

Direct Line:
E-mail:

21 July 2022

Dear _____,

Reference - ATISN - Request for Information

Thank you for your information request received on 28 June 2022. A response to your information request is provided below:

1. *This request for information relates to your experience of handling compliance cases (by which we mean cases involving engagement by you with the firms, organisations, or individuals which you regulate regarding potential breach of their regulatory obligations), the associated timescales and outcomes and your approach to follow up.*

2. *We wish first of all to know:*

(a) *how many compliance cases were opened by you in the each of last five calendar years (i.e., 2017, 2018, 2019, 2020 and 2021);*

HIW reports in line with financial calendar years (1 April - 31 March) and therefore, number of relevant inspection where a non-compliance notice (NCN) was issued are presented as such:

2016/17 - 30
2017/18 - 23
2018/19 - 18
2019/20 - 23
2020/21 - 11

All inspection reports are available in the public domain on the HIW website, with each report containing details of the NCN if applicable. See [link](#).

(b) *of the compliance cases opened in each of those years, how many remain open and how many have been resolved;*

This information is not captured, however, where a response to NCN is accepted, it is published within the relevant inspection report.

To determine this information would require analysis of approximately 105 reports on the HIW website.

Analysing each report in detail is estimated to take approximately 30 minutes. From my preliminary assessment I estimate that it will cost more than the appropriate limit set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 to answer this question. The appropriate limit specified for central government is £600. This represents the estimated cost of it taking over 24 hours of time to determine whether we hold the information and to thereafter locate, retrieve and extract it.

You may wish to refine your request by narrowing its scope. For example, highlighting more specific time frames, information, or documents. We would be happy to revise our calculations in this instance.

(c) of the compliance cases opened in each of those years which have been resolved:

(i) how many were resolved without the opening of a formal investigation (by which we mean the exercise of statutory powers to gather information from firms, organisations, or individuals suspected of breaching their regulatory obligations);

HIW routinely exercises its statutory powers taken from the Health and Social Care (Community Health and Standards) Act 2003 to when conducting its role and considers how services meet the National Minimum Standards for Independent Health Care Services in Wales, comply with the Care Standards Act 2000, and comply with the Independent Health Care (Wales) Regulations 2011. This would apply to all relevant cases.

(ii) how many (distinguishing between those resolved without the opening of a formal investigation and other cases) were resolved in

(iii) (i) less than six months;

(iv) (ii) between six months and 12 months; and

(v) (iii) more than 12 months

HIW does not record this information.

3. *Second, we wish to know, in relation to the resolved cases disclosed in your response to Q2(b) above (and distinguishing in each case between those resolved with and without the opening of a formal investigation) how many resulted in:*

(a) a finding or admission of breach on the part of the regulated firm, organisation or individual;

It is our view that all services, upon acceptance of the NCN, are admitting a breach of the regulations.

(b) a payment of a financial penalty and/or making of financial redress;

This is not applicable as HIW does not issue financial penalties or seek financial redress.

(c) a change (or undertakings as to a change) in the conduct of the regulated firm, organisation or individual;

It is our view that all services, by responding formally to the NCN and implementing changes to become compliant with the regulations, are indicating a change in conduct.

(d) a change in the senior management of the regulated firm or organisation;

HIW does not capture or request this information.

(e) none of the above.

Not applicable

4. *Third, we wish to know, in relation to each of those resolved cases disclosed in your responses to Q3(a)-(d) above, in how many of those cases (distinguishing in each case between those resolved with and without the opening of a formal investigation) have you:*

(a) followed up with the firm, organisation, or individual to check up on the compliance areas examined in the resolved case;

This information is not routinely captured. Determining this information would require analysis of approximately 105 reports on the HIW website. Analysing each report in detail is estimated to take approximately 30 minutes.

From my preliminary assessment I estimate that it will cost more than the appropriate limit set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 to answer this question. The appropriate limit specified for central government is £600. This represents the estimated cost of it taking over 24 hours of time to determine whether we hold the information and to thereafter locate, retrieve and extract it.

You may wish to refine your request by narrowing its scope. For example, highlighting more specific time frames, information, or documents. We would be happy to revise our calculations in this instance.

(b) opened another compliance case (whether related to the resolved case or not) involving the same firm, organisation, or individual.

This information is not routinely captured. Determining this information would require analysis of approximately 105 reports on the HIW website. Analysing each report in detail is estimated to take approximately 30 minutes.

From my preliminary assessment I estimate that it will cost more than the appropriate limit set out in the Freedom of Information and Data Protection

(Appropriate Limit and Fees) Regulations 2004 to answer this question. The appropriate limit specified for central government is £600. This represents the estimated cost of it taking over 24 hours of time to determine whether we hold the information and to thereafter locate, retrieve and extract it.

You may wish to refine your request by narrowing its scope. For example, highlighting more specific time frames, information, or documents. We would be happy to revise our calculations in this instance.

HIW operates within the Welsh Government's framework for handling Freedom of Information requests. If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedomofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely