

A **new** regulator for Scotland: Social Care and Social Work Improvement Scotland

Important information for care service providers, local authorities
and those responsible for child protection



Two new regulators for Scotland

From April 1 2011, two new public bodies will begin operating in Scotland; Social Care and Social Work Improvement Scotland (SCSWIS) and Healthcare Improvement Scotland (HIS). These bodies have been created by the Public Services Reform (Scotland) Act 2010 and will be expected to coordinate and deliver efficient and effective scrutiny of health and social care, social work and child protection.

SCSWIS

SCSWIS will inspect, regulate and support improvement of care and social work and child protection services across Scotland. The Care Commission and the Social Work Inspection Agency (SWIA) will no longer exist and responsibility for the work they did will pass to SCSWIS. The child protection work currently done by HMIE will also pass to SCSWIS.

HIS

HIS will take over the regulation of independent healthcare services, previously carried out by the Care Commission. It will also take over the work of NHS Quality Improvement Scotland (NHS QIS), which will no longer exist.

The new Act

The work of SCSWIS and HIS will be governed by the Public Services Reform (Scotland) Act 2010.

This means that the regulations will be different and activities like registration, inspection, complaints, enforcement and so on will be dealt with according to the law as set out in the new Act.

Introducing SCSWIS – who we are and what we will do

Social Care and Social Work Improvement Scotland, or SCSWIS for short, will be an independent organisation with its own Board responsible for its governance. It will be funded by the registration and continuation fees it charges and by Scottish Government. It will operate independently to scrutinise and improve care, social work and child protection services for the benefit of the people who use them.

At SCSWIS, we will work to improve care, social work and child protection in a number of ways. We will:

- provide public assurance and protection of vulnerable individuals and act as a catalyst for improvement
- ensure our scrutiny and improvement activity is informed by a systematic analysis of risk and targeted where it is needed most
- provide information on quality of care so that people who use and choose services and their carers and those responsible for commissioning services can make informed choices
- inspect against the regulations associated with the new Public Services Reform (Scotland) Act 2010, the National Care Standards and other agreed national benchmarks
- organise our scrutiny and improvement activity, including inspections, around risk; targeting poorly performing services
- make more use of unannounced inspection
- implement national centralised registration and complaints functions
- develop our workforce to be more skilled at identifying and analysing risk
- develop new validation processes for self-evaluation
- coordinate joint planning of scrutiny and improvement activity and multi-disciplinary inspections with HIS and other scrutiny bodies.

Our plans for the first year

We've developed our inspection plan for 2011/12 by working closely with the Care Commission, SWIA and HMIE.

In our first year of inspection work, we are going to concentrate on:

- 1. inspecting care services and multiple service providers**
- 2. completing the third year of the joint inspection programme of services to protect children** initiated by the Care Commission and HMIE
- 3. inspecting social work services**
- 4. focusing our scrutiny on particular themes and issues.**

1. For care services and multiple service providers, this will mean:

- there will be no minimum frequency of inspection
- we will continue to grade services and assess risk
- we will place more importance on self evaluation that is properly validated
- poor performers and high risk services will be inspected more and improvement demanded
- better performing services will be inspected less often, but there will be more random inspections.

2. For joint inspections to protect children, this will mean:

- we will set national performance indicators and targets
- we will carry on and complete the joint inspection programme.

3. For social work inspections, this will mean:

- **Initial Service Level Assessments (ISLAs)**
 - of the 11 local authorities still to have an ISLA, eight will have one in our first year
 - following ISLAs we may follow up with supported self evaluation and improvement
- **high risk offender follow up**
 - on SWIA's work with all local authorities, coordinated with our work inspecting offender accommodation services
- **prison based social work follow up**
 - in 14 local authority areas
- **learning disability follow up**
 - on multi-agency inspections that have taken place, linked with relevant care service inspections that we will be carrying out
- **services for older people**
 - we will develop a multi-agency inspection approach.

4. Focusing our scrutiny on particular themes and issues will mean:

- we will work with partner organisations to develop our scrutiny work
- we will respond to emerging national themes and risks
- we may carry out some pilot projects

- we are going to look at a variety of themes including:
 - integrated children's service inspections
 - inspecting services for children living in families affected by drug misuse
 - outcomes for children looked after away from home
 - vulnerable adults
 - offenders
 - out of hours services.

