has been removed and is subsequently restored, the anniversary of the date on which restoration was made and on that date in every subsequent year and if restoration was made on 29 February it shall be treated as having been made on 1 March.

#### **Return to practise fee**

40. (1) Where a social worker has not been registered as a social worker in the social worker part of the register or an equivalent register for a period of three years or more, the person must demonstrate their fitness to return to the register.
- (2) The fee to be charged where paragraph (1) applies ("the return to practise fee") shall be the fee specified on the Social Care Wales website or otherwise notified by Social Care Wales for the year in which the application is received by Social Care Wales, and shall be non-refundable.

**Signed on behalf of Social Care Wales**

**Mick Giannasi  
Chair  
Social Care Wales**

## **SCHEDULE 1**

### **CONTINUING PROFESSIONAL DEVELOPMENT AND LEARNING REQUIREMENTS**

1. Every social worker and social care worker registered with Social Care Wales shall, within the period of registration, complete study, training, courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the professional development of the social worker or social care worker, as the case may be, or contribute to the development of the profession as a whole. The amount required is that specified on the Social Care Wales website.
2. Every social worker and social care worker registered with Social Care Wales shall keep a record of such continuing professional development (CPD) undertaken.
3. Failure to meet the foregoing CPD requirements may be considered serious misconduct resulting in a finding of impaired fitness to practise by a Fitness to Practise Panel of SCW.
4. Social Workers undertaking a Consolidation Programme for newly qualified social workers (as referred to in Schedule 2) may use this to evidence compliance with the CPD requirements.

## **SCHEDULE 2**

### **CONSOLIDATION PROGRAMME FOR NEWLY QUALIFIED SOCIAL WORKERS**

Every social worker first registered with Social Care Wales who qualified on or after 1 April 2016 shall, within their first three-year period of registration, during which time they are practising as a social worker, either:

- (1) complete a Consolidation Programme for newly qualified social workers which has been approved by Social Care Wales,  
  
or
- (2) undertake such training that Social Care Wales requires or deems equivalent.



Gofal Cymdeithasol **Cymru**  
Social Care **Wales**

# **THE SOCIAL CARE WALES (REGISTRATION APPEALS PANEL) RULES 2022**

**October 2022**

The regulation of the registration and fitness to practise of the social care workforce by Social Care Wales is governed by three types of legal documents, which are **all** applicable to the registration and fitness to practise of registered persons:

- **Regulation and Inspection of Social Care (Wales) Act 2016 (the Act);**
- **Welsh Government Regulations;**
- **Social Care Wales' suite of Registration Rules and Fitness to Practise Rules.**

Neither the content of the Act nor the Regulations are contained in these Rules. You should therefore read the content of the Act and the Regulations in conjunction with the Rules to provide a comprehensive understanding of the registration and fitness to practise procedures.

The latest available (revised) version of the Act can be found at:

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

The Regulations are listed below and can be found at - <http://www.legislation.gov.uk/wsi>

- The Social Care Wales (Extension of Meaning of “Social Care Worker”) Regulations 2016
- The Social Care Wales (Content of Register) Regulations 2016
- The Social Care Wales (List of Persons Removed from the Register) Regulations 2016
- The Social Care Wales (Constitution of Panels: Prescribed Persons) Regulations 2016
- The Social Care Wales (Proceedings before Panels) Regulations 2016
- The Social Care Wales (Proceedings before Panels) (Amendment) Regulations 2017
- The Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016
- The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2018
- Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2020
- The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2022

The Social Care Wales rules are available at:

<https://socialcare.wales/dealing-with-concerns/how-do-hearings-work>  
<https://socialcare.wales/registration/why-we-register>

Social Care Wales, in exercise of its powers under sections 73(2) and (4) and 91(2) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) and of all other powers enabling Social Care Wales in that behalf, and in accordance with section 75(3) of the Act, hereby makes the following Rules:

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## PART I

### INTRODUCTION

#### Citation, commencement and revocation

1. (1) These Rules may be cited as the Social Care Wales (Registration Appeals Panel) Rules 2022, and shall come into force on 1 October 2022.
- (2) The Social Care Wales (Registration Appeals) Rules 2017 ("the 2017 Rules") and the Social Care Wales (Registration Appeals) Rules 2018 ("the 2018 Rules") are hereby revoked.
- (3) The Social Care Wales (Registration Appeals) Rules 2020 ("the 2020 Rules") are hereby revoked save that where a hearing before a Registration Appeals Panel has commenced on or after 1 April 2020, and has not been completed by 1 October 2022, the 2020 Rules shall continue to apply as if those Rules remain in force.

#### Interpretation

2. (1) In these Rules, unless the context otherwise requires:
  - "**Act**" means the Regulation and Inspection of Social Care (Wales) Act 2016;
  - "**appellant**" means a person who brings a registration appeal under Part III;
  - "**applicant**" means a person who makes an application under Part IV or V;
  - "**case**" means proceedings relating to a registration appeal before a registration appeals panel;
  - "**civil procedure rules**" means the rules of court made under section 2 of the Civil Procedure Act 1997;
  - "**clerk**" means the person responsible for the administrative arrangements for the hearing or meeting;
  - "**days**" means calendar days;
  - "**electronic process**" means a process approved by Social Care Wales for the electronic submission of an application or confirmation of information submitted in connection with an application;
  - "**employer**" means an employer of a social worker or social care worker (working in the capacity of a social worker or social care worker);
  - "**fitness to practise proceedings**" means proceedings before a fitness to practise panel;

**“fitness to practise panel”** means a panel established means a panel established under section 174 of the Act to:

- (a) make determinations in relation to the fitness to practise of persons registered in the register to practise as social care workers;
- (b) to suspend, or attach conditions to, a person’s registration in the register pending a determination of the kind mentioned in paragraph (a);

**“in camera”** means in the absence of the parties and their representatives, and the public;

**“legal adviser”** means a person with a ten-year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 who is entitled to practise law in England and Wales;

**“medical adviser”** means a medical practitioner, registered under the Medical Act 1983, appointed by Social Care Wales;

**“notice”** means information relating to a registered person’s registration issued by the registrar or the registered person (or their representative), or information in relation to the proceedings of a registration appeals panel;

**“parties”** means the appellant or applicant and Social Care Wales (or their representatives);

**“presenter”** means the person acting on behalf of Social Care Wales at a hearing before a panel, and may include an officer of Social Care Wales or a solicitor or a barrister engaged by Social Care Wales for this purpose;

**“register”** means the register kept by Social Care Wales under section 80 of the Act;

**“registered person”** means a person who is registered in a part of the register, , and it includes a person:

- (q) whose registration would have lapsed under section 87(1) of the Act, but for the fact that subsection (2) of that section applies to the person;
- (r) in respect of whom a suspension order has effect;
- (s) in respect of whom an interim suspension order has effect;
- (t) in respect of whom an indefinite suspension order has effect;

**“registrar”** means the person appointed in accordance with section 81(1) and (2) of the Act;

**“registration”** means the entry in the register relating to a particular registered person;

**"registration appeal"** has the meaning in regulation 3 of The Social Care Wales (Proceedings before Panels) Regulations 2016 as amended, namely:

- (a) an appeal made in accordance with section 101 of the Act against a decision of the registrar;
- (b) an application made in accordance with section 97(5) of the Act for review of a direction under section 98(4) of the Act;
- (c) an application made in accordance with section 97(2) of the Act for restoration of a person's entry in a part of the register following fitness to practise proceedings;

**"registration appeals hearing"** has the meaning in regulation 3 of The Social Care Wales (Proceedings before Panels) Regulations 2016, as amended, namely a hearing before a registration appeals panel in registration appeals proceedings;

**"registration appeals proceedings"** has the meaning in regulation 3 of The Social Care Wales (Proceedings before Panels) Regulations 2016 as amended, namely proceedings before a registration appeals panel in respect of which section 98(1), 99(2) or 103 of the Act apply;

**"Registration Rules"** means the Social Care Wales (Registration) Rules 2022 or, if applicable, the corresponding provision(s) of an earlier version of those Rules;

**"Social Care Wales"** means the body corporate known as Social Care Wales and which was previously known as the Care Council for Wales;

**"tribunal"** means the First-tier Tribunal.

(2) In these rules, unless the context otherwise requires:

- (a) words in the singular include the plural, and words in the plural include the singular;
- (b) any reference to a numbered rule or part is a reference to the rule or part bearing that number in these rules, as the case may be;
- (k) any reference in a rule or a part to a numbered paragraph, is a reference to the paragraph bearing that number in that rule or part;
- (l) any reference in a paragraph in a rule or a part to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in that rule or part.

