

SCOTTISH EXECUTIVE
Regulation of Care Project

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Your ref:
Our ref:

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Dear Colleagues.

STAFFING AND ACCOMMODATION AND THE REGISTRATION OF CARE: DRAFT 2

Please find attached a revised version of the paper on staffing and accommodation first issued towards the end of last year. I would be grateful if you could arrange for the paper and its annex on regional boundaries to be distributed to all registration and inspection staff, and all administration and clerical staff who work solely in relation to these duties. It might be useful if staff who are attending the seminars in Glasgow on Monday 29 and Tuesday 30 January were able to read this paper beforehand, although copies will be available at these events. .

The paper has been revised to take account of issues raised at the two previous seminars held in, Edinburgh and Aberdeen during November, and comments we received afterwards from individual members of staff by letter and e-mail. Our thanks are due to everyone who commented in these various ways. The major revisions (other than some changes to the order of presentation) have been the addition of a section on local resource centres, and the expansion of sections dealing with home working and terms and conditions since these were clearly issues of major concern to staff. Further versions of the paper will be issued as outstanding issues are resolved. Two of these issues are the number of regions and the territories which they covered. The annex shows our current thinking on this subject, although, as the paper points out, these proposals are still at the draft stage since we are still assessing the availability of suitable accommodation. Only when this is clear can a final decision on location be taken. Once Ministerial views are known we will inform staff immediately so that they can take this into account in deciding whether or not to transfer over to the Councillor Commission.

We are happy to receive and consider comments on the attached paper from yourselves or from members of staff. These should be sent to me at the above postal or e-mail addresses.

Yours sincerely

(SIGNED) NEIL DAVIDSON

Neil Davidson
Implementation Team

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STAFFING AND ACCOMMODATION AND THE REGULATION OF CARE

Introduction

1. This paper sets out the Scottish Executive's vision of how the Scottish Commission for the Regulation of Care and the Scottish Social Services Council can best be organised. This vision is of modern, efficient single tiered, national structures utilising the latest (advances in information and communication technology). This paper seeks to explain and clarify the thinking, and underlying rationale behind these proposals.

Background

2. The White Paper, *Aiming for Excellence, Modernising social Work Services .in Scotland* (March 1999) proposed the introduction of a national independent system for the regulation of care services in Scotland. The Regulation of Care Bill will establish a new system of regulating care in Scotland. It will set up two new bodies -the Scottish Commission for the Regulation of Care, to regulate services, and the Scottish Social Services Council, to regulate the work force. These two bodies will provide for and maintain a national system of independent, consistent regulation throughout Scotland focussing on the needs of the service users. The involvement of service users and their families will be a fundamental part of the regulation process. Their views and involvement will be a key part of ! the inspection process and central to the objectives of the Commission; In the event of a complaint, service users will have direct access to the complaints system of the Commission as necessary, in addition that of the provider.

Staff Numbers

3. The Council will be operational' from 1 October 2001 and the Commission from 1 April 2002. Although some staff, particularly senior staff, may move earlier ,it is likely that most staff .will move on these dates. When fully operational, we envisage that around 500 staff will be employed by the Commission and Council. The Commission will employ the majority' with around 480 staff and, although we do yet know precisely how this total will break down, our work: {eg model assumes a total of 5 regional offices, each supporting some 65 members of the inspectorate and up to 30 management and support staff. The national headquarters building will contain a further 60 staff. This level of professional staffing and administrative support is greater than that currently involved in care regulation, since previously unregulated' areas (such as home care) are now the responsibility of the Commission: it will enable that body to visit every registered care service at least once per year , to make unannounced inspections, to undertake more regular inspections of new premises where there are problems, and to deal with complaints and enforcement work. The Council will employ around 30 of the overall staff complement. Some headquarters staff will provide common support services for both the Commission and the Council in areas such as Personnel, Pay, Finance and possibly Information and Communications Technology. The Commission and Council will both be equal opportunities employers, and job share, flexible and part time working will be available.

