

Healthcare Inspectorate Wales (HIW)

Basics	Web site	http://www.hiw.org.uk/
	Geographical coverage	Wales
Constitutional Aspects	Legal Framework/Basis	<p>Healthcare Inspectorate Wales's (HIW) role is to regulate and inspect the National Health Service (NHS) and independent healthcare organisations in Wales against a range of standards, policies, guidance and regulations and to highlight areas requiring improvement. It also undertakes investigations where there may be systemic failures in delivering health services so that improvement and learning are able to take place.</p> <p>HIW carries out its functions on behalf of Welsh Ministers and, although part of the Welsh Government, protocols have been established to safeguard its operational autonomy.</p> <p>HIW's main functions and responsibilities are drawn from the following legislation:</p> <ul style="list-style-type: none"> • Health and Social Care (Community Health and Standards) 2003 • Care Standards Act (2000) Ch. 14 and associated regulations • The Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008 • Mental Health Act 1983 and the Mental Health Act 2007 • Mental Capacity Act 2005 • Mental Health (Wales) Measure 2010 • Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008 • Statutory Supervision of Midwives as set out in Articles 42 and 43 of the Nursing and Midwifery Order 2001 • Ionising Radiation (Medical Exposure) Regulations (IR(ME)R) 2000 and Amendment Regulations 2006 and 2011
	Independence	HIW carries out its functions on behalf of Welsh Ministers and is part of a directorate within the Welsh Government. However, its operational and professional independence is protected by a number of safeguards that enable it to provide an objective and robust view of services that, taken as a whole, affect virtually everyone in Wales.
	Financial Independence	HIW is part of a directorate within the Welsh Government. It receives the major part of its funding direct from the Welsh Government but also has powers to charge fees to those wishing to register as independent healthcare providers in Wales.
Membership	Composition of body	The Chief Executive of HIW leads a team of approximately 70 fulltime staff across various offices in Wales. A pool of over 200 peer and lay reviewers has been appointed by open competition to provide expert and lay input to reviews. HIW also has arrangements in place with Royal Colleges and other inspectorates for the sourcing of expert advice. The Advisory board meets thrice annually at Merthyr Tydfil

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Appointment	<p>All permanent staff are Civil Service appointments.</p> <p>External reviewers have been recruited through open competition.</p>
Expertise	<p>HIW staff comprise of a multi disciplinary team who have backgrounds in various disciplines and sectors. Expertise is brought to the review team through the use of HIW's pool of external peer reviewers, law reviewers or the arrangements with Royal Colleges and other inspectorates.</p>

Visiting Mandate	Places of deprivation of liberty to be visited	<p>An individual may be deprived of his/her liberty in any healthcare setting (NHS or independent). HIW visits healthcare organisations across Wales as part of a rolling programme of announced and unannounced visits. It draws up its programme on the basis of risk and therefore ensures a focus on those most vulnerable and the environments/services of highest risk.</p> <p>HIW has a particular focus on those detained under the Mental Health Act or the Deprivation of Liberty Safeguards.</p> <p>Further, HIW provides advice and support to Her Majesty's Inspectorate of Prisons (HMI Prisons) and the Prison and Probation Ombudsman (PPO) regarding the provision of healthcare to prisoners in Wales, which can include visiting prisons. HMI Prisons and HIW work officially work in conjunction with the NPM and following requirements by the OPCAT and the UN Subcommittee on Prevention of Torture in regards to visiting prisons.</p>
	Frequency of visits	<p>HIW visits healthcare organisations across Wales as part of a rolling programme of announced and unannounced visits. It draws up its programme on the basis of risk and the use of intelligence, therefore ensures a focus on those most vulnerable and the environments/services of highest risk. HIW will undertake special reviews and investigations where there appears to be systematic failures in delivering healthcare services, to ensure that rapid improvement and learning takes place.</p>