## **PART II**

### **REMIT OF THE PANEL**

#### **Remit**

3. (1) These rules apply to the following proceedings before the registration appeals panel:
  - (a) an appeal against a decision of the registrar under section 83 of the Act not to grant an application for registration (which shall include a decision not to grant an application for return to the register);
  - (b) an appeal against a decision of the registrar under section 86 of the Act, not to grant an application for renewal of registration;
  - (c) an appeal against a decision of the registrar under section 94(1) of the Act to remove a registered person's entry from the register or an annotation to an entry (where the entry or annotation has been included in the register on the basis of false or misleading information);
  - (d) an appeal against a decision of the registrar under section 96(1) of the Act not to grant an application for restoration to the register (where the applicant was removed by agreement or as a result of an entry based on false or misleading information);
  - (e) an application for restoration to the register under section 97(2) of the Act where a fitness to practise panel has made a removal order under sections 138(9), 152(8)(e), 153(9)(d) or 154(8)(d) of the Act;
  - (f) an application under section 97(5) of the Act for review of a direction given by a registration appeals panel under section 98(4) of the Act.
- (2) Part II of these rules shall apply to appeals under paragraph (1)(a) to (d).
- (3) Part III of these rules shall apply to applications under paragraph (1)(e).
- (4) Part IV of these rules shall apply to applications under paragraph (1)(f).

#### **Conduct of proceedings**

4. (1) The registration appeals panel will conduct its proceedings in accordance with the requirements of these Rules and the requirements of the Social Care Wales (Proceedings before Panels) Regulations 2016 as amended.

## **PART III**

### **PROCEDURE IN RELATION TO APPEALS AGAINST DECISIONS OF THE REGISTRAR**

#### **Submitting an appeal to the registrar**

5. (1) Notice of appeal to the registrar under section 101 of the Act must be given in writing (which may include by electronic process).

#### **Witness summons**

6. (1) Where one of the parties requires the attendance of a witness or the production of a material document or evidence by a witness who has refused to attend or produce the document before the hearing (or failed to confirm that they will do so), that party may make a written application for Social Care Wales to apply to the County Court or the High Court to issue a witness summons in accordance with Rule 34.4 of the Civil Procedure Rules 1998.
- (2) A written application made under paragraph (1) above, shall be considered by a duly authorised person who may determine that:
- (a) the application should be granted;
  - (b) the application should be refused; or
  - (c) the application should be considered by a panel at a case management meeting under rule 7 or at a hearing convened under Part III of these rules.
- (3) In making a determination, the duly authorised person or the panel (as the case may be) shall consider the relevance and importance of the evidence of the witness or document concerned and whether it is fair and appropriate to make the direction sought.
- (4) Where an application under paragraph (2) above is granted by a duly authorised person or a direction is given by a panel under rule 7(8)(g) Social Care Wales will apply to the County Court or High Court and obtain the appropriate witness summons.
- (5) Where Social Care Wales made the application for a direction for the witness summons, Social Care Wales will arrange for the witness summons to be served on the witness concerned.
- (6) Unless otherwise directed, where the application for a direction was made by or on behalf of the registered person, Social Care Wales will provide the registered person or his representative with the witness summons after it has been issued and the registered person or their representative will arrange to serve the witness summons on the witness concerned.
- (7) Unless otherwise directed, the party serving the witness summons shall be responsible for payment of any travelling expenses and/or

compensation for loss of time as required by Rule 34.7 of the Civil Procedure Rules.

### **Case management meeting**

7. (1) A case management meeting will be convened:
  - (a) where following a request by one of the parties a duly authorised officer considers that a case management meeting would be appropriate;
  - (b) at the direction of a duly authorised person;
  - (c) at the direction of a panel
- (2) A case management meeting may be conducted by personal attendance at the meeting or participation by telephone or video conference.
- (3) Subject to paragraph (4), the clerk shall send an appropriate notice to the registered person and to the presenter not less than five days before the case management meeting
- (4) The panel may dispense with the notice period referred to in paragraph (3) if the panel is satisfied that the public interest requires a shorter notice period.
- (5) A case management meeting will consist of one panel member unless:
  - (a) a duly authorised person determines that the panel should consist of three members; or
  - (b) where a panel directs that a case management meeting should be held, and the panel also directs that the panel for the case management meeting should consist of three members.
- (6) The panel member or members may or may not be the same member(s) who will be used for the full hearing.
- (7) The panel at a case management meeting will be advised by a legal adviser.
- (8) Directions may be given at the case management meeting for the purpose of securing the just, expeditious and effective running of the case, and may make a determination in relation to a preliminary matter that can only be determined by a panel, including whether:
  - (a) particular evidence should be admitted;
  - (b) a particular witness should be treated as requiring special measures and, if so, what special measures should be put in place;
  - (c) a hearing or part of it should be held in private in accordance with regulation 9 of the Social Care Wales (Proceedings before Panels) Regulations 2016;
  - (d) the appellant may be represented at the hearing before the registration appeals panel by a person other than a solicitor, counsel or a representative from a professional body;
  - (e) the proceedings can be conducted without a hearing where the circumstances in regulation 6(1) of the Social Care Wales (Proceedings before Panels) Regulations 2016 apply in accordance with rule 20;

- (f) the health of the appellant will be raised as an issue in the proceedings;
  - (g) a direction for a witness summons should be given;
  - (h) whether the hearing before the registration appeals panel should be conducted as a virtual or in-person hearing.
- (9) The procedure at the case management meeting will be determined solely by the panel.
  - (10) A case management meeting will be held in private, unless the panel directs otherwise.
  - (11) Where a party fails to comply with the directions given at a case management meeting a registration appeals panel may draw such inferences as it considers appropriate and/or take whatever decision it thinks is most appropriate in relation to the admissibility of evidence or any other relevant matter.

### **Notice of the hearing**

- 8. (1) At least 42 days before the registration appeals panel hearing, the clerk shall send to the appellant a notice which shall:
  - (a) state the date, time and venue of the meeting of the registration appeals panel;
  - (b) set out any reasons for refusing an application for registration or renewal of registration or for removal of registration or to return to the register or for restoration to the register (under rule 3(1));
  - (c) inform the appellant of the right to attend the hearing and make oral submissions to the panel or to be represented by:
    - (i) a solicitor or counsel,
    - (ii) a representative from any professional organisation, or
    - (iii) if the registration appeals panel agrees, any other person;
  - (d) inform the appellant that any application to be represented by a person other than those listed in paragraph (c)(i) or (ii) above, should be sent to the clerk no later than seven days in advance of a meeting of the panel;
  - (e) request confirmation of whether the appellant intends to:
    - (i) attend the hearing;
    - (ii) be represented at the hearing;
    - (iii) agree to the proceedings being determined without a hearing if the circumstances in regulation 6(1) of the Social Care Wales (Proceedings before Panels) Regulations 2016 apply;
  - (f) request the appellant to inform the panel whether the appellant wishes to apply for all or part of the proceedings to be heard in private under regulation 9(2) or (3) of the Social Care Wales (Proceedings before Panels) Regulations 2016
  - (g) inform the appellant that a person who proposes to attend and give evidence at the hearing cannot be present during the proceedings until such evidence has been given, without the leave of the panel;
  - (h) inform the appellant that, in the event that they do not wish to attend the hearing, they may submit written representations not



- later than five days before the date of the hearing for consideration by the panel;
  - (i) inform the appellant of the possible outcomes open to the panel;
  - (j) inform the appellant of the panel's power to proceed in the absence of the appellant or the appellant's representative at the hearing;
  - (k) enclose copies of any documents to be put before the registration appeals panel, including a copy of these Rules.
- (2) The hearing shall not be fixed for any date earlier than 42 days after the sending of the notice of hearing in paragraph (1) except with the agreement of the parties.
- (3) No later than 28 days before the meeting of the registration appeals panel, the parties shall serve on each other and lodge with the clerk, copies of any documents on which they intend to rely.
- (4) No later than seven days before the meeting of the registration appeals panel, the clerk shall send to each panel member:
  - (a) a copy of the notice of the hearing;
  - (b) copies of all the documents, including evidence and representations, which the appellant has submitted;
  - (c) any information, or copies of any documents obtained by Social Care Wales which are relevant to the appeal.