Location and Accommodation

4. The Scottish Executive is committed to ensuring that Government in Scotland is efficient and decentralised, as part of a wider vision of greater accessibility, openness and

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responsiveness. Ministers consider that location and relocation decisions should be governed by the need for the Departments, Agencies and other bodies funded by the Executive to serve the community efficiently and effectively. For this reason; our location policy presumes against the relocation of new or existing government bodies in or to Edinburgh simply for administrative convenience.

Regional Offices

5. Fundamental to the Commission's location policy, is the need to establish and maintain coherent national structure, which will ensure the consistent delivery of care services across the whole of Scotland. The proposal to establish five regional offices, one of which will incorporate the re-located headquarters of both the Commission the council, is founded on that objective. (See Annex 1.) We have taken four factors into account in identifying the regions.

- A workable ratio of existing staff to existing workloads and the new services which are to be registered and inspected in particular areas, which should help to minimise the numbers of staff required to work out-with their existing areas of responsibility. Some redistribution of staff may, however, be required to overcome unevenness in the present arrangements. ,
- The geographical coherence of the region, particularly in relation to transport and communications networks.
- Coterminosity , as far as possible, with existing local authorities, health boards and" sheriffdoms. (Since these institutions are not themselves coterminous, this can never be absolute.)
- The availability of suitable accommodation for the regional headquarters. We have written to Local Enterprise Companies and Local Authorities inviting them to submit details or premises which fit our specifications by the end of January, and the information we receive from them may influence \$e final boundaries of the regions. Once it is clear what buildings are available (and we expect to know by early February), and-these have been assessed for suitability, the various options will be put to the Ministers for their approval.

Local Resource Centres

6. The alternative of a more extensive network of local offices would add little to the quality of service, but might detract dramatically from file national identity of the new structure. Nevertheless, we accept the need for some local resource centres, additional to the regional offices, within the regions. These would be permanently staffed and would provide:

- general office support (photocopying, scanning, faxing);
- accommodation facilities for team meetings (to discuss practical issues); .accommodation facilities in which to conduct sensitive interviews (such as those which would be inappropriate to conduct in provider accommodation); and
- storage space for legally-required materials (such as initial hand-written notes of an inspection).

The precise size and number of these resource centres will be for the Commission itself to decide, dependent on budgetary constraints on the one hand and local conditions, particularly the geographical spread of the regions, on the other: Region B, for example, which extends

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from Shetland to Aberdeenshire, will clearly require a greater number than Region A, which is concentrated in east central Scotland; c

Working Arrangements

7. Each regional office will contain a small managerial team and clerical staff. The vast bulk of the work, particularly in rural areas, will however, be undertaken by inspectors working in locally based teams using laptop computers, with remote support from their core team, and visiting the regional office or (more frequently) a local resources centre as required. The skeleton beneath what will in some respects be a virtual body will be its management techniques and use of Information and Communications Technology (ICT). The aim is that the Commission and Council will take full advantage of the flexibility in working patterns and the related efficiencies that modern technology can offer. Local presence and contact with providers will be maintained through the registration and inspection officers; using face to face contacts, e-mails, telephones, etc. This will enable staff to be both flexible in the way they work, and from where they work. It is vitally important that staff are provided with all the necessary equipment and training to allow them to do so, and this will be a priority for the Commission. For management and inspection staff alike, this should allow for the more effective use of resources and the consistent delivery of a national service. In addition to local resource centres there are likely to be two main settings in which ICT will be used to type up notes or submit reports; at home or in service provider accommodation.

8. Home working will be an option for Registration and Inspection staff; it will not be a requirement, since some staff will not wish to work from home, either because they do not have suitable accommodation, or for other reasons. Those who wish to do so will have the purchase, installation and running costs of home work stations (IT equipment, telephone, seating, lighting, insurance, etc.) met by the Commission. Home work stations will be required to meet health and safety regulations.

9. Provider accommodation will be appropriate in some circumstances and not in others. To take an extreme example, it clearly would not be appropriate to use nursing or residential - home facilities where an inspector was recommending that registration be cancelled. In most cases, however, use of this type of accommodation will not mean working from the actual sites of service provision, but from properties owned and used by the major public service providers local authorities and health boards which have no connection with care provision. Arrangements could be made for registration or inspection staff visiting a particular area to prearrange use of a local council office. Part of the role of office staff at headquarters, regional offices and local resource centres will be to make themselves familiar with available accommodation across the geographical spread of the regions and to arrange access to it.

