

Inspection Wales Remit Paper

A summary of the remits of the Welsh public sector audit and inspection bodies and the Inspection Wales Programme

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Archwilydd Cyffredinol Cymru
Auditor General for Wales



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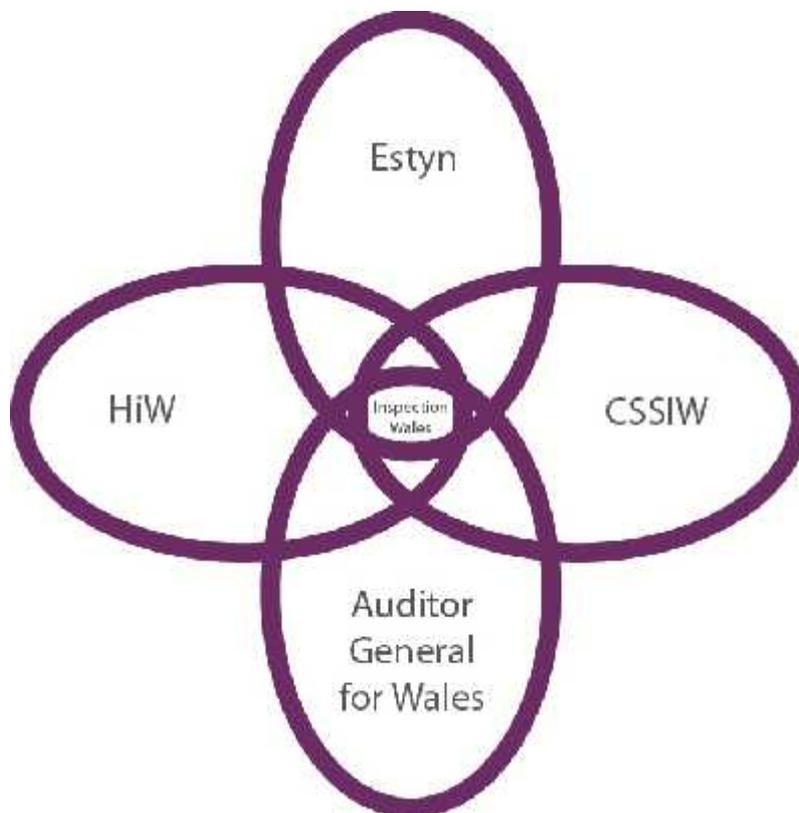
Summary report

Introduction

- 1 The Inspection Wales Programme is a joint programme between the Auditor General for Wales (AGW) (and Wales Audit Office staff), the Care and Social Services Inspectorate Wales (CSSIW), Estyn (the office of Her Majesty's Chief Inspector for Education and Training Inspectorate for Wales), and Healthcare Inspectorate Wales (HiW). The four Heads of Audit and Inspection established the Inspection Wales Programme in 2009. The four partners recognised that, although their remits are very distinct, there are areas where these remits coincide, and that working together was therefore highly desirable. The aim of the Inspection Wales Programme is to improve co-operation and collaboration between the partners wherever appropriate.
- 2 This paper outlines the remits of the audit and inspection agencies and the Inspection Wales Programme.

Overview of roles and responsibilities of the audit and inspection bodies

A pictorial representation of audit and inspection bodies and where the Inspection Wales programme can help support their work



Source: *Inspection Wales Programme*

The remits of the audit and inspection bodies

- 3 The four audit and inspection bodies have quite distinct roles and functions, as defined by their respective statutory base (see [Appendix 1](#) for details of the legislative basis for the work of each body). Consequently, those areas of common interest are confined to certain specific service areas.
- 4 Put simply, CSSIW and HIW each inspect and regulate and Estyn inspects, respectively, social care and social services, health care, and education and training. Inspection concerns examining service standards, and regulation concerns ensuring compliance with regulations.
- 5 The Auditor General for Wales, supported by the Wales Audit Office, undertakes the external audit of Welsh public bodies. This audit work includes the examination of accounts, consideration of arrangements for securing economy, efficiency and effectiveness (“value for money”) and studies of value for money, including in relation to services.
- 6 Accordingly, any areas of overlap relate to where the use of public money and governance arrangements for a particular service have implications both for the inspection (and regulation) of that service and its audit. An example of such an area is the safeguarding of vulnerable children, and it is in such areas that the four bodies work together to ensure that they share relevant information and co-ordinate their work programmes.