### **Postponement of the hearing**

9.
  - (1) Where either party wishes the hearing to be postponed, an application shall be made in writing to Social Care Wales.
  - (2) The party making such application shall serve a copy of the application on the other party, together with any supporting documentation.
  - (3) The party served with the application may submit a written response to Social Care Wales.
  - (4) The application shall be considered by the chair of the panel who, subject to paragraph (5), shall determine the application, taking into account:
    - (a) the submissions of both parties;
    - (b) any likely prejudice to either party;
    - (c) the public interest in the expeditious disposal of the case.
  - (5) Where the chair considers that a determination cannot be made without further information or submissions from one or more of the parties the chair may direct that:
    - (a) the application be referred to a case management meeting for consideration under rule 7; or
    - (b) where the application for postponement is made less than seven days prior to the hearing, the application should be determined by the panel convened to hear the appeal.

- (6) In the event that the application for postponement is granted, or the matter has to be re-scheduled for some other reason, the clerk shall inform the parties of the new hearing date, as soon as possible.

#### **Absence of an appellant at a hearing before a registration appeals panel**

- 10. (1) A hearing before a registration appeals panel may proceed even if the appellant is not present and not represented if the panel is satisfied that all reasonable efforts have been made to give notice of the hearing to the person.
- (2) If the appellant is not present and is not represented at the hearing, the panel shall:
  - (a) require evidence that notice of the hearing has been sent to the appellant in accordance with rule 8; and
  - (b) enquire whether any reasons for the appellant's non-attendance have been communicated to Social Care Wales.
- (3) Where paragraph (1) applies, the panel shall determine whether to exercise the discretion under regulation 12(4) of the Social Care Wales (Proceedings before Panels) Regulations 2016 to proceed with the hearing in the absence of the appellant or adjourn and shall give reasons for the decision.

#### **Burden and standard of proof**

- 11. (1) The burden of proof in proceedings under rule 3(1)(a), (b) or (d) before the registration appeals panel shall rest upon the appellant.
- (2) The burden of proof in proceedings under rule 3(1)(c) before the registration appeals panel shall rest upon Social Care Wales.
- (3) Where facts are in dispute, a panel shall decide the facts on the civil standard, applying the balance of probabilities.

#### **Order of proceedings at hearings**

- 12. (1) Where a hearing is to be held with oral evidence and/or oral submissions, the order of proceedings before the registration appeals panel shall be as follows:
  - (a) the presenter shall make an opening statement of the reasons for the registrar's decision;
  - (b) the appellant shall have a right of reply, either in person or through a representative (if present);
  - (c) the presenter may produce evidence in support of the registrar's decision;
  - (d) the appellant, either in person or through a representative, may produce evidence;

- (e) where the appellant gives evidence, the presenter and the registration appeals panel shall have the opportunity to ask questions of that appellant;
- (f) the parties shall have the opportunity to make closing submissions;
- (g) after receiving legal advice, the panel will make a determination of the appeal *in camera*;
- (h) the chair of the registration appeals panel will announce the decision, and the reasons for its decision, in the presence of the parties.

## Evidence

13. (1) Subject to regulation 8(2) of the Social Care Wales (Proceedings before Panels) Regulations 2016, a panel may receive oral, documentary or other evidence.
- (2) In addition to the admission of the certificates referred to in regulation 20(3)<sup>43</sup>, (4)<sup>44</sup> and (5)<sup>45</sup> of the Social Care Wales (Proceedings before Panels) Regulations 2016, production of a record of a caution shall be prima facie evidence of the underlying facts of the offence giving rise to the caution.
- (3) A panel may admit evidence adduced by a party notwithstanding that such evidence has not been disclosed in accordance with rule 8(3):
  - (e) if the parties consent; or
  - (f) where, after hearing submissions by the parties and receiving legal advice from the legal adviser, it is satisfied that the evidence is relevant and that it would be fair to admit it.
- (4) A panel may of its own volition, request the parties to provide documentation or other evidence or request any person to give oral evidence which it considers might assist in making a determination.

## Witnesses

14. (1) Witnesses shall be sworn or required to affirm.
- (2) A panel may, on the application of the party calling the witness, agree that the witness' personal details shall not be revealed in public.
- (3) Witnesses shall be examined by the party calling them and may then be cross-examined by the opposing party. The party calling the witness may then re-examine the witness.

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<sup>43</sup> Regulation 20(3) provides that a certificate signed by a competent officer of a court of if any jurisdiction that a person has been convicted of a criminal offence, or in Scotland and extract conviction, is conclusive evidence of the offence.

<sup>44</sup> Regulation 20(4) provides that a certificate that a person is included in a barred list (for the purposes of section 117(1)(c) of the Act), issued by the person responsible for maintaining the list, is conclusive evidence of that fact.

<sup>45</sup> Regulation 20(5) provides that a certificate issued by a relevant body (for the purposes of section 117(1)(d) of the Act) that it has determined that a person's fitness to practise is impaired is conclusive evidence of that determination.

- (4) Witnesses may then be questioned by a panel, or by the legal adviser, with the leave of the chair.
- (5) The parties may then question the witnesses on matters arising out of the panel's questions. The party calling the witness shall question the witness last.
- (6) Any further questioning of witnesses shall be at the discretion of a panel.
- (7) Witnesses shall not be allowed to attend and observe the proceedings until they have completed giving evidence to a panel and have been formally released by the chair.

### **Special measures**

- 15. (1) Where a panel gives a direction under regulation 11(10) of the Social Care Wales (Proceedings before Panels) Regulations 2016, the special measures to be implemented or provided may include, but shall not be limited to:
  - (a) use of video links;
  - (b) use of pre-recorded evidence as the evidence of a witness;
  - (c) use of screens;
  - (d) use of interpreters (including signers and translators) or intermediaries.

### **Adjournment of the hearing**

- 16. (1) Subject to the requirements of a fair hearing, and after hearing representations from the parties, a panel may, at any stage of the hearing, adjourn the proceedings for the purposes of seeking further information or for any other purpose.
- (2) Where the hearing has been adjourned, the clerk shall, as soon, as practicable, notify the parties of the date fixed for the hearing to be resumed.

### **Voting**

- 17. (1) Decisions of the panel shall be taken by simple majority.
- (2) The chair of the panel may not exercise a casting vote.
- (3) Any abstention shall be deemed to be a vote in favour of the appellant.

### **Notice of the decision**

- 18. (1) Within seven days of the conclusion of the hearing, the clerk shall send a notice of decision to the appellant, which shall:
  - (a) set out the decision and reasons of the registration appeals panel;

- (b) where applicable<sup>46</sup>, set out the right of the appellant to appeal to the tribunal.
- (2) Within seven days of the conclusion of the hearing, the clerk shall send a notice of decision to the appellant's employer (if any), which shall be limited to the decision of the registration appeals panel.
- (3) Social Care Wales may provide the information in paragraph (2) to:
  - (a) the Welsh Government;
  - (b) any regulatory body.

### **Transcript of the hearing**

- 19. (1) Arrangements shall be made for the recording of a hearing before a panel.
- (2) Upon application, Social Care Wales shall send the appellant a transcript and/or an electronic copy of the recording, of any part of the proceedings at which the appellant was entitled to be present.

