

COMMUNITY CARE PROVIDERS SCOTLAND

REGULATION OF CARE AT HOME – CONSULTATION ON ASSOCIATED SUBORDINATE LEGISLATION

Comments from CCPS

CCPS, the association for voluntary sector organisations providing care services in Scottish communities, welcomes the opportunity to comment on this consultation paper.

Although care at home services have not been formally regulated before, most providers have had a quasi-regulatory relationship with their funding authorities through the approved provider process and contract compliance and monitoring. The following comments below are based on that experience.

- We would echo the comments we made in February 2002 in response to the earlier consultation on the “Section 29” regulations, relating to **the level of bureaucracy involved in the registration process and the potential for duplication with local authority approved provider/contract compliance requirements**. It is still not clear how such duplication is to be avoided; we are aware that a memorandum of understanding between local authorities and the Care Commission has been drafted, and that this issue is referred to within it, but we have not been party to this process and are not aware of the details.

A similar issue arises for providers that operate several services across Scotland. There is a considerable risk that in registering each individual service, the Care Commission will require to collect the same basic information about the organisation several times over. We understand that the Care Commission’s advisory group on inspection methodology for care at home has made recommendations in relation to the avoidance of such duplication and **we would very much hope that these recommendations will be acted upon before the registration process for care at home is commenced**.

- We would also echo our earlier comments about the **imprecise nature of some of the requirements** in the document in relation to ‘fitness of managers’ (where managers are required to be of ‘integrity and good character’, although what this might mean is not identified). Similarly, we remain very concerned about the fact that **local authorities are exempted from many of the requirements relating to financial information**.
- We note that a number of the requirements in relation to fire drills etc. are to be removed as they do not make sense in the context of care at home. **We would suggest that the rest of the document requires much more scrutiny in this respect** as several of the remaining requirements are equally inappropriate. An example of this would be paragraph 10, “Fitness of premises”. Elsewhere in the

document (for example paragraphs 4(2) and 5(2)) references to ‘care home’ services are prominent and these should be deleted.

- Paragraph 5 (“Personal Plans”) may need to be reworded. At present, the document states that the provider shall prepare a written plan “which sets out how the service user’s health and welfare needs are to be met”. **Care at home will frequently form part of a wider package of services; in such cases, a plan addressing the service user’s overall health and welfare needs would not be the responsibility of the care at home provider.** Care at home providers should, however, prepare a plan relating to the person’s use of that specific service.
- We are aware that discussions are taking place within the Care Commission in relation to the regulatory arrangements in respect of services that combine housing support, care at home and other ‘support services’ such as day services. **We would urge the Scottish Executive and the Care Commission to ensure that these discussions are concluded speedily**, and certainly before any fees are collected for regulation of these services. There are some very complex issues of service overlap, duplication of regulation and potentially excessive fees that the present document does not recognise in any way.
- We note the level of **registration fees** with some concern. We understand that this fee has been calculated on the number of ‘inspector hours’ required for the registration and inspection task. We further understand, however, that the inspection method recommended by the Care Commission’s advisory group on care at home services involves a significant degree of self-evaluation and self-reporting on the part of the provider. We are pleased to note, therefore, that the fee level will be kept under review and **we would recommend that any such review will specifically identify the amount of ‘provider hours’ that are taken up with self-evaluation and related tasks.**
- Also with respect to **fees**, we would state once again our objection in principle to the concept of “full cost recovery” as applied to regulation. The regulatory impact assessment states that “independent providers will pass the extra cost of annual registration on to local authorities”. Providers can certainly try to do that, although as the Scottish Executive well knows, they may not always be successful. In any case, as we have said several times already, we feel that this ‘recycling’ of public money is wasteful and irresponsible. We are also very concerned at the admission in the present document (page 43) that the Executive actually has no idea what the eventual costs to “the industry” will be. **From the very beginning of the ‘Aiming for Excellence’ project, CCPS has urged the Scottish Executive to calculate the cost implications of its proposals and to publish them. We are dismayed to note that this work has still not been done.**

October 2003