Auditor General for Wales and the Wales Audit Office

- 7 The Auditor General is the external auditor of most public sector bodies in Wales, including:
 - the Welsh Government;
 - Welsh Government Sponsored Bodies (WGSBs);
 - NHS bodies;
 - other Welsh Government-related bodies, such as Estyn;
 - the National Assembly for Wales Commission;
 - local government bodies, including unitary authorities, police, fire and rescue authorities, national parks and community councils.
- 8 The audit work includes:
 - the annual audit of the accounts of public bodies;
 - annual consideration of arrangements for securing economy, efficiency and effectiveness in the use of resources by NHS and local government bodies;
 - studies of the economy, efficiency and effectiveness with which public bodies have used resources and potential improvement.
- 9 In the NHS and local government, the annual consideration of arrangements for securing economy, efficiency and effectiveness includes checks on the robustness

of corporate governance arrangements. In local government, such work is dovetailed with improvement assessment work required by the Local Government (Wales) Measure 2009.

- 10 The Auditor General publishes reports on the results of audit work. With the exception of purely local government reports, the Auditor General lays reports on accounts and value-for-money studies before the National Assembly.
- 11 The Wales Audit Office supports the work of the Auditor General by providing staff and other resources to deliver his annual programme of audit work.

Care and Social Services Inspectorate Wales (CSSIW)

- 12 Care and Social Services Inspectorate Wales (CSSIW) is the independent regulator and inspectorate of care and social services in Wales and carries out these functions on behalf of Welsh Ministers. CSSIW in its work promotes the improvement of social care, early years and social services, and provides professional advice to Ministers and policy makers. Whilst CSSIW is part of the Welsh Government, arrangements are in place to provide operational independence. CSSIW seeks to provide assurance about the quality of care being provided and whether people using the services are safeguarded. Services regulated and inspected by CSSIW include:
 - Child minders, day nurseries and play schemes
 - Residential care homes for children looked after and older people
 - Domiciliary care agencies
 - Fostering and adoption services
- 13 CSSIW reviews and inspects how effective social services departments are in Wales in supporting people who require care and support. This includes inspecting local authorities' social services, undertaking thematic reviews across Wales and evaluating the performance of social services departments. CSSIW also jointly inspects with HIW and Estyn in respect to the social care elements of health and education provision. CSSIW is part of the HMI Probation and HMI Prisons inspections in Wales, in respect of the social care needs of people in the secure estate.
- 14 CSSIW produces inspection reports on all registered social care services, thematic inspections on specific areas in social care and a Chief Inspector's report annually. This work informs the public, social care sector and provides evidence to Welsh Government Ministers of the impact of the legislation on outcomes for children and adults across social care.

Estyn, the Education Inspector for Wales

- 15 Estyn is the office of Her Majesty's Chief Inspector of Education and Training in Wales, a Crown body that is independent of the National Assembly, but which receives its funding from the Welsh Government. Estyn inspects quality and standards in education and training providers in Wales.
- 16 Inspection focuses on raising standards and quality in education and training across Wales. Estyn inspects the full range of education and training providers across Wales. In some sectors, Estyn works with other inspectorates and regulators to inspect provision. For example, Estyn inspects, through joint working with HMI Probation and HMI Prisons, the education of offenders in secure estate and prisons in Wales.
- 17 Estyn also provides advice on specific matters to the Welsh Government. The Minister's annual remit letter to the Chief Inspector commissions Estyn to provide about 15 different thematic reports each year. Occasionally, when there is a need and resources allow, Estyn will publish a thematic report not specifically commissioned by the Welsh Government. Estyn's advice provides evidence of the impact of the Welsh Government's strategies, policies and initiatives on the education and training of learners. Estyn publicises good practice based on inspection and remit evidence. Estyn has a unique and independent view of standards and quality across all aspects of education and training in Wales, and this contributes to the policies for education and training introduced across Wales.