### **Proceeding without a hearing**

- 20. (1) Where an appeal is to be determined at a meeting and without the need for a hearing in accordance with Regulation 6(1) of the Social Care Wales (Proceedings before Panels) Regulations 2016, the following requirements of this rule shall apply and rule 21 shall apply in relation to the procedure to be followed.
- (2) The clerk shall send a notice of the meeting to the appellant which shall:
  - (a) state the date, time and venue of the meeting;
  - (b) be accompanied by all documents to be considered by the panel;
  - (c) inform the appellant of the possible outcomes;
  - (d) invite the appellant to provide any written submissions they wish to make about the case within 14 days of service of the notice;
  - (e) inform the appellant of their rights to:
    - (i) attend an oral hearing;
    - (ii) give evidence to the panel;
    - (iii) make oral submissions to the panel either in person or through a representative;
    - (iv) call and cross examine witnesses;
  - (f) inform the appellant that if they should wish to exercise any of the rights in paragraph (e) written notification must be given to Social

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<sup>46</sup> Section 104(1) and (2) provide that an appeal to the tribunal may be made where a registration appeals panel –

- (a) makes a determination under section 98(1)(b) that an entry in the register should not be restored for a reason that relates to the person's fitness to practise;
- (b) directs under section 98(4) that a person may not make further applications for restoration to a part of the register, or confirms such a direction under section 99(2);
- (c) make a determination in respect of an application for restoration referred to it by virtue of rules made under section 100(2)(e) for a reason that relates to the person's fitness to practise;
- (d) makes a determination under section 103 in respect of an appeal against a decision of the registrar.

Care Wales within 14 days of the date of the notice of meeting and that in the absence of such notification that the registration appeals panel may proceed to deal with the case at a meeting on the specified date.

- (3) The meeting shall not be fixed for any date earlier than 42 days after the sending of the notice of meeting in paragraph (1) except with the agreement of the parties

### **Procedure at registration appeals panel meeting**

- 21. (1) A registration appeals panel shall meet in private with a legal adviser, but no party shall be present.
- (2) If the panel considers at any stage of the meeting that the case should be dealt with at a hearing taking into account the interests of justice and the public interest, the case shall be referred for hearing.
- (3) The panel shall consider the case based on the written evidence and written submissions made by Social Care Wales and by or on behalf of the appellant.

### **Notice of the decision**

- 22. (1) Within seven days of the conclusion of the meeting, the clerk shall send a notice of decision to the appellant, which shall:
  - (a) set out the decision and reasons of the registration appeals panel;
  - (b) where applicable,<sup>47</sup> set out the right of the appellant to appeal to the tribunal.
- (2) Within seven days of the conclusion of the hearing, the clerk shall send a notice of decision to the appellant's employer (if any), which shall be limited to the decision of the registration appeals panel.
- (3) Social Care Wales may provide the information in paragraph (2) to:
  - (a) the Welsh Government;
  - (b) any regulatory body.

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<sup>47</sup> Section 104(1) and (2) provide that an appeal to the tribunal may be made where a registration appeals panel –

- (a) makes a determination under section 98(1)(b) that an entry in the register should not be restored for a reason that relates to the person's fitness to practise;
- (b) directs under section 98(4) that a person may not make further applications for restoration to a part of the register, or confirms such a direction under section 99(2);
- (c) make a determination in respect of an application for restoration referred to it by virtue of rules made under section 100(2)(e) for a reason that relates to the person's fitness to practise;
- (d) makes a determination under section 103 in respect of an appeal against a decision of the registrar.

## PART IV

### APPLICATIONS FOR RESTORATION FOLLOWING FITNESS TO PRACTISE PROCEEDINGS

#### Application for restoration

23. (1) Where a fitness to practise panel has previously made a removal order, an application for restoration may be made, unless any of the circumstances in section 97(3)(a)<sup>48</sup> or (b)<sup>49</sup> or 98(4)<sup>50</sup> of the Act apply.
- (2) A person applying for restoration under this rule must provide to the registrar in writing or by electronic process:
- (a) an application for registration satisfying the requirements of rules 3 to 9 and 19 (if applicable) of the Registration Rules;
  - (b) the appropriate fee (as set out on the Social Care Wales website); and
  - (c) any documentary evidence relied upon in support of the application.

#### Notice and documentation for the hearing

24. (1) As soon as reasonably practicable after receipt of a completed application for restoration to the register which complies with rule 23, the clerk shall send the applicant:
- (a) a copy of the transcript of the fitness to practise panel hearing at which the removal order was made;
  - (b) any documents to be relied upon by Social Care Wales;
  - (c) a notice of hearing before the registration appeals panel.
- (2) At least 42 days before the registration appeals panel hearing, the clerk shall send to the appellant a notice which shall:
- (a) state the date, time and venue of the hearing;
  - (b) inform the applicant of the right to attend the hearing and make oral submissions to the panel or to be represented by:
    - (i) a solicitor or counsel,
    - (ii) a representative from any professional organisation, or
    - (iii) if the registration appeals panel agrees, any other person;
  - (c) inform the applicant that any application to be represented by a person other than those listed in paragraph (1)(b)(i) and (ii) above,

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<sup>48</sup> Section 97(3)(a) provides that the person may not make an application for restoration before the expiry of five years beginning with the date on which the order was made.

<sup>49</sup> Section 97(3)(b) provides that the person may not make an application for restoration if they have made an application for restoration to the register within a period of 12 months preceding the application.

<sup>50</sup> Section 98(4) provides that a registration appeals panel may give a direction that a person may not make an application for restoration to the register where the person has made two or more applications previously and, on the second or subsequent application, the registration appeals panel made a direction that the person may not make any further applications for restoration.

- should be sent to the clerk no later than seven days in advance of a meeting of the panel;
- (d) request confirmation of whether the applicant intends to:
    - (i) attend the hearing;
    - (ii) be represented at the hearing;
    - (iii) agree to the proceedings being determined without a hearing if the circumstances in regulation 6(1) of the Social Care Wales (Proceedings before Panels) Regulations 2016 apply;
  - (e) request the applicant to inform the panel whether the applicant wishes to apply for all or part of the proceedings to be heard in private under regulation 9(2) or (3) of the Social Care Wales (Proceedings before Panels) Regulations 2016; as amended by the Social Care Wales (Proceedings before Panels (Amendment) Regulations 2017:
  - (f) inform the applicant that a person who proposes to attend and give evidence at the hearing cannot be present during the proceedings until such evidence has been given, without the leave of the panel;
  - (g) inform the appellant that, in the event that they do not wish to attend the hearing, they may submit written representations not later than five days before the date of the hearing for consideration by the panel;
  - (h) inform the applicant of the possible outcomes open to the panel;
  - (i) inform the applicant of the panel's power to proceed in the absence of the applicant or the applicant's representative, at the hearing.
  - (j) enclose copies of any documents to be put before the registration appeals panel, including a copy of these Rules.
- (3) The hearing shall not be fixed for any date earlier than 42 days after the sending of the notice of hearing in paragraph (2) except with the agreement of the applicant.
  - (4) No later than 28 days before the meeting of the registration appeals panel, the applicant shall provide to the clerk, copies of any documents on which the applicant intends to rely.
  - (5) No later than seven days before the registration appeals panel hearing, the clerk shall send to each panel member:
    - (a) a copy of the notice of the hearing;
    - (b) copies of all the documents which the applicant has submitted;
    - (c) any information, or copies of any documents obtained by SCW which are relevant to the application; and
    - (d) any representations the applicant has submitted.

### **Burden and standard of proof**

- 25. (1) The burden of proof in proceedings before the registration appeals panel under rule 3(1)(e) shall rest upon the applicant.
- (2) Where facts are in dispute, a panel shall decide the facts on the civil standard, applying the balance of probabilities.



