

1. Please outline the steps your organisation has taken since 2015 to prevent children from being sexually abused in healthcare settings.

HIW is the independent inspectorate and regulator of health care in Wales. We inspect health services across Wales to check if standards are being met. We inspect NHS organisations against the Health and Care Standards (published in April 2015) and independent healthcare settings against the National Minimum Standards for Independent Health Care Services in Wales (published in April 2011). Both of these sets of standards include a specific key standard on safeguarding children and vulnerable adults.

All of our inspection toolkits prompt questions to be asked of services as to their safeguarding procedures. For example, in a GP practice inspection we seek to know if there is a lead GP for safeguarding; if all staff have access to the All Wales Child Protection Procedures; if clinical staff have had the recommended level 3 safeguarding training; and if there is a safeguarding policy. In addition we ask questions about how the practice identifies children who are at risk or on the child protection register (and their parents, carers and siblings); and we seek evidence of effective multi-agency, multi-professional working and cooperation. In our hospital inspections, we check that staff have received the recommended safeguarding training; we check staff's awareness and understanding of safeguarding; and whether they would know how to report a safeguarding concern. We also determine whether staff are aware of the organisations policies and procedure for safeguarding children and vulnerable adults.

Additionally, all our inspection methodologies include checking staff files to ensure appropriate pre-employment checks were undertaken. For example, that disclosure and barring service checks were done where applicable.

2. How well does the current legislative framework prevent the sexual abuse of children within healthcare settings?

The Social Services and Wellbeing (Wales) Act 2014 strengthened safeguarding arrangements for both children and adults in Wales. The introduction of the duty to report introduced provisions for relevant partners to report to the local authority when someone is suspected to be at risk of abuse or neglect (or in the case of children, other forms of harm). The principle of the provisions in that Act was to make safeguarding everyone's responsibility.

There are a common set of child protection procedures for every safeguarding board in

Wales known as the All Wales Child Protection Procedures. There is also a National action plan in Wales to prevent and protect children and young people from sexual exploitation.

During our inspection activity, we check that staff are aware of the child protection procedures and that they have received the appropriate level of training. We find that this is not always the case, so awareness of the legislative framework could be improved. Further detail on our findings in respect of training can be found in our answer to question 4 below.

3. To what extent do the sanctions available to regulatory bodies ensure that children receiving health care and treatment are protected from sexual abuse? This includes the regulators of both:

a) organisations providing healthcare services; and

b) professionals delivering care and treatment.

HIW is responsible for regulating and inspecting independent healthcare settings in Wales; and is responsible for inspecting NHS settings. Unlike the CQC in England, the NHS in Wales is not registered with HIW.

In respect of the NHS, if HIW identifies a significant concern about safeguarding processes, it follows its immediate assurance process, notifying the health board that immediate action is required to rectify the failings identified. A copy of this letter is sent to Welsh Government, who performance manages the NHS in Wales. An example of such a situation was during a GP inspection, where during a case review our inspectors identified that a potential disclosure had been made by a child, but there was insufficient recorded evidence as to how this had been followed up by the GP practice. HIW sent an immediate assurance letter to the practice requiring immediate action was taken. This was copied to the health board and to Welsh Government. The matter was investigated and appropriate action had been taken, just not documented in the correct place.

For independent healthcare, It is a requirement under Regulation 16 of the Independent Health Care (Wales) Regulations 2011 that “the registered person must make suitable arrangements to ensure patients are safeguarded against the risk of abuse by means of:

a. taking reasonable steps to identify the possibility of abuse and prevent it before it occurs, and

b. responding appropriately to any allegation of abuse.”

In the event that we are not satisfied about the safeguarding arrangements in place in a registered setting, HIW can take enforcement action including:

- Issuing a non compliance notice confirming the areas in which a service is failing to meet legal requirements
- Conducting a follow up inspection to ensure that the areas in which a service is non compliant have been addressed
- Holding a Service of Concern meeting if matters have not been addressed
- Consider cancellation of registration if a Service of Concern does not achieve the required improvements

We can also refer individuals or matters of concern directly to safeguarding teams. Whether in an NHS or an independent setting, if HIW identifies a concern about an individual professional during an inspection, we can make a referral to their relevant professional body. HIW has Memoranda of Understanding with all major professional bodies, and shares relevant information with them as necessary.

