

**EAST AYRSHIRE COUNCIL**

**COUNCIL MEETING – 7 MARCH 2002**

**SCOTTISH COMMISSION FOR THE REGULATION OF CARE –  
EAST AYRSHIRE FIT PERSON ARRANGEMENTS**

**Joint Report by Director of Educational & Social Services  
and Director of Community Services**

**1. PURPOSE**

- 1.1** To seek Committee approval in principle for Fit Person arrangements which will come into effect from 1 April 2002 when the Scottish Commission for the Regulation of Care is established.

**2. BACKGROUND**

- 2.1** The Regulation of Care (Scotland) Act 2001 transfers responsibility for registration and inspection of social care and early education and childcare services from local authorities and health boards to a new national body, the Scottish Commission for the Regulation of Care. A second body, the Scottish Social Services Council will regulate the social services and early education workforce.

- 2.2** The Scottish Commission for the Regulation of Care will register and inspect the following services against new national standards and regulations, which are still to be finalised.

- support services (ie home care and domicilliary services)
- care homes (ie residential and nursing establishments)
- school care accommodation (ie boarding schools)
- independent health care
- nurse agencies
- child care agencies
- secure accommodation
- offender accommodation
- adoption services
- fostering services
- childminding services
- day care of children
- housing support services
- day care for adults
- adult placement services

- 2.3** Those services currently registered and inspected and Local Authority services currently subject to inspection will be regulated under the new arrangements from April 2002 with immediate effect.

**2.4** Previous reports regarding the implications of the Regulation of Care (Scotland) Act 2001 have been presented to Social Work Committee on 8 November 2001 and Education Committee on 13 November 2001.

### **3. LOCAL AUTHORITY SERVICES – REGISTERED PERSON(S) AND FIT PERSONS**

**3.1** Under existing legislation the operators of establishments (for the purposes of the Social Work Scotland Act and Children Act 1989) are "registered" persons and they, together with the day to day managers of the establishment are subject to "fit person" requirements.

**3.2** The Regulation of Care (Scotland) Act will for the first time bring Local Authority services under these requirements and Local Authorities will be required to identify the "registered person(s)" for their services. Registered persons require to carry sufficient seniority to make decisions regarding operational issues arising from registration and inspections.

**3.3** The "registered person" has legal responsibilities for registered services. In particular, notices of registration conditions, Improvement notices and criminal prosecutions due to failure to meet the requirements of registration are directed to the "registered person". The Scottish Commission for the Regulation of Care will expect 'registered persons' for Local Authority establishments to be placed at a sufficiently senior level within each Authority.

**3.4** It is proposed that registered persons for local authority services should be Heads of Service. Services which will be directly affected by the new Act currently come under the jurisdiction of Heads of Service in the departments of Educational & Social Services and Community Services.

**3.5** Specifically, the Head of Social Work will be the registered person for :

- home care and domicilliary care including support packages
- care homes (children, adults and older people)
- adoption services
- fostering services
- day care for adults
- adult placement services

The Head of Community Supports will be the registered person for:

- day care for children

The Head of Leisure Services will be the registered person for:

- Kids Clubs and associated child related activities

- 3.6 The work currently being led by Homes & Technical Services in relation to Supporting People may have future implications for registered persons and a further Committee report will be presented in relation to this, if appropriate.
- 3.7 Issues of delegated authority will be dealt with through the next review of the Council's Scheme of Delegation.
- 3.8 The Scottish Commission for the Regulation of Care will issue further guidance to local authorities and a further report, if required, will be presented to Committee.

**4. POLICY/LEGAL IMPLICATIONS**

- 4.1 The Regulation of Care (Scotland) Act requires local authority care services to be registered.

**5. RECOMMENDATIONS**

- 5.1 Members of Council are asked to:
  - (i) approve the appointment of the Heads of Service respectively, as registered persons, as set out in paragraph 3.5 of the report and
  - (ii) otherwise note the content of the report.

John Mulgrew  
Director of Educational & Social Services

Bill Stafford  
Director of Community Services

22 February 2002  
KG/SB

**LIST OF BACKGROUND PAPERS**

- 1. Social Work Committee Report – Regulation of Care (Scotland) Act 2001 – Implications for the Local Authority – 8 November 2001
- 2. Education Committee Report – Regulation of Care (Scotland) Act 2001 – Implications for the Local Authority – 13 November 2001

Members wishing further information should contact Kay Gilmour, Head of Community Support, Tel: (01563) 576104 or Stephen Moore, Head of Social Work, Tel: (01563) 576920 or John Griffiths, Head of Leisure Services, Tel: (01563) 576264 or Chris McAleavey, Head of Homes, Tel: (01563) 554876.

**IMPLEMENTATION OFFICERS:**

**KAY GILMOUR  
STEPHEN MOORE  
JOHN GRIFFITHS  
CHRIS McALEAVEY**

**AGENDA**