Workplan

10. In determining the number of registration and inspection staff required the following criteria were considered:

- the amount of time required for inspections;
- the number of inspections per provider;
- the number of providers - current and those which will be regulated under the new legislation;

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- an allowance for enforcement /complaints; and
- the existing number of staff employed in the registration and inspection units, utilising the latest available figures (@November 2000) from local authorities and health boards.

11. The number of administrative/clerical staff required has been calculated on the basis of one member of support staff to three inspectors. At this stage, our working assumption is that an inspection of a residential facility (e.g. a care home, - secure accommodation of children, independent hospital or hospice, etc), would take about 6-9 inspection days. A working group on registration and inspection methodologies is currently being set up to look at these issues and how the Commission will work in detail.

Management structures and generic team-working ..

12. The Commission will be managed by a Chief Executive, an Operational Director, a Strategic and Corporate Management Director, ,a regional manager for each of the local offices and team leaders who will be responsible for the day-to-day work of registration and inspection staff. The teams will be generic, i.e. teams comprising officers who work on their own specialist area such as children's services, adult care, care homes, etc. The majority of inspections will, however, be conducted by a single officer. ,'

Professional support

13. Professional support such as dieticians, pharmacists, occupational therapists, legal advisers etc, currently available to registration and inspection staff., will continue .to be available. This may be through a: pool of staff available to the Commission or on a consultancy basis. The Commission will also be supported by a team of IT , - Finance, and Personnel professionals. This team will also have responsibility for daily operational matters for staff such as salaries, travel and subsistence, health and safety, annual/special/sick leave and appraisal.

Terms & Conditions

Existing Terms and Conditions

14. Our objective is for all staff. currently employed by CCETSW, or in registration and inspection units, including administrative and clerical staff. who work solely in relation to these duties, to be able to transfer to the Council Commission with their existing salaries, terms and conditions; At the moment the central issue is to identify the best mechanism to enable this to take place. Our initial proposal involved transferring staff in accordance with the *principles* of the Transfer of Undertakings (protection of Employment) Regulations (TUPE) 1981. TUPE itself does not ,apply since, strictly speaking, a business is not being transferred. However, a number of Trade Unions and individual members of staff. have expressed concern at the results of previous transfers under TUPE, notably in cases where.. in their view, terms and conditions have been changed for the worse as soon as the transfers were complete. In the light of these concerns we wish to make it clear that any changes to existing terms and conditions proposed after the transfer would have to be agreed between the Council or Commission and staff or their representatives. Nevertheless, we are currently investigating other options, including legislation similar to that enacted prior to the local government reorganisation of 1996;

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New Terms and Conditions

15. The implementation team has written to all current employers to obtain details of existing salaries, terms and conditions. These will be taken into account in determining the salary and grading of the posts in the Commission, but are subject to wide variation, both between local authorities and health boards and within them (as a result of local agreements with trade unionism for example). The terms and conditions offered to staff not previously employed in registration and inspection units will therefore be drawn from a range of existing terms and conditions. Consultation with trade unions and other stakeholders will take place over this issue, but since the Commission will be concerned to recruit skilled and dedicated staff there is no question of drawing these up on a lowest common denominator basis. A core set of new terms and conditions will be available for staff by late Autumn, before the Council opens.

16. An issue which needs to be resolved soon is whether existing staff assimilate to the new terms and conditions over a set period of time, or retain those applicable at the time of transfer. The goal of achieving a cohesive workforce with a comprehensible salary and promotion structure suggests that the former is preferable. Our intention is therefore to propose a 2-year transition period during which existing staff will retain their existing terms and conditions, unless they move to a new post within either body, at which point they will move to the new terms and conditions. At the end of the 2-years all remaining staff will assimilate.

Pensions

17. Details of existing pension schemes and how they are administered are being obtained from present employers. These will be taken into account on deciding on a new pension scheme. The terms of the new pension scheme will be no less favourable than the existing pension scheme.

