ABSTRACT
This report advises members of the Scottish Executive's proposals to increase the maximum fees that are charged for registration of services by the Scottish Commission for Regulation of Care for 2002-03. The Council's response (Appendix 1) is appended for information. A copy of the consultation paper is available at the Member's Lounge.

1. RECOMMENDATION

   It is recommended that the Social Work Committee:

   i) notes the contents of this report and the Council's response to the Scottish Executive.

2. INTRODUCTION

   Members were advised in 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 Regulation of Care (The Care Commission). It will become operational on 1 April 2002. The Care Commission will regulate a range of care services operated by local authorities and independent sector providers of care.

   The maximum fees charged for regulatory functions by local authorities and health boards, who currently regulate care services, have been subject to annual review. It has been the policy of the Scottish Ministers to increase fees over a period of time, with an aim of making regulation self-funding by 2004-05. The only exemptions are the regulation of childminding and day care for children under eight, which will continue to be subsidised by the Scottish Executive. Reference is made to reports number 52/00; 987/00, and 876/01. Members will recall that Angus Council has expressed its opposition to both the establishment of the Care Commission, and to the principle that providers should fund the work of the Care Commission.

   The consultation paper sets out the fees Scottish Ministers propose to prescribe for:
♦ applications for initial registration or for cancellation of registration;
♦ annual continuation of registration;
♦ applications for variation or removal of a condition of registration;
♦ issue of a new certificate of registration.

The proposals are those which were set out when the Regulation of Care Bill was introduced to Parliament, and discussed during its passage. The consultation paper is available in the Members’ Lounge.

3. **PROPOSED FEE STRUCTURE**

This consultation paper proposes increases for fees for relevant care services from 1 April 2002, and it sets fees for those services to be required to register and pay a fee for the first time from that date.

The Scottish Executive proposes considerable increases in the level of fees charged for registrations and variations to registration. The proposed increases are particularly steep in respect of a variation or removal of existing condition of registration. In practice this means that all changes that affect the conditions of registration, for instance, a change of manager, a change in the service, any changes to the number or type of service user receiving a service, and any changes to the building will lead to a payment of a fee of £510.00. That is an increase of 25% from the current fee of £410.00. It is considered that this increase is unreasonably high. In addition, no fees are currently charged on cancellation of registration, and for regulation of day care for adults.

4. **FINANCIAL IMPLICATIONS**

The increase in registration fees in respect of currently regulated services, and the imposition of new charges to those services that are not subject to a charging policy, will have financial implications. It is likely that independent sector providers of care may seek to pass on the additional cost of regulation to the Council as a commissioner of services. The council will also have to pay registration fees for its directly provided services for the first time. At this point however, it is not possible to estimate accurately the actual cost implications. These will have to be met from the social work revenue budget.

4. **HUMAN RIGHTS IMPLICATIONS**

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

5. **CONSULTATION**

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

This report has advised Members of the consultation exercise on proposals to increase the maximum fees that are charged by the Scottish Commission for the Regulation of Care. A copy of the response to the consultation exercise is appended (Appendix 1).

14 February 2002

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.
Dear Mr Watt

SCOTTISH COMMISSION FOR THE REGULATION OF CARE: PROPOSALS FOR MAXIMUM FEES

I refer to your consultation document of the proposals for maximum fees to be set by Scottish Ministers for the regulation of care services for 2002-03.

Angus Council is firmly opposed to the principle that the regulation of care services shall be self-funding through fees paid by registered providers of services. This view has been consistently expressed in the consultation process on the Regulation of Care (Scotland) Bill, and in previous annual consultations on the proposed increases in fee structures. The Council believes that the regulation of care services should be afforded treatment such as is the case in respect of the regulation of the standard of food consumed by citizens of Scotland. The Food Standards Agency is publicly funded through the Central Government; the cost of regulation is not passed on to food producers or consumers.

It is recognised, however, that the Scottish Executive has ignored the views expressed in response to previous consultation exercises, and that providers of care and the commissioners are expected to pay for the cost of regulation. This being the case, it is the Council's view that the proposed increases are unreasonably high. The increases are particularly steep in respect of a variation or removal of existing condition of registration. In practice this means that all changes that affect the conditions of registration, for instance, a change of manager, a change in the service, any changes to the number or type of service user receiving a service, and any changes to the building will lead to a payment of a fee of £510.00. That is an increase of 25% from the current fee of £410.00. In addition, no fees are currently charged on cancellation of registration, and for regulation of day care for adults. It is likely that independent sector providers of care will seek to pass on the additional cost of regulation to the council as a commissioner of services.
Furthermore, it is disappointing that the partial Regulatory Impact Assessment, included as Appendix D with the consultation paper, provides no actual calculations on which the assessment was based. Therefore, it is impossible to ascertain whether the assessment reflects the real impact of the proposed increases in regulatory fees.

Yours sincerely

W B Robertson
Director of Social Work