4. Are health professionals and health sector leaders provided with adequate training, support and guidance on the issue?

Our inspection findings reveal that not all health professionals are provided with the right level of safeguarding training. For example, in 16 of the 75 dental practice inspections we undertook during 2016-17, we made recommendations relating to safeguarding training. In our GP inspections, 12 of 27 inspections in 2016-17 resulted in recommendations about the level of safeguarding training received by staff. From our hospital inspections we found that all health boards had suitable arrangements in place to promote and protect the welfare and safety of children and adults who become vulnerable or at risk.

We have not identified any significant issues regarding safeguarding training for staff in the independent sector.

6. To what extent do the responsibilities of health sector organisations to work with partner agencies help to prevent child sexual abuse in healthcare settings?

The Social Services and Well-being (Wales) Act 2014 requires local authorities “and their relevant partners” to report to the appropriate local authority where they suspect that people may be at risk of abuse or neglect. Relevant partners are defined as including “a Local Health Board for an area any part of which falls within the area of the authority; and an NHS Trust providing services in the area of the authority”. There is a duty to report a ‘child at risk’; defined as a child who:

- (a) is experiencing or is at risk of abuse, neglect or other kinds of harm; and
- (b) has needs for care and support (whether or not the authority is meeting any of those needs).

This means that all health sector organisations must, by law, work with partner agencies to help prevent abuse.

The Act also created a National Independent Safeguarding Board to work with local safeguarding adults boards and safeguarding children boards across Wales. Local Health Boards and NHS Trusts are always a Safeguarding Board partner in their local safeguarding board, and Under section 139(3) of the Act, a Safeguarding Board partner **must** exercise its functions in relation to the Safeguarding Board. The objectives of a Safeguarding Children Board are:

- a) to protect children within its area who are experiencing, or are at risk of abuse, neglect or other kinds of harm, and
- b) to prevent children within its area from becoming at risk of abuse, neglect or other kinds

of harm.

The national board's duties include providing support and advice to safeguarding boards with a view to ensuring that they are effective; and reporting on the adequacy and effectiveness of arrangements to safeguard children and adults in Wales.

Many of the provisions of the Act only came into force in April 2016, so the efficacy of the new arrangements have yet to be fully evaluated.

During 2015 and 2016, HIW facilitated a number of workshops for the NHS in Wales to develop a 'decision tree' designed to ensure all appropriate safeguarding matters arising in health settings are appropriately reported under the new legislation. Whilst this work has initially focussed on adults at risk, there is discussion about how the decision tree can be adapted for children. It is currently being piloted by the NHS Wales Safeguarding Network.

In the case of regulated individuals, we are contacted by local safeguarding leads when they receive information they believe we should be aware of. For example, when a safeguarding lead received historical information about a dentist working in Wales, they contacted us in case that individual was registered with HIW to undertake private dentistry.

We are also contacted by local safeguarding leads if they receive any information relating to establishments or agencies registered with HIW.

10. Please describe the whistleblowing measures you have in place and how you assess their effectiveness.

HIW is a "prescribed body" under the Public Interest Disclosure Act 1998, so employees, former employees, temporary agency staff or contractors who bring us concerns about their employer's activities can have some protection for their employment rights. HIW's concerns team is trained to know the difference between a concern and whistleblowing. HIW has published guidance for those who want to 'blow the whistle':

<http://hiw.org.uk/docs/hiw/guidance/160613whistleblowingleaflet.pdf>

Since January 2016 HIW has received 146 concerns from staff across the NHS and independent sector. In practice we encourage individuals to raise concerns as early as possible so that they can be dealt with before formal whistleblowing status is necessary.