Healthcare Inspectorate Wales (HIW)

- 18 Healthcare Inspectorate Wales' (HIW) core role is to inspect, and where appropriate, regulate NHS and independent health care organisations in Wales to provide independent assurance for patients, the public, the Welsh Government and health care providers that services are safe and good quality. HIW has specific responsibility to ensure that the interests of people whose rights are restricted under the Mental Health Act are properly protected. HIW fulfils the role of the Local Supervising Authority for the statutory supervision of midwives in Wales. HIW carries out functions on behalf of the Welsh Ministers. HIW is able to conduct national thematic reviews to monitor how well services are performing.
- 19 HIW Wales is the independent inspectorate and regulator of health care in Wales. HIW exercises certain functions of the Welsh Ministers, which include the ability to consider:
 - the availability of, and access to, health care;
 - the quality and effectiveness of health care;
 - the financial or other management of health care and the economy and efficiency of its provision;

- the availability and quality of information provided to the public; and
- the need to safeguard and promote the rights and welfare of children.

The Inspection Wales Programme

- 20 While there are clear distinctions between the work of the Auditor General, CSSIW, Estyn, and HIW, there are some areas where more than one organisation has a role. And in these areas, it is desirable that the four organisations work together to make effective and efficient use of their collective resources. For the audited and inspected bodies, such co-ordination helps to ensure that the totality of this audit and inspection work is proportionate, appropriately co-ordinated and delivers consistent messages.
- 21 The four audit and inspection bodies established the Inspection Wales Programme to promote co-operation and collaboration, wherever applicable. Inspection Wales is not a separate organisation, but a programme of work across the bodies to enable relevant staff to work together. By working together effectively, they increase the beneficial impact they have for the public.

Appendix 1

The legal basis for Audit and Inspection bodies in Wales

The following legislation provides the powers and duties of the four audit and inspection organisations.

The Auditor General and the Wales Audit Office

Government of Wales Act 1998—provides the Auditor General with the power to undertake value-for-money improvement studies in respect of any of the bodies that he audits, including NHS bodies but excluding local government bodies.

Public Audit (Wales) Act 2004—requires the audit of all NHS and local government bodies, including unitary authorities, police, fire and rescue authorities, national parks and community councils. It also requires the consideration of arrangements made by such bodies for securing value for money, and studies for improving value for money at local government bodies.

Government of Wales Act 2006—requires the audit and provides for value-for-money studies of the Welsh Government and the National Assembly for Wales Commission.

Local Government (Wales) Measure 2009—requires the Auditor General to assess “Welsh Improvement Authorities” (unitary authorities, national parks and fire & rescue authorities) for compliance with the improvement duties provided by the Measure.

Public Audit (Wales) Act 2013—requires the Wales Audit Office to support the Auditor General, and also provides the Auditor General and Wales Audit Office with supplementary powers, such as to provide professional services by agreement.

Well Being of Future Generations (Wales) Act 2015—requires the Auditor General to examine most major public bodies’ compliance with the well-being objective setting and reporting requirements of that Act.

The audit of particular Welsh Government Sponsored Bodies and other Welsh Government-related bodies is required by various legislation, often the relevant establishing legislation. For example, the audit of the Welsh Language Commissioner is required by Paragraph 19 of Schedule 1 to the Welsh Language (Wales) Measure 2011.

Further details are summarised in the [Guide to Welsh Public Audit Legislation](#).

Care and Social Services Inspectorate Wales (CSSIW)

The Health and Social Care (Community Health and Standards) Act 2003—gives powers to review the way in which local authorities discharge their social services functions; and

The Care Standards Act 2000, the Children Act 1989 (as amended) Adoption, and Children Act 2002, and the Children and Families (Wales) Measure 2010 which give power to register and inspect providers of social care services in Wales.

Social Services Well Being (Wales) Bill 2016 is intended to transform how social services in Wales are delivered, and the Regulation and Inspection of Social Care (Wales) Bill to be enacted in 2017 will inform and shape how those services will be inspected and regulated.