### **Procedure at hearings**

26. (1) Rules 7, 9, 10 and 12 to 19 shall apply to applications under this part as they apply to appeals under Part III.
- (2) The presenter shall outline the history of the applicant's case and the circumstances in which the removal order was made.
- (3) The presenter may adduce any documents which were considered by the fitness to practise panel that made the removal order and any documents that have since come into the possession of Social Care Wales which relate to the applicant's fitness to practise and may call witnesses to give evidence.
- (4) The applicant or his or her representative may address the panel as to why registration should be restored and may call witnesses in support of the application.
- (5) Witnesses shall be examined by the party calling them and may be questioned by the other party, by the panel and by the legal adviser.
- (6) The registration appeals panel shall obtain legal advice from the legal adviser before determining the application.
- (7) The registration appeals panel shall obtain medical advice from the medical adviser before determining the application where the removal order was made on the ground that the applicant's fitness to practise was impaired by reason of health.
- (8) In making a determination, the registration appeals panel shall have regard to:
- (a) the reasons why the applicant was removed from the register;
  - (b) evidence as to the applicant's current fitness to practise;
  - (c) evidence as to the applicant's conduct since removal from the register;
  - (d) the need for protection of the public;
  - (e) the public interest in maintaining confidence in social care services.

### **Proceeding without a hearing**

27. (1) Where an application under this Part is to be determined at a meeting and without the need for a hearing in accordance with Regulation 6(1) of the Social Care Wales (Proceedings before Panels) Regulations 2016, the following requirements of this rule shall apply and rule 28 shall apply in relation to the procedure to be followed.
- (2) The clerk shall send a notice of the meeting to the applicant which shall:
- (a) state the date, time and venue of the meeting;
  - (b) be accompanied by all documents to be considered by the panel;

- (c) inform the applicant of the possible outcomes;
  - (d) invite the applicant to provide any written submissions they wish to make about the case;
  - (e) inform the applicant of their rights to:
    - (i) attend an oral hearing;
    - (ii) give evidence to the panel;
    - (iii) make oral submissions to the panel either in person or through a representative;
    - (iv) call and cross examine witnesses;
  - (f) inform the applicant that if they wish to exercise any of the rights in paragraph (e) written notification must be given to Social Care Wales within 14 days of the date of the notice of meeting and that in the absence of such notification that the registration appeals panel may proceed to deal with the case at a meeting on the specified date.
- (3) The meeting shall not be fixed for any date earlier than 42 days after the sending of the notice of meeting in paragraph (1) except with the agreement of the parties.

#### **Procedure at registration appeals panel meeting**

28. (1) A registration appeals panel shall meet in private with a legal adviser, but no party shall be present.
- (2) Where the applicant has requested that the case be considered at a hearing, the panel shall adjourn the meeting and refer the case for hearing.
- (3) If the panel considers at any stage of the meeting that the case should be dealt with at a hearing taking into account the interests of justice and the public interest, the case shall be referred for hearing.
- (4) The panel shall consider the case based on the written evidence and written submissions made by Social Care Wales and by or on behalf of the applicant.
- (5) The decision of a registrations appeals panel and the reasons for the decision shall be announced in public.

#### **Notice of the decision**

29. (1) Within seven days of the conclusion of the hearing or meeting, the clerk shall send a notice of decision to the applicant, which shall:
- (a) set out the decision and reasons of the registration appeals panel;
  - (b) where applicable, set out the right of the applicant to appeal to the tribunal.
- (2) Within seven days of the conclusion of the hearing, the clerk shall send a notice of decision to the appellant's employer (if any), which shall be limited to the decision of the registration appeals panel.

- (3) Social Care Wales may provide the information in paragraph (2) to:
- (a) the Welsh Government;
  - (b) any regulatory body.

## **PART V**

### **PROCEDURE IN RELATION TO REVIEW OF SUSPENSION OF RIGHT TO APPLY FOR RESTORATION**

#### **Application for review of direction**

30. (1) A person applying for a review of the direction under this Part must provide the registrar with a written application together with copies of all documents relied upon in support of the application.

#### **Notice of hearing documentation**

31. (1) As soon as reasonably practicable after receipt of an application for a review of the direction, the clerk shall send the applicant:
- (a) a copy of the transcript of the fitness to practise hearing at which the removal order was made(if available);
  - (b) a copy of the decision of the registration appeals panel, containing the direction given under section 98(4) of the Act;
  - (c) any other documents to be relied upon by Social Care Wales;
  - (d) a notice of hearing before the registration appeals panel.
- (2) At least 42 days before the registration appeals panel hearing, the clerk shall send to the appellant a notice which shall:
- (a) state the date, time and venue of the hearing;
  - (b) set out the right of the applicant, within 21 days of the date of the notice, to send to Social Care Wales in support of the application for review:
    - (i) written representations; and
    - (ii) any documentary evidence to be relied upon.
- (3) The hearing shall not be fixed for any date earlier than 42 days after the sending of the notice of hearing in paragraph (2) except with the agreement of the applicant.
- (4) Not less than seven days before the hearing, the clerk shall send to the registration appeals panel copies of:
- (a) the notice of hearing;
  - (b) the application for review of the direction and any documents provided by the applicant in support;
  - (c) a copy of the transcript of the fitness to practise hearing at which the removal order was made;
  - (d) a copy of the decision of the registration appeals panel, containing the direction given under section 98(4) of the Act;

- (e) any documents relied upon by Social Care Wales;
- (f) any documents relied upon by the applicant.

### **Burden and standard of proof**

- 32. (1) The burden of proof in proceedings before the registration appeals panel under rule 3(1)(f) shall rest upon the applicant.
- (2) Where facts are in dispute, a panel shall decide the facts on the civil standard, applying the balance of probabilities.

### **Procedure at hearings**

- 33. (1) Rules 7, 9, 10 and 12 to 19 shall apply to applications under this Part as they apply to appeals under Part III.
- (2) The presenter shall outline the history of the applicant's case, the circumstances in which the removal order was made and the direction given.
- (3) The presenter may adduce any documents which were considered by the fitness to practise panel that made the removal order, the decision of the registration appeals panel containing the direction given under section 98(4) of the Act, and any documents that have since come into the possession of Social Care Wales which relate to the applicant's fitness to practise and may call witnesses to give evidence.
- (4) The applicant or his or her representative may address the panel as to why the direction should be revoked.
- (5) Witnesses shall be examined by the party calling them and may be questioned by the other party, by the panel and by the legal adviser.
- (6) The registration appeals panel shall obtain legal advice from the legal adviser before determining the application.
- (7) The registration appeals panel shall obtain medical advice from the medical adviser before determining the application where the order was made on the ground that the appellant's fitness to practise was impaired by reason of health.

### **Proceeding without a hearing**

- 34. (1) Where an application under this Part is to be determined at a meeting and without the need for a hearing in accordance with Regulation 6(1) of the Social Care Wales (Proceedings before Panels) Regulations 2016, the following requirements of this rule shall apply and rule 35 shall apply in relation to the procedure to be followed.
- (2) The clerk shall send a notice of the meeting to the applicant which shall:
  - (a) state the date, time and venue of the meeting;
  - (b) be accompanied by all documents to be considered by the panel;

- (c) inform the applicant of the possible outcomes;
  - (d) invite the applicant to provide any written submissions they wish to make about the case;
  - (e) inform the applicant of their rights to:
    - (i) attend an oral hearing;
    - (ii) give evidence to the panel;
    - (iii) make oral submissions to the panel either in person or through a representative;
    - (iv) call and cross examine witnesses;
  - (f) inform the applicant that if they should wish to exercise any of the rights in paragraph (e) written notification must be given to Social Care Wales within 14 days of the date of the notice of meeting and that in the absence of such notification that the registration appeals panel may proceed to deal with the case at a meeting on the specified date.
- (3) The meeting shall not be fixed for any date earlier than 42 days after the sending of the notice of meeting in paragraph (2) except with the agreement of the parties

#### **Procedure at registration appeals panel meeting**

35. (1) A registration appeals panel shall meet in private with a legal adviser, but no party shall be present.
- (2) Where the applicant has requested that the case be considered at a hearing, the panel shall adjourn the meeting and refer the case for hearing.
- (3) If the panel considers at any stage of the meeting that the case should be dealt with at a hearing taking into account the interests of justice and the public interest, the case shall be referred for hearing.
- (4) The panel shall consider the case based on the written evidence and written submissions made by Social Care Wales and by or on behalf of the applicant.

