

This report may be of interest to: Children and Youth, Policy and Resources and
Community Learning Committees

REGULATION AND INSPECTION UNIT FOLLOW – UP POLICY

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1 Purpose

1.1 To ask Members, in accordance with the requirements of Local Authority Circular 94(16), to agree the Regulation and Inspection Unit Follow - Up Policy which is appended to this report.

2 Summary

2.1 Local Authority Circular LAC (94)16 requires that the local authority publish an inspection unit follow-up policy, and that this should set out:

- (a) how the improvements or other action required by the Regulation and Inspection Unit will be identified in inspection reports;
- (b) who, within the Council has responsibility for acting on those recommendations for the different services involved;
- (c) what time limits on follow-up action may be set; and
- (d) how the adequacy of the response to reports will be monitored and who will do this.

3 Recommendations

3.1 The Committee is asked to agree the Inspection Unit Follow Up Policy.

4 **Background**

- 4.1 The Regulation and Inspection Unit, located within the Neighbourhood Services Directorate, is responsible for setting and monitoring standards of care across a range of independent sector and local authority provided services, under the N.H.S. and Community Care Act 1990, the Children Act 1989 and the Registered Homes Act 1984. These services currently include residential care services for adults and children, group day care for children aged under 8 years and registered childminders.
- 4.2 As Members are aware, the tensions and potential conflicts of interest arising from the local authority having the combined role of regulator and provider of services have been the subject of considerable national focus and concern, over the past 5 years in particular.
- 4.3 Central Government has said that it intends to resolve these issues, by transferring regulatory responsibility for the range of services detailed at 4.1 above, outside the local authority, to an independent regulatory body, to be known as 'Commissions for Care Standards'. These proposals were detailed in the Government White Paper entitled 'Modernising Social Services', which was published in November 1998, and indicated that eight regional Commissions for Care Standards were to be established in England, by April 2002. It is envisaged that the Queen's Speech in November 1999 will set out the timetable for the implementation of these proposals.
- 4.4 Until such time as these regulatory responsibilities transfer from the local authority, Inspection Unit's are required to continue to demonstrate that they apply the law, standards, follow-up and enforcement action, in an even-handed way, regardless of whether a service is provided by the local authority or an independent person / organisation.
- 4.5 Local Authority Circular 94(16) is particularly concerned with this aspect of the work of inspection units, and introduced several requirements intended to improve independence within the regulatory arrangements that were originally established under the N.H.S. and Community Care Act 1990. These included the requirement that the local authority Chief Executive carries out an Annual Assessment of the unit, with particular regard to even-handedness issues, and the publication of a Follow – Up policy.
- 4.6 The follow-up policy is intended to maintain confidence in the inspection function across the full range of residential provision, with the local authority considering and acting upon recommendations made by the inspection unit, in a similar way to independent sector residential care provision.
- 4.7 This report supports our progress towards achieving 3.3 of the current Neighbourhood Services Strategic Plan.

5 **Issues and Choices**

- 5.1 The local authority is required to publish an inspection follow-up policy under the terms of LAC (94) 16, as set out in the attached draft policy document.
- 5.2 Providers subject to regulation are able to raise issues/concerns, and where necessary challenge decisions/actions arising from the application of the regulatory framework, either

with the Principal Manager, Regulation and Commissioning directly, the Advisory Panel or through the statutory complaints procedure.

- 5.3 A draft follow up policy was considered by the Regulation and Inspection Unit Advisory Panel in May this year. However, following the appointment of the Principal Manager, Regulation and Commissioning, the policy has been amended so as to provide a greater level of detail as to how the policy will operate.

6. **Implications**

6.1 Environmental

None.

6.2 Equalities

The primary concern of the Regulation and Inspection Unit is the protection of the most vulnerable people in Milton Keynes, and the promotion of good quality care to meet their needs.

6.3 Financial

It is not possible to estimate the likely financial implications arising from this report, since inspection requirements tend to specify increases in resource allocation, for example staffing levels; physical improvements to buildings etc, on an individual basis. Where financial implications arise from the inspection process, these will be the subject of further reports.

6.4 Legal

None.

6.5 Staff and Accommodation

None.

7 **Conclusions**

- 7.1 Current inspection follow up arrangements go some way to meeting the requirements of LAC (94) 16, and these will now be strengthened by the attached (draft) policy document. Copies of the procedure have been sent to members of the Regulation and Inspection Unit Advisory Panels for their comments, given that the attached document is a revision of the policy considered by the panels in May of this year.

Background Papers: Local Authority Circular LAC (94) 16