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Types of visits	<p>HIW's overriding aim is to ensure safe and high quality health services are provided to the citizens of Wales. To achieve this it has in place a number of processes and review mechanisms that it undertakes each year as a matter of routine. The focus of this work is to ensure that health service organisations are fit for purpose and that they have the necessary leadership and governance arrangements in place. Its routine programme includes:</p> <ul style="list-style-type: none">a. Annual validation and testing of how health service organisations comply with the new Standards for Health Services in Walesb. Through registration and inspection, continue to regulate the Independent Healthcare Sector in Wales in line with the requirements of the Care Standards Act 2000 and associated Regulations.c. On-going monitoring of compliance with the Mental Health Act 1983 amends 2007 and other relevant mental health legislation, such as the Mental Capacity Act and the requirements of the Deprivation of Liberty Safeguards. This work includes:<ul style="list-style-type: none">• Visits to patients subject to the powers of the Mental Health Act. • The provision of a Second Opinion Appointed Doctor (SOAD) service which appoints independent doctors to give a second opinion as a safeguard for patients who either refuse to give consent for certain treatments or are incapable of giving such consent.d. Undertaking Unannounced Cleanliness Spot Checks to improve infection control in health services.e. Undertaking Unannounced Dignity and Essential Care Inspections, focusing on issues relating to patient safety, dignity and respect.
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		<p>f. Overseeing a Peer Review programme to review compliance with the Cancer Standards.</p> <p>g. Monitoring IR(ME)R in Wales through a programme of inspection of services and investigation of incidents involving "exposure much greater than intended".</p> <p>h. Monitoring The Controlled Drugs (Supervision of Management and Use) (Wales) Regulations</p> <p>i. As the Local Supervising Authority (LSA) for Statutory Supervision of Midwives in Wales, ensuring a local framework exists to provide equitable, effective statutory supervision of midwives working within Wales.</p> <p>j. Undertakes annual assessments of the fitness for purpose of those who supply agency nurses, healthcare assistants and operating department practitioners under contract to NHS bodies in Wales.</p> <p>k. Working with the Criminal Justice Inspectorates and the Prison and Probation Ombudsman (PPO), HIW ensures that relevant clinical expertise and knowledge of Welsh health systems is fed into their reviews of youth offender institution and Welsh prisons, including clinical reviews of deaths in custody.</p> <p>l. Joint inspections of Offender Healthcare working with HMI Prisons and HMI Probation to undertake their programme of inspections of prisons and other offender services in Wales.</p> <p>Beyond its routine work, HIW also reports upon other reviews into the quality and safety of specific areas of health service provision and undertakes investigations into issues of concern. These may involve specific visits to services to explore these areas in detail or drawing together the findings of its routine programme of visits.</p> <p>In addition in circumstances where a homicide is committed and the perpetrator is known to mental health services HIW is commissioned by the Welsh Government to undertake an investigation into the case to ensure that lessons are learned.</p>
	<p>Private interviews</p>	<p>HIW undertakes private interviews of staff, patients and relatives for numerous reasons and purposes.</p> <p>They are always afforded the right to hold these discussions in private and HIW will do everything that it can to safeguard their anonymity. Activities that may give rise to such interviews include:</p> <ul style="list-style-type: none"> • undertaking it review and investigative work • as part of routine mental health act monitoring visits • when staff and patients/relatives bring issues of concern to HIW. <p>Some of the legislation from which HIW draws its responsibilities gives it</p>

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		powers to enter premises and interview patients in private, for example Section 31 of the Care Standards Act 2000 and Section 120 of the Mental Health Act 1983
	Access to information	HIW has powers to access information relevant for its purposes from a number of pieces of legislation, including the Health and Social Care Act 2003, the Care Standards Act 2000, the Mental Health Act 1983, the Mental Capacity Act 2005, the Mental Capacity Act 2005 Deprivation of Liberty Safeguards (2009) and the Health and Safety at Work Act 1974.
	Publication of findings after visits	One of HIW's core values is openness and transparency it therefore publishes the findings of all its reviews and investigations. Copies of all its reports can be found on its website.
	Coordination of visits	<p>HIW works closely at an operational and strategic level with other inspectorates and regulators in carrying out cross sector reviews in social care, education and criminal justice and in developing more proportionate and co-ordinated approaches to the review and regulation of healthcare in Wales. These include Estyn, Care Inspectorate Wales (CIW) and Wales Audit Office (WAO)</p> <p>HIW is a signatory of the Wales Concordat Cymru between bodies that inspect, regulate, audit and improve health and social care services in Wales which was signed in May 2005. It plays a leading role in ensuring that the principles and practices of the Concordat apply to the work of all the signatories. HIW makes use of the Concordat scheduling tool to coordinate review activity and share information between signatories.</p> <p>HIW also has Memoranda of Understanding with many of its partner organisations which define the circumstances in which, and the processes through which they will co-operate in carrying out our respective duties. Copies of all the Memoranda are available on its website.</p>
Other Aspects of Mandate	Recommendations and suggestions for amendments to legislation	When reporting on the findings of its reviews and investigations/special exercises HIW will make recommendations for change/improvement. Such recommendations may lead to legislative change.
	Preventive activities	HIW's overriding aim is to ensure safe and high quality health services are provided to the citizens of Wales. To achieve this it has in place a number of processes and review mechanisms that it undertakes each year as a matter of routine. The focus of this work is to ensure that health service organisations are fit for purpose and that they have the necessary leadership and governance arrangements in place.

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Standards	Legal standards applied	<p>Various standards have a legal framework attached to a legal framework, including:</p> <ul style="list-style-type: none"> • The National Minimum Standards for Independent Healthcare Services must be met by registered persons and must be taken into account when HIW are considering enforcement action. □ Standards set out in the Mental Health Act 1983, the Mental Capacity Act and the requirements of the Deprivation of Liberty Safeguards along with their associated Codes of Practice. □ Standards related to IR(ME)R The Care Standards Act 2000 and the Independent Health Care (Wales) Regulations 2011 regulates independent healthcare throughout wales • Standards related to the functions of the Local Supervising Authority (LSA) for Statutory Supervision of Midwives in Wales
Reports	Annual reports	<p>Each year HIW produces a series of reports that provide a summary of the work that it has undertaken during the year and its key findings and recommendations. These include:</p> <ul style="list-style-type: none"> • An 'annual report' that covers all its functions and activities. • A Local Supervising Authority Annual Report to the Nursing and Midwifery Council. • An annual report of its Mental Health Act monitoring activities. • An annual report of Deprivation of Liberty Safeguard activities. • Local Health Board/Trust Reports