#### **Notice of the decision**

36. (1) Within seven days of the conclusion of the hearing or meeting, the clerk shall send a notice of decision to the applicant, which shall:
- (a) set out the decision and reasons of the registration appeals panel;
  - (b) where applicable, set out the right of the applicant to appeal to the tribunal.
- (2) Within seven days of the conclusion of the hearing, the clerk shall send a notice of decision to the appellant's employer (if any), which shall be limited to the decision of the registration appeals panel.

- (3) Social Care Wales may provide the information in paragraph (2) to:
- (a) the Welsh Government;
  - (b) any regulatory body.

### **Service of Notices**

37. (1) The notices required by these rules to be sent to a Registered person, may be sent:
- (a) by electronic mail to an electronic mail address that the Applicant, Appellant Registered Person has notified to the SCW as an address for communications or such other latest electronic mail address known to SCW, or
  - (b) by a postal service or other delivery service in which delivery or receipt is recorded to, or by leaving it at, the postal address of the Applicant, Appellant or Registered Person as specified in the register (where applicable) or such other latest address known to SCW.

**Signed on behalf of Social Care Wales**

**Mick Giannasi  
Chair  
Social Care Wales**



<b>CYFARFOD / MEETING</b>	<b>Board meeting</b>				
	<b>PREIFAT / PRIVATE</b>		<b>CYHOEDDUS / PUBLIC</b>		
	<input type="checkbox"/>		<input checked="" type="checkbox"/>		
<b>DYDDIAD / DATE</b>	<b>21.0.22</b>				
<b>EITEM AGENDA AGENDA ITEM</b>	<b>12</b>				
<b>TEITL / TITLE SCW/22/25</b>	<b>Equal Pay Review Report 2022</b>				
<b>AWDUR / AUTHOR</b>	Rhianon Jones, HR & Wellbeing Manager				
<b>CYFRANIADAU GAN/ CONTRIBUTIONS FROM:</b>					
<b>PAPURAU CEFNOGOL / SUPPORTING PAPERS</b>	Appendix 1 – Staff Equality Profile Appendix 2 – Social Care Wales Pay Scales				
<b>GWEITHGAREDD CYNLLUN BUSNES / BUSINES PLAN ACTIVITY</b>					
<b>GWEITHRED / ACTION REQUIRED</b>	<b>CYMERADWYAE TH / APPROVAL</b>	<b>DARPARU LLYW / PROVIDE A STEER</b>	<b>DARPARU SICRWYDD / PROVIDE ASSURANCE</b>	<b>TRAFODAETH / DISCUSSION</b>	<b>CRAFFU / SCTRUTINIS E</b>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>ARGYMHELLIAD / RECOMMENDATION</b>	Members are invited to <b>note</b> and <b>discuss</b> .				
<b>PRIF BWYNTIAU; MATERION ALLWEDDOL I DYNNU SYLW ATYNT; CWESTIYNAU I'W YSTYRIED</b>	<ol style="list-style-type: none"> <li>1. There is no evidence of pay discrimination on the grounds of any protected characteristics.</li> <li>2. Our gender pay gap has reduced by 5.12% and is currently below the UK average.</li> <li>3. We must not become complacent and will continue to monitor and report annually. We will also ensure that there is clear justification for any case of not appointing to the minimum grade point.</li> </ol>				



<b>MAIN POINTS; KEY ISSUES TO DRAW TO ATTENTION; QUESTIONS TO CONSIDER</b>	
<b>ASESIADAU EFFAITH / IMPACT ASSESSMENTS</b>	No additional impact assessment required

## **Equal Pay Review report: as at 20 June 2022**

### **1. Context**

- 1.1 The purpose of an Equal Pay audit is to identify if there are any actual or potential inequalities relating to pay within the organisation, and if so identified to take action to address them.
- 1.2 Historically these audits were introduced to check that organisations were not paying men and women different rates of pay for the same work or work of equal value. With the introduction of the Equality Act 2010 equal pay audits were extended to cover all the *protected characteristics* which are sex; age; disability; race; gender reassignment; pregnancy or maternity; religion or belief; sexual orientation and marriage and civil partnership.
- 1.3 In particular we want to check that we are not directly or indirectly discriminating against any employee or group of employees through our pay systems.

### **2. Objectives of the review**

- 2.1 The objectives of the review are to:
  - make sure that our pay systems are transparent
  - make sure that employees receive equal pay for equal work
  - identify and explain the reasons for any pay differences
  - identify and report our gender pay gap

### **3. Gender pay gap**

- 3.1 Since April 2017 organisations with more than 250 employees are required to publish their gender pay gap. Although we do not fall into the scope of this legislative requirement, we feel that it is good practice to include the gender pay gap data as part of our equal pay audit.
- 3.2 The Equality and Human Rights Commission (EHRC) describes the difference between the gender pay gap and equal pay as follows:

“Whilst both equal pay and the gender gap deal with the disparity of pay women receive in the workplace, they are two different issues:

1. Equal pay means that men and women in the same employment performing equal work must receive equal pay, as set out in the Equality Act 2010.
2. The gender pay gap is a measure of the difference between men’s and women’s average earnings across an organisation or the labour market. It is expressed as a percentage of men’s earnings.

### **3.3 Our Gender Pay Gap**

- 3.4 At 20 June 2022, our gender pay gap was **11.52%** (median).
- 3.5 In March 2021 it was 23.52% and in June 2021 was 16.64%.
- 3.6 Our gender pay gap has reduced by 5.12%.
- 3.7 The current UK average is 15.4%.
- 3.8 Our pay gap can likely be explained by an overrepresentation of women across the organisation as a whole and in the lower paid grades, with 75% of women represented in the lower quartile. We have seen an increase in men in the lower quartile this year, which likely explains why the gap has reduced.

<b>Pay Quartiles</b> (How many men and women are in each quartile of our payroll)			
<b>Top Quartile</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Men	35%	27%	33%
Women	65%	73%	67%
<b>Upper Middle Quartile</b>			
Men	39%	36%	31%
Women	61%	64%	69%
<b>Lower Middle Quartile</b>			
Men	16%	29%	26%
Women	84%	71%	74%
<b>Lower Quartile</b>			
Men	13%	9%	25%
Women	87%	91%	75%

## 4. Equal Pay

### Equivalent work

- 4.1 We compared the salaries for men and women on each pay grade within the organisation. We deemed this the best way to compare “like for like” work.
- 4.2 The tables below show the salaries for men and women on each grade and the time that they have been on that grade.
- 4.3 In general, we would expect to see salaries increase with length of service, regardless of gender.

- 4.4 It is usual practice within Social Care Wales to appoint new employees on the first (minimum) point of the relevant pay grade, and each pay grade is made up of three incremental points.
- 4.5 Any requests from prospective employees to commence higher than the minimum point require approval from the relevant department Director. Where such requests are approved it is usually in situations where we have experienced difficulty attracting a relevant pool of candidates or have an urgent requirement to recruit.
- 4.6 Where existing staff are promoted to a higher-grade role within the organisation, we identify if there is an overlap in salary bands and on occasion will appoint above the minimum point of the new pay grade.
- 4.7 In the tables provided, service years represents the employees service years on that particular grade, not their service with the organisation.

## A1

Female		Male	
Salary	Service years completed	Salary	Service years completed
21,196.00	0	21,196.00	0
21,196.00	0	21,196.00	0
21,196.00	0	21,196.00	0
21,196.00	0	21,196.00	0
21,196.00	0	21,196.00	0
21,196.00	0	21,196.00	0
21,196.00	0	21,196.00	0
22,476.00	0	21,196.00	0
21,196.00	0	23,757.00	3
21,196.00	0		
21,196.00	1		
23,757.00	2		
23,757.00	2		
23,757.00	2		
23,757.00	2		
23,757.00	2		
23,291.00	3		
23,757.00	5		
23,757.00	5+		

Salaries in the A1 grade are reflective of length of service, with the exception of one female employee who commenced on the second point of the scale.

