1. RECOMMENDATION

   It is recommended that the Social Work Committee:

   i) notes the contents of this report outlining the proposed approach to be taken by the Care Commission on enforcement matters.

2. INTRODUCTION

   Members were advised at a Social Work Committee meeting, on 14 August 2001, of the contents of the Regulation of Care (Scotland) Act 2001. The Act establishes a new body, the Scottish Commission for the Regulation of Care (SCRC), to regulate care services in Scotland (reference is made to report no: 876/01). The Commission will take over the regulation of care and support services, including local authority provision. The new system of regulation will encompass the registration and inspection of care services against a set of national care standards and the taking of any enforcement action. Regulatory functions currently carried out by local authorities and health boards will transfer on 1 April 2002 to the Commission.

3. THE DRAFT ENFORCEMENT PAPER

   The enforcement paper sets out the policy direction and the processes, including representation and appeal processes, to be applied by the Care Commission in any enforcement action. The policy is based on the principles of good enforcement, contained in the Enforcement Concordat – a joint Cabinet Office/LGA initiative, published by the Cabinet Office (5.3.1998). This Concordat has been adopted by Angus Council and is applied by the Council’s Registration and Inspection Unit.
all its enforcement activities. Therefore, the proposed policy direction, to be adopted by the Care Commission, is already supported by the Council.

The proposed procedures provide a quicker means to address concerns about care services than is the case at the moment. It is considered that the procedures are a considerable improvement to the current processes. They are more open and transparent, in that any enforcement action taken by the Care Commission shall be reported in inspection reports. Although this practice has already been applied locally by the Council's Registration and Inspection Unit, the proposed procedures make it a requirement for information about any enforcement action to be made available to the public. There are no specific comments to be made about these proposals.

4. FINANCIAL IMPLICATIONS

There are no immediate financial implications arising from the implementation of the proposed enforcement policy and procedures.

5. HUMAN RIGHTS IMPLICATIONS

There are no human rights implications arising from the recommendations contained in this report.

6. CONSULTATION

The Chief Executive, the Director of Law and Administration and the Director of Finance have been consulted in the preparation of this report.

7. CONCLUSION

This report has advised Members of the consultation exercise on a draft paper outlining the proposed enforcement policy and procedures for the Scottish Commission for the Regulation of Care. This paper has been prepared in terms of the Regulation of Care (Scotland) Act 2001, which will be fully implemented on 1 April 2002. It is not expected that there will be any immediate implications for directly provided social work services, arising from the proposals made in this paper. The proposed enforcement mechanisms provide a quicker and more open system for regulating care services in all sectors.

W B Robertson
Director of Social Work

NOTE 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.