



Leicester
City Council

WARDS AFFECTED
All Wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Social Services and Personal Health Scrutiny Committee
Cabinet

17th December 2001
14th January 2002

Transfer of Regulatory Functions
Care Standards Act 2000

Report of the Director of Social Services

1. Purpose of Report

1.1 The purpose of the report is to inform members of the implications of the Care Standards Act 2000, both in terms of transfer of regulatory functions provided by Leicester City Council, and in relation to Local Authority Provision which will be regulated and inspected externally from April 2002.

2. Summary

2.1 The Care Standards Act 2000 brings about major changes in the way in which services for vulnerable adults and children are regulated and inspected in England.

2.2 Local Authorities have, until now, had responsibility for registering and inspecting services for under eights (day care, play groups, childminders), private and voluntary sector residential provision for older people, adults and children and the inspection of the welfare provision in Boarding Schools. Local Authority residential provision for adults, older people and children have been subject to inspection but have not been required to register.

2.3 All of this work has been carried out under Children Act, Registered Homes Act 1984 and associated guidance and regulations. Local Authorities have developed their own local minimum standards based on the legislation. This has resulted in differential standards being applied across the country.

2.4 The Care Standards Act 2000 transfers the regulatory responsibility for under eights from Local Authorities to Ofsted. Leicester City Council successfully, and safely, transferred staff and services to Ofsted on 1st September 2001.

2.5 The Act also transfers the regulatory responsibility for care homes for older people, adults and children to the National Care Standards Commission (NCSC), a non-Departmental Public Body, in April 2002. This also requires Local Authority provision to register and be inspected by NCSC.

- 2.6** The NCSC will register and inspect to national minimum standards developed by the Department of Health. The regulatory functions will be extended to cover Domiciliary Care Agencies, Private and Voluntary Health Care Services, Independent Fostering Agencies, Voluntary Adoption Agencies, Residential Family Centres and Nurse Agencies. The NCSC will also inspect Local Authority Fostering and Adoption services and welfare arrangements in Boarding Schools.
- 2.7** Inspection Officers and Clerical staff from Service Standards Unit will transfer to the NCSC and the matching process is well advanced. Following a recruitment process, the Head of Service Standards has been appointed as Area Manager for Lincolnshire with the NCSC. Data transfer and file transfer is underway and the inspection programme for 2001/2002 will be completed as required by December 2001 in order to free staff for training during January – March 2002.
- 2.8** The Service Standards Unit has operated on an even handed basis with Local Authority Provision, inspecting to the same standards as the independent sector, charging fees for registration and inspection and applying registration processes when new managers are appointed.
- 2.9** Under NCSC the requirements in relation to Local Authority Care Homes are
- Local Authority Care Homes will be required to apply for Registration by 1st April 2002
 - The NCSC will formally register Local Authority care Homes and their managers during the first year of operation
 - Local Authority Homes will be regarded as “existing homes” for the purpose of compliance with the National Minimum standards. For example, they will have until 2007 to comply with room size standards in the same way as existing private and voluntary care homes.
 - The draft transitional provisions regulations propose that all care homes (both Local Authority and private) will not be able to reduce room sizes after April 2002.
 - The manager of the home will be registered and the Local Authority will decide who is to be registered as the person who “ carries on” the care home. This could be, for example, the Director of Social Services, the Local Authority as a corporate body or the lead Councillor for Social Services.
- 2.10** An audit of Local Authority provision has been undertaken and will be the subject of a separate report to Scrutiny Committee.

3. Recommendations

A. Scrutiny Committee is asked to:

- (i) Note the contents of this report; and
- (ii) Receive further reports on the financial implications of registration fees, work proposed to meet the new National Standards and the implications of the enforcement powers of NCSC as they might be applied after April 2002.

B. Cabinet is asked to note this report.

4. **Headline Financial and legal Implications**

Provision of £30,000 is included in the Draft Revenue Strategy for the anticipated cost of registration and inspection of the Department's own establishments. It is expected that over time, charges by the National Care Standards Commission to all care providers will reach higher levels than those currently charged by the Council. This will add to independent providers' costs, and will increase pressure on the Department to increase the level of fees paid to providers.

The headline legal implications of the changes have been dealt with in the report. The Council will require ongoing legal advice in respect of meeting its obligations under the new regulatory framework (Guy Goodman, Asst. Head of Legal Services - Tel . 252 7054).

5. **Other Implications**

OTHER IMPLICATIONS	YES/NO	Paragraph references
Equal Opportunities	Yes	2.1 to 2.5
Policy	Yes	2.1 to 2.10
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	Yes	2.2 to 2.9

6. **Background Papers – Local Government Act 1972**

Care Standards Act 2000.

7. **Consultations**

None

8. **Report Author/Officer**

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