Those yet to complete a full year of service at point 1, those in their second year of service at point two, and those in their third year of service on the top of the grade.

We have 18 women and 8 men occupying the A1 roles and the ratio is typical of the candidate application profile. When we reported last year, we only had two men occupying A1 roles, so we have seen an increase this year.

## A2

Female		Male	
Salary	Service Years	Salary	Service Years
25,264.00	0	25,264.00	0
25,264.00	0	25,264.00	0
25,264.00	0	25,264.00	0
25,264.00	0	26,612.00	0
25,264.00	0	27,962.00	3
25,264.00	0	27,962.00	5+
25,264.00	0	27,962.00	5+
25,264.00	0	27,962.00	5+
25,264.00	0	27,962.00	5+
26,612.00	1		
26,612.00	1		
26,612.00	1		
27,962.00	2		
27,962.00	2		
27,962.00	2		
27,414.00	3		
27,962.00	4		
27,962.00	4		
27,962.00	5		
27,962.00	5		
27,962.00	5		
27,962.00	5+		
27,962.00	5+		
27,962.00	5+		
27,962.00	5+		

In A2 there are 25 women and 9 men. Salaries are consistent with length of service with the exception of one male employee who commenced on the second point of the scale.

**A3**

Female		Male	
Salary	Service Years	Salary	Service Years
32,998.00	0	29,372.00	0
29,372.00	0	29,372.00	0
29,372.00	0	29,372.00	0
29,372.00	0	29,372.00	0
29,372.00	0	29,372.00	0
29,372.00	0		
29,372.00	0		
29,372.00	0		
29,372.00	0		
29,372.00	0		
29,372.00	0		
29,372.00	0		
29,372.00	0		
29,372.00	0		
31,185.00	1		
31,185.00	1		
31,185.00	1		
32,998.00	4		
32,351.00	4		
32,998.00	5		
32,998.00	5+		
32,998.00	5+		

In A3 there are 21 women and 5 men in post, and again salaries appear consistent with length of service with the exception of one female employee who commenced at the top of the scale.

**B1**

Female		Male	
Salary	Service Years	Salary	Service Years
35,246.00	0	35,246.00	0
35,246.00	0	35,246.00	0
35,246.00	0	35,246.00	0
35,246.00	0	35,246.00	0
35,246.00	0	36,685.00	1
35,246.00	0	39,589.00	5+
35,246.00	0	36,685.00	5+
35,246.00	0	39,589.00	5+
37,419.00	1	39,589.00	5+
39,589.00	1	39,589.00	5+
39,589.00	1	39,589.00	5+
39,589.00	1		
37,419.00	1		

37,419.00	1		
39,589.00	5+		
39,589.00	5+		
39,589.00	5+		
39,589.00	5+		
39,589.00	5+		
39,589.00	5+		
39,589.00	5+		
39,589.00	5+		
39,589.00	5+		
39,589.00	5+		

In B1 there are 24 women and 11 men in post.

Most salaries are consistent with the length in service, with the exception of 3 female employees who commenced on the second point of the salary scale.

## B2

Female		Male	
Salary	Service Years	Salary	Service Years
41,122.00	0	41,122.00	0
43,659.00	0	41,122.00	0
41,122.00	0	46,194.00	3
43,659.00	1	46,194.00	4
46,194.00	3	46,194.00	5+
46,194.00	3	46,194.00	5+
46,194.00	5		
46,194.00	5+		
46,194.00	5+		
46,194.00	5+		
46,194.00	5+		
46,194.00	5+		

In B2 there are 12 women and 6 men in post.

Salaries are consistent with the length of service with the exception of one female employee who commenced on the second point of the scale.

## C1

Female		Male	
Salary	Service Years	Salary	Service Years
52,786.00	1	46,994.00	0
52,786.00	2	49,890.00	1
52,786.00	2	52,786.00	5
52,786.00	4	52,786.00	5+
52,786.00	5	52,786.00	5+
52,786.00	5+		
52,786.00	5+		
52,786.00	5+		
52,786.00	5+		
52,786.00	5+		
52,786.00	5+		

In C1 there are 11 women and 5 men.

One female employee was appointed at the top of the scale. This was for a role where we traditionally have difficulty attracting candidates with the skills, experience and knowledge required.

All other salaries are consistent with the length in service.

## C2

Female		Male	
Salary	Service Years	Salary	Service Years
57,729.00	4	57,729.00	4
60,903.00	5	57,729.00	4
57,729.00	5	57,729.00	4
57,729.00	4		

In C2 there are 4 women and 3 men.

One female employee counted here was transferred to Social Care Wales on a TUPE arrangement in April 2017 at a pay rate that sits just above our standard C2 scale. The organisation was legally required to transfer the employee across on that salary.

All other salaries are consistent with the length in service.



## D

In D there are 2 men and 1 woman in post. All three employees are on top of the salary scale.

## CEO

We have one woman in post at the CEO grade, which only has one spine point.

### Average pay by age

4.8 Below is an analysis of average earning by age for the organisation.

2022	Social Care Wales	
Age	Male	Female
18-21	0	0
22-29	£26,167.77	£26,098.85
30-39	£31,692.00	£31,160.17
40-49	£40,814.73	£40,878.57
50-59	£50,690.18	£40,833.72
60+	£43,988.00	£78,177.00

4.9 The two main areas of difference are in the 50 – 29 range and the 60+ range.

4.10 In the range 50 – 59 we can see that the average pay for men is higher. In this age group we have 1 male, all in grades B1 or above. Our 25 females in this age group span all our pay grades from A1 to C2.

4.11 In the 60+ range, our 3 male employees span grades B1 – C1, whereas our 3 female employees range from C1 up to the CEO.

### Average salaries per grade

4.12 The average salaries for each grade are as follows:

Grade	Average Male	Average Female	Variation
D	79,180.00	79,180.00	0
C2	57,729.00	58,522.50	+1.35% (female)
C1	51,048.40	52,786.00	+3.42% (female)
B2	44,503.33	44,926.17	+0.94% (female)
B1	37,481.73	37,870.08	+1.02% (female)

A3	29,372.00	30,636.19	+4.12% (female)
A2	26,912.67	26,806.80	+0.39% (male)
A1	21,516.13	22,379.44	+3.85% (female)

4.13 It is suggested by the EHRC that variations of 5% or more should merit further investigation. The figures above show that we are currently within the 5% tolerance rate across all grades.

### **Other protected characteristics**

A total of 70% of staff have recorded all or some of their equality information. Where we have adequate data to support analysis, this is provided below.

#### **4.14 Average pay by ethnic origin**

A total of 48.83% of the workforce have declared their ethnicity.

Of these 46.51% identified as White, White-Welsh, or White British 1.16% identified as Black African or White and Black African, 0.58% as Black Caribbean and 0.58% Asian Bangladeshi.

Their salaries are consistent with length of service in grade and there is no evidence to show that employees are paid differently based on their ethnicity.

#### **4.15 Disability**

A total of 8.72% of our workforce have declared a disability or long-term medical condition, and their salaries are consistent with length of service in grade.

#### **4.16 Pregnancy / Maternity**

Our increment policy ensures that staff continue to be awarded their annual increments during the period of maternity leave. This means that there is no negative impact on female employees who are on maternity leave.

### **5. Conclusion and key messages**

- 5.1 There is no evidence of pay discrimination on the grounds of any protected characteristics. Any differences are as a result of length of service or TUPE transfers protecting previous salaries.
- 5.2 We must not become complacent and will continue to monitor and report annually. We will also ensure that there is clear justification for any case of not appointing to the minimum grade point.
- 5.3 Our gender pay gap has decreased and is currently below the UK average.

- 5.4 We will continue to monitor and report annually to ensure there is no direct or indirect discrimination within our workforce.

