

SLOUGH BOROUGH COUNCIL

REPORT TO: Cabinet **DATE:** 20th September 2010

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WARD(S): All

PORTFOLIO: Health and Wellbeing - Councillor Small

PART I NON-KEY DECISION

CHANGES TO REGULATION OF ADULT SOCIAL CARE SERVICE

1 Purpose of Report

This report is to apprise Cabinet of key legislative changes to the way care services are to be regulated by the regulatory authority, The Care Quality Commission (CQC). This report provides assurances of the actions taken to address the new legal responsibilities of the Council.

2 Recommendation(s)/Proposed Action

Cabinet is requested to resolve that the report and the actions taken by Officers to address the change in legislation effective from 1st October 2010 be noted.

3 Community Strategy Priorities

- **Celebrating Diversity, Enabling inclusion** – by using the Essential Standards in The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 to ensure both directly provided and commissioned services enable residents of Slough to be cared for appropriately and in ways that enable their chosen lifestyle.
- **Being Safe, Feeling Safe** – by using the Essential Standards to promote high quality and good standards of safe care and support.

4 Other Implications

(a) Financial

There is no additional cost to the Council for services that already require registration under the existing legislation. The cost to the Council for two services that need to be registered for the first time is £3,190 pa.

Services that are regulated under the current legislation already have to pay an annual registration fee, which is comparable to the fee levels under the new legislation, at £1590 pa per service.

Slough Borough Council is not responsible for the costs associated with the registration of private and voluntary sector regulated care services.

The current additional cost to the Council for the “In House” regulated services is £3,190 pa for the two services that will be registered for the first time.

In addition to this the building based regulated services (Lavender Court 1, Prior’s Close and Respond 3, Prior’s Close) are currently undergoing some refurbishment work that is part of the capital works programme at a cost of approximately £80,000. This work was planned to meet the prevailing standards and Disability Discrimination Act requirements. Further capital works maybe necessary at some future point in order to maintain the buildings to acceptable standards.

(b) Risk Management

This is a legislative change. Slough Borough Council, as a direct provider of services, has no option but to register appropriate services in accordance with the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010.

(c) Human Rights Act and Other Legal Implications

There are clear legal implications and sanctions if Slough Borough Council does not register social care services it directly provides in accordance with The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and the Care Quality Commission (Registration) Regulations 2009. Slough Borough Council is not permitted to contract with a care provider carrying out a regulated activity as set out in The Health and Social Care Act 2008 (Regulated Activities)

There are no specific Human Rights Act implications.

(d) Equalities Impact Assessment

The requirement to register and comply with this new legislation does not have impact on equality issues. The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010, would have been Equality Impacted Assessed by CQC as part of the initial consultation and Implementation process.

(e) Workforce

There are no Human Resource Implications.

5 Supporting Information

- 5.1 In accordance with Health and Social Care Act 2008, The Care Quality Commission (CQC) came into being in April 2009 taking over the functions of the Health Care Commission, The Commission for Social Care Inspection and the Mental Health Act Commission.
- 5.2 In April 2010 anyone who provides healthcare or social care services, that are regulated, must apply to be registered with CQC under The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and the Care Quality Commission (Registration) Regulations 2009. Regulated services are nursing homes, residential care homes, bed based respite care homes and home care providers, which are already registered under the Care Standards Act 2000. However, from 1st October 2010, these services must be registered under the new act. This will mean social care services already registered in accordance with the Care Standards Act will need to

undergo a transitional process of registration to the new standards. There are two services the Council provide that will require registration for the first time.

- 5.3 The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 sets out Essential Standards of Quality and Safety and has 28 outcomes that relate to the regulations. 17 of the 28 outcomes are core outcomes; this means that these are the outcomes that will be directly inspected by CQC. The 11 remaining outcomes are not core outcomes but there remains an onus of responsibility for providers to ensure these standards are met and CQC. These changes have direct implication on both the provision of care directly provided by in-house services owned, managed and staffed by Slough Borough Council and services provided by organisations commissioned and contracted by Slough Borough Council for people for whom the authority has legal responsibility.
- 5.3 Slough Borough Council currently has 4 adult social care services registered with CQC as part of the Care Standards Act 2000:
- Lavender Court, 1 Priors Close Slough
 - Respond, 3 Priors Close Slough
 - In House Home Care Service
 - Adult Placement Service
- 5.4 All services have spent the past 6 months working through the transitional registration process to meet the requirements of the new act, ensuring compliance with the new Essential Standards. All services will be compliant and have submitted their transitional registration application by 1st October 2010. Our Adult Placement Scheme will register as a “Shared Lives Scheme”.
- 5.5 Two other services, which have not been previously registered, will now need to do so. These are our Supported Living Team (providing support to tenants in their own home) and the Intermediate Care Team (supporting people through rehabilitation from hospital). Work to register these services to ensure legal compliance will also be completed by 1st October 2010.
- 5.6 Our Contracts and Commissioning Team have been working jointly with CQC and local private and voluntary sector providers to ensure that all providers of social care services are aware of their new legal responsibility. As a commissioning authority, Slough Borough Council will not be permitted to purchase any form of regulated care from a provider who is not registered with CQC under the new act from 1st October 2010. There are 39 external providers of regulated care operating within the Borough boundary, 30 from which the Council commissions care services.

6 **Conclusion**

Cabinet are asked to note the new legal requirements placed upon Slough Borough Council as both a direct provider of services and as a commissioner of services from suppliers in the private and voluntary sector.

Cabinet are also asked to note the work being undertaken to support the private and voluntary sector through the Slough Providers’ Forum, in advising them of their responsibilities under the new legislation.

Cabinet are also asked to note the work that in-house services have undertaken to ensure legal compliance in the provision of their services.

7 **Background Papers**

“Guidance about compliance: Essential standards of quality and safety” CQC
Publication issued under Section 23(1) Health and Social Care Act 2008 Regulations
2010