

# Royal Assent of the Regulation of Care Act 2013

## Questions and Answers

### 1. What does the Act do?

The Act does the following:

- **Regulates more social care services and key non-NHS services**
  - Adult Placement Agency, Child Care Agency, Domiciliary Care Agency, Fostering Agency, Independent Medical Agency, Voluntary Adoption Agency, Adult Day Care Centre, Child (secure accommodation) Establishment, Independent Clinic, Independent Hospital, Independent Medical Agency, Offender Accommodation Service and Residential Family Centres.
  - Department of Social Care services will also come under regulation and will be inspected and have to meet the same minimum standards as any other care service.
  - Boarding schools will also come under regulation and will be inspected and have to meet the same minimum standards.
- **Provides a Comprehensive regulatory framework**
  - Reflects up to date regulatory legislation, UK case law and tribunal outcomes in this area of work
- **Introduces a new approach to regulation and inspection of services concentrating on the improvement of service provision**
  - Clearly states those persons that are disqualified from registration.
- **Creates more appropriate enforcement**
  - Introduces a full spectrum of proportionate and meaningful enforcement action – from improvement notices to cancellation.
- **Provides clear transitional arrangements**
  - Allows for the transition of registration for “currently regulated services” provided they meet mandatory conditions.
  - Allows for “newly regulated care services” to continue operating while they await registration provided they notify the Department and meet mandatory conditions.
- **Creates transparent reporting**
  - One of the key provisions of the Act is that inspection reports will be publicly available on all regulated care services.
- **Introduces Minimum Standards**
  - Introduces minimum care standards for all care services that will be regulated and allows enforcement action to be taken if those standards are not met.

### 2. I’m already a registered care service provider. What will this mean for me?

Your registration will be transferred under the new Regulation of Care Act and you will receive a new certificate. This will take place from 2<sup>nd</sup> January 2014. You will be written to and provided with all the information you need. You do not need to take any action until you are asked to do so. You will continue to receive inspections but these will be carried out under the new Act and Regulations. Your inspection report will become accessible to the public.

**3. I'm already a registered manager of a care service. What will this mean for me?**

Your registration will be transferred under the new Act and you will receive a new certificate. This will take place from 2<sup>nd</sup> January 2014. You will be written to and provided with all the information you need. You do not need to take any action until you are asked to do so.

**4. I'm already a registered childminder. What will this mean for me?**

Your registration will be transferred under the new Act and you will receive a new certificate. This will take place from 2<sup>nd</sup> January 2014. You will be written to and provided with all the information you need. You do not need to take any action until you are asked to do so. You will continue to receive inspections but these will be carried out under the new Act and Regulations. Your inspection report will become accessible to the public.

**5. I've recently submitted an application for registration under the repealed legislation. How will this affect me?**

Your application will continue to be processed but will be considered under the requirements of the new legislation

**6. I run a "newly regulated service" e.g. a Domiciliary Care Agency. What will this mean for me?**

At the moment you do not need to take any action.

From 2<sup>nd</sup> January 2014, if you wish to continue to operate you will have to inform the Department of Social Care, Registration & Inspection Unit (R&I) that you are operating a Domiciliary Care Agency. You will be required to complete and return a form to both confirm the status of your service and declare that you are meeting the mandatory conditions set out in the Act and the minimum standards applicable to your service.

If you have provided the R&I Unit with your contact details you will be written to in December and provided with all the necessary information. If you have not previously had contact with the R&I Unit, it is your responsibility to contact us. From 2<sup>nd</sup> January if you do not tell the Department that you are operating a Domiciliary Care Agency you will be committing an offence.

Once you have informed the Department you are operating and declared you are meeting the mandatory conditions and minimum standards you can continue to operate. The Department will be completing new registrations on a phased basis so you will in due course be sent an application form and must complete this and return it with all necessary documentation and the registration fee. You may still continue to operate while your application is processed but must at all times adhere to the conditions and minimum standards in place.

**7. I'm thinking about providing a "currently regulated care service" that was already regulated under the previous legislation e.g. an Adult Care Home what do I need to do?**

You will need to contact the Registration & Inspection Unit and request information and an application form. Your application will then be considered and decided under the new Act.

You are not subject to the special arrangements under the new Act that apply to convert existing registered providers or providers of "newly regulated services". You cannot operate until you are registered.

**8. I am the manager of a children's home and have never been registered with the Department. What do I need do?**

If you are known to the Registration & Inspection Unit and have previously been approved as manager of the "currently regulated service" you will receive written information from the Department in December that will tell you what you must do to apply for registration. If you are newly employed you should ask your employer to notify the Department of your status within the service and an inspector will talk to you about registration.

**9. I am the provider of a child day care service and am already registered with the Department. I have a supervisor who is in charge of the day to day running of the service. What does this mean for me?**

Unless you are also managing the service on a daily basis, your supervisor will be required to apply for manager registration. If you are unsure about the status of your supervisor you should contact the Registration & Inspection Unit.

If your supervisor is required to be registered as manager they will be written to and provided with all the necessary information.

**10. What will it cost me to register?**

The fee structure for registration is contained with the Registration Regulations and you will be provided with the necessary information when you request an application form.

**11. I am not sure if the service I provide is required to be registered. How do I find out?**

The definitions of care services that are required to be registered are contained within sections 16-32 of the Regulation of Care Act. This can be downloaded at [www.gov.im/about-the-government/departments/social-care/registration-and-inspection-unit/](http://www.gov.im/about-the-government/departments/social-care/registration-and-inspection-unit/)

If you are still not sure about the status of your service you can discuss it further with a registration and inspection officer by calling (01624) 642422 or emailing [R&Iadults.DSC@gov.im](mailto:R&Iadults.DSC@gov.im)

**12. I have a friend/relative who is looked after in a nursing home. How do these changes affect them?**

Your friend/relative will continue to receive care in the home. There are new minimum standards in place which you can view at [www.gov.im/about-the-government/departments/social-care/registration-and-inspection-unit/](http://www.gov.im/about-the-government/departments/social-care/registration-and-inspection-unit/)

The inspection report for the home in regard to any inspection taking place from 16<sup>th</sup> October is available for you to read. These reports will eventually be available on line but in the interim, and at any time, you can obtain a copy of the report by contacting the Registration & Inspection Unit on (01624) 642422 or emailing [R&Iadults.DSC@gov.im](mailto:R&Iadults.DSC@gov.im)

**13. I am the director of a Ltd Company which is already registered as a residential care provider. What will change for me?**

The company will be subject to transfer of registration and will receive a new certificate. This will take place from 2<sup>nd</sup> January 2014. Your registered manager will also be subject to transfer of registration and will be written to separately.

The main change for you is that you will be required to nominate a responsible individual to act on the company's behalf and to oversee the management and supervision of the care being provided. This person cannot be the same as the registered manager. You will be written to in December and provided with all the information you need.

You do not need to take any action until you are asked to do so. The service will continue to receive inspections but these will be carried out under the new Act and Regulations. The inspection report for the service will become accessible to the public.