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| To: SOCIAL WORK (OPERATIONS AND SERVICES) SUB COMMITTEE | Subject: THE REGULATION OF CARE (SCOTLAND) ACT 2001; REGULATION OF ADOPTION AND FOSTERING SERVICES (SUBORDINATE LEGISLATION) |
| From: DIRECTOR OF SOCIAL WORK | |
| Date 24/02/04 | Ref: FB/AW |

1. PURPOSE OF REPORT/ INTRODUCTION

- 1.1 To advise Committee of the implementation of the Regulation of Care (Scotland) Act 2001: Regulation of Adoption and Fostering Services and the associated Subordinate Legislation.

2. BACKGROUND

- 2.1 Fostering and Adoption Services are currently subject to regulation under the Fostering of Children (Scotland) Regulations 1996; the Arrangements to Look After Children (Scotland) Regulations 1996 and the Adoption Agencies [Scotland] Regulations 1996.
- 2.2 At present the regulation of Fostering and Adoption services are monitored by the Social Work Department. This includes the assessment of potential carers; the registration of carers; the linking of specific children to a carer and the review process for carers.
- 2.3 In November 2003 the Scottish Executive launched a consultation in relation to the Scottish Commission for the Regulation of Care (the Care Commission) taking on board the Regulation of Adoption and Fostering services from 1 April 2004.
- 2.4. Each local authority and independent adoption and fostering services agency were asked to comment on the Regulations and Orders which would come into force on the 1 April 2004.
- 2.5. The associated subordinate legislation relates to;
- a) The Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002
 - b) The Regulation of Care (Applications and Provision of Advice) (Scotland) Order 2002
 - c) The Regulation of Care (Registration and Registers) (Scotland) Regulations 2003
 - d) The Regulation of Care (Scotland) Act 1002 (Commencement Note and Transitional Provisions) Order 2004

3. PROPOSALS/CONSIDERATIONS

- 3.1 As of 1 April 2004 all Adoption and Fostering services will be regulated by the Care Commission and will require to be registered with the Care Commission. The Care Commission works within the terms of the Regulation of Care Act and National Care Standards.

- 3.2 Transitional arrangements allow the local authority to be registered from 1 April 2004 for 6 months, with an application being submitted to the Care Commission prior to 1 October 2004. The Care Commission will then have a further 6 months to decide if the services are suitable for registration.
- 3.3 Further subordinate legislation set out the requirements which all service providers must comply with, namely:-
 - a) The regulations advise what medical information is required to be recorded by the service.
 - b) Procedures about what information needs to be provided in respect of an application for variation or removal of a condition of registration.
 - c) The Care Commission will be required to keep a register of all services registered under Part 1 (independent sector providers) and Part 2 (local authority statutory services) of the Act.

4. NORTH LANARKSHIRE POSITION

- 4.1 The Social Work Department is responsible for the recruitment and assessment of potential carers. There are ongoing national difficulties in recruiting foster carers which may be addressed through the development of a contract fostering scheme within North Lanarkshire Council.
- 4.2 The Adoption, Fostering and Family Placement Panel has the responsibility to consider these assessments and recommend if the carer is registered. The Panel will recommend the carer for appropriate number and ages of children.
- 4.3 The Panel is also responsible for the review of changes in a carers registration. This can be due to the occasional need to place a young person who is outwith the carers registration.
- 4.4 There are occasions when the requirement for placements is greater than capacity and placements have been made outwith carers registration.

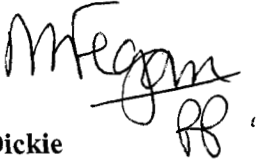
5. FINANCIAL/PERSONNEL/LEGAL/POLICY IMPLICATIONS

- 5.1 Registration fees will be applied by the Care Commission and will be specified by the Scottish Minister.
- 5.2 There will be a fee for the initial application for registration; an annual continuation of registration; any application for variation or removal of a condition or registration and new certificate of registration.
- 5.3 North Lanarkshire Council will apply to be registered as both a fostering and an adoption agency.
- 5.4 The maximum fees for adoption and fostering services will be advised following a further consultation.

6. RECOMMENDATIONS

6.1 Committee is asked to:

- i) request the Director of Social Work to provide further reports on the implications of registration when known.
- ii) otherwise note the content of the report.



Jim Dickie
Director of Social Work
10 February 2004

*For further information on this report please contact Fiona Brown, Senior Child Care Officer
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