

The Scottish Commission for the Regulation of Care

CARE REGULATION IS CHANGING

Do you provide a care service? If so, then this information is for you . . .

From 1 April 2002 a new national body, the Care Commission, will regulate care services against national care standards and according to the requirements of the Regulation of Care (Scotland) Act 2001 and associated Regulations. Local authorities and NHS Boards will no longer register and inspect care services. For the first time, all local authority care services will be required to register and to meet the same standards as private and voluntary services.

The Care Commission will focus on the people using care services. Regulated care services will be expected to demonstrate that they promote and enhance the quality of life of service users taking account of the principles of dignity, privacy, choice, safety, realising potential and equality and diversity.

The Regulation of Care (Scotland) Act 2001 also introduces new requirements on the regulation of the social care workforce. Further information on this matter can be obtained from the Regulation of Care website at the following address:

www.scotland.gov.uk/government/rcp



SCOTTISH EXECUTIVE

Making it work together

The Care Commission will have the following functions:

- regulating care services in Scotland;
- keeping Scottish Ministers informed about the provision and quality of care services;
- encouraging improvement in the quality of services; and
- making information available to the public about the quality of care services.

What form will the Care Commission take?

The Care Commission will be a major new national organisation. It will have its own Convenor, Board members, and Chief Executive, and will employ around 500 people.

The Care Commission will operate from five Regional Offices across Scotland and its Headquarters will be located in Dundee. The Care Commission will also have a number of local offices throughout Scotland. A map showing the five regional areas can be viewed at the Regulation of Care website.

The Care Commission will be a non-departmental public body. This means it will operate independently of the Scottish Executive, although it will be accountable to Ministers and the Scottish Parliament for its actions.

What services will be regulated?

All care services which are currently regulated by NHS Boards and local authorities will be regulated by the Care Commission from 1 April 2002. For some types of service, e.g. nurse agencies, it is the agency that will be regulated and not the home of the service user. In time, all of the following care services will be regulated by the Care Commission.

- **support services** – day care services for adults, care at home services, including domestic help (if provided or purchased by the local authority).

- **care home services** – previously residential care homes for adults and children and nursing homes.
- **care and welfare in boarding schools and school hostels**
- **independent health care** – independent hospitals, hospices, clinics, wholly private doctors and dentists.
- **nurse agencies**
- **child care agencies** – nanny agencies and sitter services.
- **secure accommodation services for children**
- **offender accommodation services**
- **adoption services**
- **fostering services**
- **adult placement services**
- **child minding**
- **day care and early education of children** – day care of children up to 16 years; early education provision, including local authority provided nursery classes.
- **housing support services**

How often will inspections take place?

The Act allows for inspection of a care service or the agency providing the service at any time. The Care Commission will inspect care services providing 24-hour care at least twice in a year. One of these inspections will be unannounced. Other services will be inspected at least once in any year. Newly registered services and services about which there are concerns, will be inspected more frequently. HM Inspectorate of Education will work with the Care Commission to provide an integrated service for the inspection of pre-school education, boarding schools, residential special schools and secure accommodation for children. Reports from inspections will be made publicly available, including on the Care Commission's website. As a service provider, you will have the opportunity to comment on draft inspection reports before they are made public.

How will the transition to the new system take place?

If you are already registered or inspected with a local authority, NHS Board, or a Scottish Executive Inspectorate, then you will automatically be deemed registered with the Care Commission from 1 April without paying an application fee. In other words, you will not have to apply to be registered with the Care Commission. The Care Commission will look at your service against the new national care standards, the requirements of the Regulation of Care (Scotland) Act and regulations when it is next inspected. The Care Commission will be in touch with you after 1 April 2002 to confirm the date of your first inspection under the new arrangements.

If you provide a type of service which is not currently required to be registered, or has not been inspected under existing arrangements, the Care Commission will advise you of how and when you should apply to become registered. Various application deadlines will be set for different types of care services and the Care Commission will publicise these well in advance.

Applications for registration, changes to existing registration and complaints investigations that are not completed on 31 March 2002 will transfer to the Care Commission as work in progress. Your local registration and inspection unit will keep you informed if this applies to you.

What standards will apply to you?

To ensure national consistency and quality of care, the Scottish Executive has been developing new regulations and standards for each service. All these regulations and standards have been published for consultation and are currently being finalised. The standards are available on the Regulation of Care website.

The standards will be used by the Care Commission in making any decisions about applications for registration and subsequent changes to the registration of a care service. The standards will be used to monitor the quality of a care service and compliance with the Act and the regulations. The standards will be reviewed and amended over time in light of experience and to take account of changes to how care services are provided.

How will the new system benefit you?

The new system will bring a number of benefits to you:

It will introduce national consistency in regulation for the first time. All services will be inspected against the same national standards. In addition, the way that registration, inspection and enforcement action is carried out will be the same across the country.

It will be fairer. Local authority homes, day care and domiciliary care services will be treated in the same way as private sector services. The current exemptions for certain types of homes (e.g. Royal Charter) will also be removed.

It will be more efficient. The Care Commission will have its own national IT system. There will also be an interactive Care Commission website which will contain details about care services across Scotland and information about the Care Commission and its functions.

What will I have to pay?

Scottish Ministers will set the maximum fees that may be charged by the Care Commission. You will have to pay an application fee when you apply to be registered by the Care Commission. After that you will pay an annual fee to help cover the cost of the inspection. The fees will be different for each type of service. The maximum fees to be charged by the Care Commission for 2002-03 are being consulted on now. These can be found on the Regulation of Care website. You will also have the opportunity to comment on fees to be charged in future years, should you wish to do so.

What if I disagree with the Care Commission?

For services currently regulated, and existing services new to regulation, agreement will be reached wherever possible on how services will be required to meet the regulations and take account of the new national care standards. Where such agreement cannot be reached and the Care Commission wishes to proceed with its proposals, you will be given notice of what the Care Commission will do. Notice of the Care Commission's proposals will also be given where it intends to refuse or cancel your registration. You will then have the right to make representations. If the Care Commission decides to proceed after considering your representations then you will have the right of appeal to a Sheriff.

Find out more . . .

The Regulation of Care website contains up-to-date information about the Care Commission and references to new developments being made between now and 1 April 2002. The website address is: www.scotland.gov.uk/government/rcp. The Care Commission itself is also in the process of developing a website. The proposed address for this site will be www.carecommission.com. As soon as it 'goes live', we will provide an electronic link from our own site. The Care Commission will also be developing further information for providers of care services, and others, explaining the new system and how it will regulate.