

NORTH LANARKSHIRE COUNCIL

REPORT

TO: Social Work Committee	Subject: REGISTERED ESTABLISHMENTS ACT 1998
FROM: Jim Dickie, Director of Social Work	
DATE OF COMMITTEE: 6 October 1998	
REF: DOD/LK	

1 PURPOSE OF REPORT

- 1.1 This report advises members of new legislation relevant to the registration of residential and other establishments for adults and children.

2 BACKGROUND

- 2.1 A policy intention of the Social Work (Scotland) Act 1968 was that relevant homes in the independent sector should be regulated through registration with the local authority.
- 2.2 The Scottish Office recently identified a flaw in the legislation. This arose through the insertion of secondary legislation in 1987. It had the unintended effect of limiting the policy intention to those independent sector homes which provided their services to clients referred by the local authority. In effect it meant certain establishments which did not provide services direct to the local authority in the past were not required to be registered.
- 2.3 The new Act remedies this situation and brings all independent sector establishments within the scope of policy intention.

3 REMEDIAL ACTION

- 3.1 Discussions have taken place between COSLA, ADSW and the Scottish Office and agreement reached on practical measures necessary to remedy this situation.
- 3.2 The circumstances of all registered providers in North Lanarkshire have been re-examined and initial indications are that none of the presently registered services are affected by this flaw in legislation. An early deadline has been set to establish whether registered providers are in agreement with the Social Work Department's assessment of their position.

3.3 Protocols have been agreed between local authorities and the Scottish Office for dealing with any disputes arising over whether or not establishments were appropriately registered

4 RECOMMENDATION

4.1 Committee is asked to note the new legislation and the actions being taken by the Social Work Department to ensure its implementation.



Jim Dickie
Director of Social Work
September 1998

For further information on this report please contact Dennis O'Donnell, Principal Officer (Registration/Inspection)
(TEL: 01698 332058)