Her Majesty's Chief Inspector of Education and Training in Wales, and Estyn

The status of Her Majesty's Chief Inspector of Education and Training in Wales is set out in the Government of Wales Act 1998, as amended by the Government of Wales Act 2006. The functions of the Chief Inspector and his staff are exercised on behalf of the Crown. Estyn (the office of Her Majesty's Chief Inspector of Education and Training in Wales) is independent of, but funded by, the National Assembly under Section 104 of the Government of Wales Act 1998. When first established, Estyn's main purpose was the inspection of education provided in schools. The Inspectorate's remit and responsibilities were extended by the Learning and Skills Act 2000 to include education and training for persons aged 16 or over with the exception of higher education. Since then, Estyn's remit has been further extended to include the inspection of independent schools and careers services.

The current legislation means Estyn is responsible for inspecting most aspects of education and training in Wales, from preschool to adult education, except higher education. A detailed list of which education sectors come under Estyn's remit can be found at: <http://www.estyn.gov.uk/english/about-us/our-work/> (Welsh Link: <http://www.estyn.gov.uk/cymraeg/amdanom-ni/ein-gwaith/>).

This work is undertaken to meet functions set out in the Education Act, 1997; Teaching and Higher Education Act, 1998; School Standards and Framework Act 1998; Learning and Skills Act 2000; Education Act 2002; and Education Act 2005

Healthcare Inspectorate Wales (HIW)

The Health and Social Care (Community Health and Standards) Act 2003 gives powers to HIW to enter and inspect any premises owned or controlled by a Welsh NHS body or any other premises used for any purpose connected with the discharge of any of the functions of a Welsh NHS Body. Under this Act HIW is also able to take copies and remove any documents or records (including personal records and interview any person working or receiving treatment in the premises).

The Care Standards Act 2000 and the Independent Health Care (Wales) Regulations 2011 give powers to HIW to register and inspect independent health care services in Wales.

The Private Dentistry (Wales) Regulations 2008 and 2011 Amendment Regulations gives powers to HIW to register dentists who provide private dentistry services in Wales.

The Mental Health Act 1983 and 2007 Amendments, and the Mental Health (Wales) Measure 2010 allow HIW to monitor how services (NHS and Independent) are complying with the legislation.

The Ionising Radiation (Medical Exposure) Regulations 2000 give HIW the power to inspect and enforce against non-compliance.

Appendix 2

Outcome of the Welsh Government Audit and Inspection Review 2014

The Welsh Government undertook a review in 2014 of audit, inspection and regulation. It held workshops with a range of public bodies, including representatives of the four Inspection Wales partners and consulted publicly to develop a common set of principles and attributes of external review. These are set out below.

The **purpose of external review** in Wales is to:

- Promote the interests of the public by holding public services to account for the delivery of services and decisions re the use of public resources.
- Encourage sustainable improvement in public services to improve the outcomes for the public.
- Inform policy and practice within individual organisations, the Welsh Government and the wider public sector.
- Protect the public by the timely reporting of problems within a service or organisation identified during the course of review activities.
- Promote the proper conduct of public business in its behaviours and activities.

The **function of external review** in Wales:

- **Audit:** Independent examination and public reporting to enable organisations to be held to account for their probity and stewardship of public funds.
- **Inspection:** Evaluating and publicly reporting on the standards and quality of public services and the impact this service delivery has on the public.
- **Regulation:** Ensuring professional and service quality standards which meet the needs of and improve outcomes for people who use the service.

The **key attributes of external review** in Wales:

- **Proportionality:** External Review is visibly proportionate to the risk, potential for improvement, likely benefit and interests of the public.
- **Independence:** External Review is independent and not constrained by any party in deciding how it discharges its responsibilities, reaches conclusions and reports findings.
- **Accountability:** External Review is publicly accountable for its use of public resources and able to demonstrate value for money across the range of its activities.
- **Collaboration:** External review collaborates on relevant issues in the interests of better impact, cost effectiveness, reduced demands on those organisations subject to review, and joined-up delivery to the public.
- **Transparency:** External Review is transparent, where appropriate, in its activities, its focus, decision making criteria, business processes, assessments and reporting.

- **Professionalism and competence:** External Review is conducted in a way which demonstrates professional integrity, credibility and competence. It is seen to be evidence-based, timely, consistent and fair in all its activities.

Source: Welsh Government. 2014. Following extensive discussions and engagement with key stakeholders, and the audit and inspection bodies.

