

## NORTH LANARKSHIRE COUNCIL

## REPORT

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| TO: Social Work Committee               | Subject:<br><br><b>A POLICY POSITION STATEMENT<br/>"THE WAY FORWARD FOR CARE"</b> |
| FROM: J Dickie, Director of Social Work |   |
| DATE OF COMMITTEE: 22 August 2000       |   |
| REPORT AUTHOR: Dennis O'Donnell         |   |
| REF: DOD/LB                             |   |

**1 CONTENT AND PURPOSE OF REPORT**

- 1.1 To inform Committee of a Policy Position Paper entitled "The Way Forward for Care" issued by the Scottish Executive on 5 July 2000. This paper follows on from earlier consultation and outlines a range proposals for modernising regulation of care and early years services and ensuring the competency of the social service workforce. The focus of this report is on the aspects of the policy statement relevant to the regulation of care and early years services, it being proposed that a separate report be submitted on regulation of the workforce.
- 1.2 At this stage many proposals put forward lack detail. Transitional arrangements for future registration of local authority residential and day services and the removal of distinctions between residential and nursing homes are two positive measures contained within the statement. Other concerns raised by local authorities in relation to proposals for reduction in inspection frequency, funding the new Commission through fees and the abolition of Advisory Committees, appear not to have been addressed.

**2 BACKGROUND**

- 2.1 The Executive issued a White Paper "Aiming for Excellence" in March 1999, which set out a series of proposals to modernise social work services.
- 2.2 This was followed in December 1999 by a consultation paper entitled "Regulating Care and the Social Service Workforce". This proposed revision and expansion of regulatory arrangements currently applied to social care and early education services in Scotland and for regulation of the social care workforce. The proposals sought to remove statutory regulatory responsibilities away from local authorities to these new national bodies, and outlined that local authority services will themselves be subject to regulation through registration.
- 2.3 North Lanarkshire Council submitted a full and considered response to the proposals and these were reported to Committee on 7 March 2000.

### 3 THE POLICY STATEMENT - SCOTTISH COMMISSION FOR REGULATION OF CARE

3.1 The main threads of the policy position statement include:

- ◆ establishment of a national Commission to regulate care and early education services, accountable to Scottish Ministers;
- ◆ this Commission to be overseen by a Board, the composition of which will be decided by Ministers. A Shadow Board being established to undertake preliminary work and consult on protocols;
- ◆ expansion of additional services to be subject to statutory regulation, most notably home care, housing support, single care homes for adult groups, adoption and fostering;
- ◆ redefinition of residential and nursing homes for adults as single care homes so removing legislative and other distinctions between these two types of service, this intended to promote continuity for those living in care settings;
- ◆ regulatory responsibility for all types of services currently regulated by local authorities, including early years services, to be taken over by the Commission from April 2002. New regulatory responsibilities will be phased in thereafter.
- ◆ legislative changes to allow for future expansion of services subject to statutory regulation.

#### Registration

3.2 Published National Care Standards will set out the basis for regulation.

3.3 The statement indicates that where services being registered for the first time, as in the case of local authority managed services, do not meet prescribed standards, these will be registered for a fixed period of up to 5 years, to allow the Commission and the service provider to agree on measures and time-scales necessary to achieve standards.

3.4 Additional requirements are proposed in relation to the fitness of proprietors and managers and, in the longer term, to the vetting of all staff working with vulnerable people.

3.5 Where certificates of registration are issued these will specify any conditions considered necessary but will include maximum numbers to be accommodated and staff ratios.

#### Inspection

3.6 The statutory requirement for inspection will be reduced from two to one inspection annually, this to be informed by a self-evaluation process completed six-monthly by providers. There will be the option of more frequent inspection in circumstances where services are newly registered, concerns are identified, or changes in management take place.

- 3.7 Current inspection practice in relation to the option of unannounced inspections, the inclusion of lay persons and the transparency of reporting arrangements will continue as at present.

#### Enforcement and Appeals

- 3.8 After consultation with service providers, where care services fail to meet registration requirements or conditions imposed, the Commission will have the power to require no further admissions to that service or to issue an improvement notice.
- 3.9 Where service users are considered at major risk the Commission can require replacement of the manager and/or staff or move to cancel registration. Protocols will be developed with COSLA and the NHS regarding emergency cover.
- 3.10 Systems of arbitration and legal appeal will be put in place where there is disagreement over enforcement action taken. Enforcement Action taken by the Commission will not be deferred, pending arbitration or appeal.

#### Other duties of the Commission

- 3.11 The Commission will submit an annual report to Ministers to provide information about care and early education. It is envisaged that the Commission will be in a position to contribute towards a strategic overview of care services and their funding and oversee the interests of all vulnerable client groups.
- 3.12 Procedures for the management of complaints for all registered care and early years services will be devised. Whilst resolution of complaints close to source is promoted there is no requirement to first use the provider's complaints process. Initiatives such as a "complaints hot line" will be considered.

## **4 COMMENTS**

- 4.1 The proposals and the revised timing of implementation are broadly welcomed and when implemented should address many of the points previously raised within this Council's submission.
- 4.2 The Policy statement denotes the intention that the Commission will probably have 5 Regional offices, including a headquarters, the locations of which have yet to be decided.
- 4.3 In line with the Scottish Executive's commitment to the dispersal of government agencies across the country, it is proposed that the Council should signal to the Scottish Executive the case to be made for locating the Commission in North Lanarkshire.

### Positives

- 4.4 Revised transitional registration arrangements recognise the unique funding and development difficulties faced by local authorities as residential service providers and should allow for more considered long term planning to take place.
- 4.5 National care standards based on outcomes for service users will go some way to addressing past criticisms about inconsistency in the application of these.
- 4.6 Mechanisms, such as improvement notices will lend weight to current enforcement measures.
- 4.7 The elimination of legislative and service differentials between nursing and residential homes will allow residential service users improved continuity of care, albeit the route towards its achievement is not developed in the policy statement.
- 4.8 The simultaneous transfer to the Commission of all regulatory responsibilities currently held by local authorities is more workable than the phased approach mooted in the consultation document.

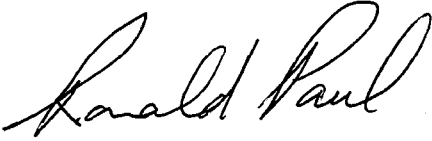
### Negatives

- 4.9 The policy statement inevitably lacks detail about funding arrangements and previous indications of the Commission being self-funding through fees still appears flawed. For that reason it is proposed that the Director of Social Work and the Director of Finance keep funding implications under review.
- 4.10 Issues about the Commission's location and structure continue to create uncertainties for current employees in that field.
- 4.11 Proposals to reduce inspection frequency and a potential over-reliance on self-evaluation are considered retrograde in dealing with services which are failing.
- 4.12 The statement excludes a role for local Advisory Committees.
- 4.13 The policy statement makes no reference to the Commission undertaking a support and guidance role in raising and developing standards.

## **5 RECOMMENDATIONS**

- 5.1 Committee is asked to :
  - (i) note the content of this report;
  - (ii) remit the Director of Social Work and the Director of Finance to keep funding implications arising from proposed regulatory changes under review;

- (iii) remit the Director of Social Work to bring forward a report on the proposed operations of the Scottish Social Services Council.
- (iv) remit the report to the Economic Development Committee to take action to seek the location of the Commission in North Lanarkshire.



**Jim Dickie**  
**Director of Social Work**  
**10 August 2000**

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