How the changeover will affect care service providers

If you are a care service provider you need to know how registration, inspection, complaints and enforcement work will be handled at the changeover from the existing bodies to SCSWIS.

The National Care Standards

The National Care Standards which apply to all regulated care services will remain in place. SCSWIS and HIS will continue to take account of these standards when regulating services.

Existing registrations

If you have a care service (not independent healthcare) registered with the Care Commission at 31 March 2011, on 1 April 2011, your registration will transfer automatically to SCSWIS.

You do not need to take any action. SCSWIS will have access to all registration and other information held currently by the Care Commission, and will contact you when it requires any further information from you. Limited registrations and registration under s33 of the Public Services Reform (Scotland) Act 2010 (such as local authority adoption and fostering) will also convert to registration with SCSWIS under the appropriate part of the new Act. Your registration details will appear automatically on the care service list on our website www.scswis.com

Independent Healthcare Services

Independent healthcare services, including hospices, registered with the Care Commission will be deemed to be registered with HIS. You do not need to take any action. HIS will have access to all registration and other information held currently by the Care Commission and will contact you when it requires any further information from you.

The registration of independent healthcare care at home services will transfer automatically to SCSWIS.

eForms

All existing care service providers, including all independent healthcare providers, will be able to access all their Care Commission documents, including those related to next inspections, at <http://eforms.scswis.com> using their current username and password. For SCSWIS providers, on 1 April you will be sent your new SCSWIS certificate electronically via the eForms system. The conditions on the certificate will also appear automatically on the SCSWIS care service list. If you have any queries related to your certificate you should contact your local SCSWIS office.

HIS providers will not receive their certificates automatically. HIS inspectors will visit each service to review the certificates and confirm that all the details are up-to-date. Once this has been done the certificates will be issued electronically via the eForms system.

Providers with both SCSWIS and HIS Services

Some care service providers will have some services registered with SCSWIS and some with HIS. The HIS-registered services will be split from the SCSWIS-registered services and they will appear as two separate entries in the care service list. If this applies to you, you will be issued with a second username and password to enable you to log-in to the eForms system to view and work with documents related to the HIS-registered services. This is necessary to ensure that the services are correctly registered in accordance with the Public Services Reform (Scotland) Act 2010. Separate registration of the services does not mean that you will receive more than one inspection. More information will be provided to you throughout the year.

New registrations

If, at 1 April 2011, you are in the process of registering a new service with the Care Commission, this process will be completed by either SCSWIS or HIS as appropriate.

Fees

The fees that the Care Commission charged you in 2010/11 remain fixed for SCSWIS in 2011/12. This means you will pay the same as last year.

Any fees you are due to pay will be payable to the new body appropriate for your service: SCSWIS or HIS. Your fee invoice will give you details on how to pay. For services currently paying by direct debit, we will migrate existing details to SCSWIS/HIS as appropriate and advise you of your new payment reference number. There should be little or no inconvenience to you.

Care service inspections already in progress at changeover

It is likely that only a small number of inspections (including follow-up and joint inspections) by the Care Commission, SWIA and HMIE will be in progress on 31 March 2011. Where an inspection has started this will continue and SCSWIS or HIS will work with you from 1 April to complete the inspection and follow up any requirements or recommendations.

Complaints

Any complaints made to the Care Commission that are in progress at 31 March 2011, will be taken over and dealt with by SCSWIS. Complaints about independent healthcare services will be dealt with by SCSWIS in consultation with HIS.

From 1 April 2011, any complaints about care services should be made to SCSWIS, or HIS where the service is an independent healthcare service, even if the complaint is about something that took place before 1 April 2011.

Enforcement

If the Care Commission has issued your service with an improvement or condition notice, this notice will still apply after 31 March 2011. The notice will convert to the appropriate notice under the Public Services Reform (Scotland) Act 2010 and SCSWIS or HIS will take the necessary follow-up action as set out in the new Act. So you must act to comply with any notices to ensure that your registration continues.

More information

For the latest information on changeover and how the new bodies will work, visit www.scswis.com

or contact:

Care Commission

email: enquiries@carecommission.com

telephone: 0845 603 0890

Social Work Inspection Agency (SWIA)

telephone: 0131 244 4735 or 0141 242 0391

Her Majesty's Inspectorate Agency (HMIE)

telephone: 01506 600 200

How to get in touch with SCSWIS from 1 April

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