Re-deployment

18. For those staff who do not wish to transfer to the Commission, the Scottish Executive will be holding discussions with their existing employer about alternative employment in their organisation. It is expected that those who choose not to transfer will continue to work for their current employer. In the case of certain categories, most obviously registration and inspection staff employed by health boards; redeployment may present more difficulties; the Executive is therefore investigating the question of severance packages for staff for whom there are longer posts with the previous employer.

Training

19. We understand that these are new ways of working for most staff (some Registration and Inspection Units already involve home working), but can assure them that a training programme on the new methodology and information technology to be used will be run in advance of transferring to the Commission. Registration and inspection staff will receive a questionnaire seeking details of training needs. Training will also be provided for the IT system selected to support the work of the Commission and Council. A training programme will be structured in such a way as to ensure that statutory work can continue while staff undertake training.

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Career path

20. Staff will be given the opportunity to apply for vacancies in promoted posts which arise in the Commission and Council. Any vacancies will be filled by open competition where account will be taken of skills, qualifications and experience. Staff will continue to receive professional training and development on transfer to the Commission and Council.

Transitional arrangements and Staff Consultation

21. Transition plans will be developed to enable a smooth transfer of regulatory functions to the Commission. A working group, including trade union representatives and those other stakeholders, will be set up to identify transition issues. We will continue to consult staff throughout the process. We aim to do this through various working groups and the 'Aiming for Excellence' Reference Group. We also expect to have further discussion with COSLA, ADSW, NAIRO, NHS and trade unions. We will also continue to keep individual members of staff up to date through updates of this paper, seminars, staff newsletters and our new interactive website.

22: The two most important items of information which staff require in order to decide whether to transfer are the location of the regions, headquarters, offices and resource centres, and the new terms and conditions to which they eventually have to assimilate. The first (excluding the local resource centres) will be known in March and the second in August after which they will be made available to staff as soon as possible.

Neil Davidson
Implementation Team
Registration of Care Project
January 2000

REVISED REGIONAL STRUCTURE- FAVOURED OPTION

Regional Office A

Authority	R&I Staff	No. of regulated premises	No. of regulated premises relative to national average
Angus	7.8	432	102%
Dundee City	8.5	361	80%
Clackmannanshire (ed)	0.8	141	315%
Fife	20.0	1284	115%
Falkirk(JIU)	11.0	446	72%
Perth & Kinross	14.9	546	66%
Stirling (ed)	4.5	389	154%

% regulated premises in regional office area (relative to national average)

67 Present staffing complement
3619 No of regulated premises
96.15

Regional Office B

Authority	R&I Staff	No. of regulated premises	No. of regulated premises relative to national average
Shetland Islands	1.0	120	214%
Orkney Islands	0.6	61	182%
Highland	7.0	958	245%
Eilean Siar	4.0	135	80%
Moray	5.0	378	135%
Aberdeenshire	18.4	1033	101%
Aberdeen City	13.2	682	92%

% regulated premises in regional office area (relative to national average)

49 Present staffing complement
3367 No of regulated premises
122.40

Regional Office C

Authority	R&I Staff	No. of regulated premises	No. of regulated premises relative to national average
Glasgow City	28.4	985	67%
Renfrewshire	9.0	355	70%
Inverclyde	5.5	189	61%
West Dunbartonshire	5.0	204	73%
Argyll & Bute	5.2	369	127%
East Dunbartonshire	9.0	384	72%
East Renfrewshire	3.0	230	137%

% regulated premises in regional office area (relative to national average)

63 Present staffing complement
2698 No of regulated premises
76.3

Regional Office D

Authority	R&I Staff	No. of regulated premises	No. of regulated premises relative to national average
Scottish Borders	9.2	415	81%
ELRIS (TOTAL)	44.0	2747	112%

% regulated premises in regional office area (relative to national average)

53 Present staffing complement
3162 No of regulated premises
106.19

Regional Office E

Authority	R&I Staff	No. of regulated premises	No. of regulated premises relative to national average
North Ayrshire	12.0	380	54%
East Ayrshire	8.0	308	69%
South Ayrshire	8.0	351	78%
Dumfries & Galloway	12.5	374	53%
South Lanarkshire	17.2	725	75%
North Lanarkshire	12.0	550	82%

% regulated premises in regional office area (relative to national average)

70 Present staffing complement
2668 No of regulated premises
68.4