

DUNDEE CITY COUNCIL

REPORT TO: SOCIAL WORK COMMITTEE - 21 January 2002
REPORT ON: THE REGULATION OF CARE (SCOTLAND) ACT 2001
REPORT BY: DIRECTOR OF SOCIAL WORK
REPORT NO: 59-2002

1.0 PURPOSE OF THE REPORT

To advise the committee of the implementation of the Regulation of Care (Scotland) Act 2001 and the main areas of provision within the Act. To provide information to members regarding the implications for Dundee City Council.

2.0 RECOMMENDATIONS

It is recommended that the Social Work Committee:-

- 2.1 Notes and approves the contents of this report.
- 2.2 Agrees to the Director of Social Work preparing for the registration of social work services as required under the Act.

2.0 FINANCIAL IMPLICATIONS

The 2002/03 revenue budget will be adjusted to take account of the transfer of staff to the Commission. An allowance has been made for the cost of registering all local authority care provision.

4.0 LOCAL AGENDA 21 IMPLICATIONS

The national care standards are consistent with the principles and values expressed in the Agenda 21 programme.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

The regulation of social care and the social care workforce will protect vulnerable people who use services. The national care standards are based on the principles of dignity, privacy, choice, safety, realising potential and equality and diversity. The rights associated with citizenship will be promoted through a national system of regulation .

6.0 MAIN TEXT

THE ACT

The Regulation of Care (Scotland) Act 2001 received Royal Assent on 5 July 2001. This is an Act of the Scottish Parliament to establish the Scottish Commission for the Regulation of Care and the Scottish Social Services Council. There are a number of other provisions made under the Act .

The Scottish Commission for the Regulation of Care (the Commission) will register and regulate care services in Scotland and the Scottish Social Services Council (the **Council**) will make provision for the registration, regulation and training of social service workers.

BACKGROUND

The current arrangements for the regulation of care services is patchy. Many services are regulated under a range of legislation that is now largely outdated and some services are not regulated at all.

The Act is intended to modernise and standardise the regulation of care services. Effective regulation of these services is essential if people using them and their families are to be confident that the services they receive are of high quality and are appropriate to their needs.

The Act will reform the regulatory system for care services in Scotland. Care services include care homes for adults, residential care for children, children's early education, day care and childminding, adoption and fostering services, adult placement services, agencies providing care at home (including care for children), nurse agencies, independent healthcare services, day care services for adults, housing support services, care and welfare in boarding schools and school hostels and care and welfare in accommodation for offenders.

The Act provides for an independent Scottish Commission for the Regulation of Care to undertake this regulatory function. The Commission will register and inspect all care services against national care standards. These standards will be taken into account when the Commission makes any decisions about registering and inspecting services and in considering whether, and at what level, enforcement action should be taken. For the first time, all local authority care services will be required to register and to meet the same standards as independent sector providers.

It is intended that the Commission should fulfil the recommendation of the Royal Commission on Long Term Care that there should be a National Care Commission to take a strategic overview of the care system and its funding and to steward the interests of older people. This role will not be limited to older people. The Commission will therefore have a statutory power to advise Scottish Ministers on trends in care provision generally.

There is no comprehensive regulation of the social services workforce at present. Nor is an appropriate framework in place to support and enhance the professionalism of the workforce.

The Act provides for the regulation of the social services workforce, by establishing the Scottish Social Services Council. The Council will regulate the education and training of social service workers and raise standards through the publication of codes of conduct and practice. For the first time a national register of social services staff will be set up and maintained by the Council. The Act also provides for the Central Council for Education and Training in Social Work (CCETSW) to cease its functions in Scotland. It currently regulates education and training in social work throughout the UK. CCETSW's functions will transfer to the Council, as will the functions of the Scottish arm of the National Training Organisation, the Training Organisation for the Personal Social Services.

The Act sets out the functions and powers of the Council. The Council's main functions will be to publish codes of practice and conduct, establish registers of particular groups in the workforce and to regulate their conduct, education and training.

There are a number of other provisions in the Act including a power to enable local authorities in Scotland to employ nurses to provide nursing care in any residential accommodation they may provide;

LOCAL IMPLICATIONS

The national headquarters for the Scottish Commission and Council is located in Dundee and will house over 160 staff with up to 50 new jobs being created. The remainder will involve staff transferring from other parts of Scotland.

The Commission will have 5 regions in Scotland and Dundee City will be located within the Central East Region for the purposes of regulation. This region will also include Angus, Clackmannanshire, Fife, Falkirk, Perth & Kinross and Stirling.

Currently the Registration and Inspection service within Dundee operates as an arms length unit within the Social Work Department. This function will leave local authority control from 1 April 2002. Transitional and transfer arrangements are being negotiated.

Residential and day care services currently provided by the Social Work department will be required to register with the Commission. Transitional agreements have been made and a transitional plan has been issued.

The Dundee City Council care standards which are currently applied to Residential Care for Children and Young People, Older People, Adults with Learning Disabilities, Adults with Physical Disabilities, Adults with problems related to Drugs, Alcohol or Mental Health, and Supported Accommodation for Adults will no longer apply. These will be replaced by a range of National Care Standards. Dundee City Council has directly contributed to the development of these standards.

The responsibility for monitoring the Social Work department complaints system will remain and this function will be relocated within the department.

The local Advisory Committee will be abolished from 1 April 2002. A National Advisory Forum is being developed.

7.0 CONSULTATION

7.1 There have been a series of consultations concerning the Regulation of Care (Scotland) Act. These have focused on a number of aspects including draft national care standards and draft regulations as well as the proposed policies and procedures of the Scottish Commission for the Regulation of Care. The Chief Executive, Director of Education, Director of Finance and Director of Support Services have been consulted.

8.0 BACKGROUND PAPERS

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing the above report.

9.0 SIGNATURE

Director of Social Work

Date

8 January 2002