## Organisation diversity profile

	134 staff <b>June 2021</b>	172 staff <b>June 2022</b>
<b>Gender</b>		
Male	25.37%	<b>29.65%</b>
Female	74.62%	<b>69.76%</b>
<b>Gender identity*</b>		
Cisgender	-	<b>7.5%</b>
Transgender	-	<b>1%</b>
<b>Age</b>		
18-21	1.49%	<b>0</b>
22-29	17.16%	<b>23.35%</b>
30-39	32.08%	<b>28.14%</b>
40-49	20.14%	<b>23.35%</b>
50-59	25.37%	<b>21.55%</b>
60+	2.98%	<b>3.59%</b>
<b>Religion</b>		
Prefer not to answer / not declared	36.5%	<b>37.79%</b>
Atheist	7.46%	<b>5.81%</b>
Agnostic	4.47%	<b>3.48%</b>
Christian	21.64%	<b>24.21%</b>
Hindu	-	<b>0.58%</b>
None	27.31%	<b>26.74%</b>
Other (not specified)	-	<b>1.16%</b>
<b>Sexual orientation</b>		
Bisexual	0.74%	<b>1.16%</b>
Homosexual	2.23%	<b>1.16%</b>
Heterosexual	59.7%	<b>55.81%</b>
Pansexual	-	<b>1.16%</b>
Prefer not to answer / not declared	37.3%	<b>40.69%</b>
<b>Disability</b>		
Yes	6.71%	<b>8.72%</b>
No	58.2%	<b>51.74%</b>
Prefer not to answer / not declared	35.07%	<b>39.53%</b>
<b>Race</b>		

Prefer not to answer / not declared	36.56%	<b>51.17%</b>
Any white background	42.53%	<b>46.51%</b>
White and Black African	1.49%	<b>1.16%</b>
Black Caribbean	0.74%	<b>0.58%</b>
Asian Bangladeshi	0.74%	<b>0.58%</b>

\*In previous years staff were only given the option of Male or Female for their gender, but we have added a category called gender identity to expand on the options available which reflect the diverse range of gender identities.

## Pay scales

	Scale Point	Salary (from April 2021)	Pension contribution rate
A1			
	1	£21,196	5.8%
	2	£22,476	5.8%
	3	£23,757	6.5%
A2			
	4	£25,264	6.5%
	5	£26,612	6.5%
	6	£27,962	6.5%
A3			
	7	£29,372	6.5%
	8	£31,185	6.5%
	9	£32,998	6.5%
B1			
	10	£35,246	6.5%
	11	£37,419	6.5%
	12	£39,589	6.8%
B2			
	13	£41,122	6.8%
	14	£43,659	6.8%
	15	£46,194	6.8%
C1			
	16	£46,994	6.8%
	17	£49,890	8.5%
	18	£52,786	8.5%
C2			
	19	£51,400	8.5%
	20	£54,565	8.5%
	21	£57,729	8.5%
D			
	22	£70,492	9.9%
	23	£74,835	9.9%
	24	£79,180	9.9%
CEO	25	£120,848	11.4%



<b>Cyfarfod / Meeting</b>	<b>Board meeting</b>	
<b>Lefel dosbarthiad / Openness Level</b>	<b>Preifat / Private</b>	<b>Cyhoeddus / Public</b>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Dyddiad / Date</b>	<b>21.07.22</b>	
<b>Eitem Agenda / Agenda Item</b>	<b>13</b>	
<b>Teitl / Title</b>  <b>SCW/22/26</b>	<b>Board development sessions synopsis</b>	
<b>Awdur / Author</b>	Llinos Bradbury, Board Secretary	
<b>Cyfraniadau Gan/ Contributions From</b>		
<b>Papurau Cefnogol / Supporting Papers</b>	Appendix 1 – Board development sessions synopsis	
<b>Gweithgaredd Cynllun Busnes / Business Plan Activity</b>		
<b>Argymhelliad / Recommendation</b>	The Board development sessions synopsis is for <b>information</b> only.	
<b>Prif Bwyntiau; Materion Allweddol i Dynnu Sylw Atynt: Cwestiynau I'w Ystyried</b>  <b>Main Points: Key Issues to Draw to Attention;</b>		

<b>Questions To Consider</b>					
<b>Goblygiadau Risg y cynigion / Risk Implications of Proposals</b>	<b>Cyf Risg/ Risk Ref</b>			<b>Sgoriau risg gweddilliol Residual Risk Scores</b>	
		<b>Teitl y Risg / Risk Title</b>		<b>Likelihood</b>	<b>Impact</b>
	N/A				
<b>Asesiadau Effaith / Impact Assessments Considered</b>	<b>Cyfle cyfartal / Equality of Opportunity</b>		<b>Diogelu data / Data Protection</b>	<b>Iaith Gymraeg / Welsh Language</b>	<b>Arall / Other (e.g climate change / future generations)</b>
	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Not applicable for Board development sessions				



## **Board development sessions synopsis**

### **1. Context**

- 1.1 Alongside formal Board meetings during the year the Board also hold regular Board development sessions (monthly 3hr sessions). The development sessions provide an opportunity for Board members to:
- Receive information on workstreams or projects;
  - Provide input during the development of pieces of work;
  - Interact and ask questions with staff who lead on various projects or workstreams;
  - Receive updates and presentation from external stakeholders;
  - Undertake necessary training;
  - Receive updates from the Executive Management Team;
  - Provide the opportunity for Board development, and share insight and experiences with each other (through perspective from a Board member item).
- 1.2 The appendix to this paper provides a summary of the items discussed at Board development sessions since the last Board meeting in April 2022.

### **2. Resource implications**

- 2.1 The Board Secretary coordinates and organises the Board development session and is included within the workplan for the Corporate Governance team on an annual basis. The Executive Management Team attend all Board development sessions and lead on sessions as necessary.
- 2.2 Board members attend the development sessions as part of their 24 days a year which is allocated to their roles as Board members.

### **3. Risk and assurance**

- 3.1 There are no risks associated with the Board development sessions.

### **4. Engagement**

- 4.1 There is a forward plan for the Board development sessions which is reviewed and discussed at the quarterly Chairs Coordinating Group meetings.

The development sessions provide the opportunity for informal engagement with the social care sector and relevant stakeholders, and this is an area that will have a particular focus going forward following feedback from the Board.

## **5. Impact**

- 5.1 The best Boards – those that fulfil their duties most effectively embrace a culture of continuous improvement and development, underpinned by rigorous evaluation<sup>1</sup>.

The Board development sessions ensure that the Board members are able to undertake their roles and responsibilities providing the opportunity for informal discussions, input on strategic developments as well as undertaking and necessary training and development for the Board.

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<sup>1</sup> The Good Governance Institute

Development session	Item	Impact
May 2022	Dementia Friends training	Board members who attended that training are now Dementia Friends
	Perspective from a Board member – Damian Bridgeman	Opportunity for Board members to share a perspective from either their professional background or personal reflections. This session helps the Board members to gain insight into each other.
	Social Care Wales's Digital Strategy update	Board members are aware of future developments in relation to the organisation's Digital Strategy
June 2022	Our impact	Clarity and discussion on the organisation's governance framework: <ul style="list-style-type: none"> <li>- Strategic plan</li> <li>- Impact report</li> <li>- Statutory Accounts</li> <li>- Business Plan</li> <li>- Quarterly performance dashboards for 2022-23</li> </ul>
	Potential new and emerging areas of work	The Board have been updated on a number of areas that are potential additions to the business plan – either in scale or scope.
	Perspective from a Board member – Abigail Harris	Opportunity for Board members to share a perspective from either their professional background or personal

		reflections. This session helps the Board members to gain insight into each other.
July 2022	Strategic Primary Care programme – presentation from external speakers	The Board have had an overview of the Strategic Programme for Primary Care and its priorities for 2022-23
	The Evaluation of the Social Services and Well-being (Wales) Act (IMPACT) – external speaker	The Board have been updated on the progress of the evaluation of the Social Services with a particular focus on workforce and citizen feedback.
	Board development - next steps	The Board have agreed the next steps for its development following a facilitated effectiveness session in March 2022.
	Key updates from the Chief Executive	The Board have received the latest updates on programmes of work and priorities in supporting the sector.