

EAST AYRSHIRE COUNCIL

JOINT CONSULTATIVE COMMITTEE (Local Government Employees and Craftpersons) - 29 November 2001

Joint Report by the Director of Educational and Social Services and Depute Chief Executive/Director of Corporate Resources

1. PURPOSE OF REPORT

- 1.1 To advise the Joint Consultative Committee of the Regulation of Care (Scotland) Act 2001 and implications for Council employees.

2. BACKGROUND

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

- 2.2 The SCRC 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

- 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. Timescales for the regulation of other services are to be announced, for example local authority nurseries and home care.

2.4 From October 2001 SSSC will publish codes of standards of conduct and practice for all social care staff and their employers, e.g. social workers, all staff in residential care for children, all staff in care homes for adults, and early education and childcare staff. These staff will be subject to registration with the SSSC.

2.6 Implications For Existing Council Employees

All staff currently engaged in registration and inspection work in social work and early years will be eligible for transfer to the SCRC where 50% of their work is on these regulatory functions. Ten staff have been identified as eligible for transfer. These transfers will be regulated by a transfer order.

Staff not wishing to transfer have no automatic right under the Act to redeployment, however Local Authorities have been encouraged to treat requests for redeployment sensitively. It has been indicated that the Executive will meet the costs if staff opt for redundancy after April 2002.

The Executive wrote to all eligible staff in September 2001 seeking their provisional intentions. The terms and conditions for transferring staff is unlikely to be known until 1 December 2001.

The Director of Educational and Social Services has recognised that this is a critical time for the staff involved. Regular meetings have been held with staff and trade unions to ensure effective communication and these have been considered to be positive with both sides recognising the need to share information in interests of transferring staff. The Society of Directors of Personnel are also working closely with the new Commission to ensure that staffing proposals are handled in accordance with employment legislation and in the best interests of employees and Councils.

3. RECOMMENDATIONS

3.1 The JCC are asked to note the contents of this report.

John Mulgrew
Director of Educational and Social Services

Fiona Lees
Depute Chief Executive/
Director of Corporate Resources

21 November 2001

AGENDA