Inquiry into regulation of care for older people

Bield, Hanover (Scotland) & Trust Housing Associations

Bield, Hanover (Scotland) & Trust Housing Associations welcome the opportunity to respond the Scottish Parliament Health & Sport Committee Inquiry into the regulation of care services for older people.

We are the three largest providers of housing, care and support services to older people across Scotland. We work closely with the Scottish Government and local authorities to develop high quality cost-effective services for older people.

We would like to preface our submission by noting that SCSWIS has only been operational for five months so its effectiveness or otherwise is limited and thus our submission is largely based on our experience of the previous structures. However, we do have opinions to offer on where SCSWIS could be strengthened. Additionally, as members of CCPS, we have also participated in the creation of their submission and would support their view that the Regulator needs to have powers in relation to commissioners as well as providers.

Can we be confident that the regulatory system is picking up on care services where the quality of care is poor?

We believe the primary responsibility for the quality of care ultimately rests with the service provider. However, we feel that commissioning authorities have a responsibility to ensure that the services they purchase are of high quality. Therefore, although inspections play a crucial role in identifying the quality of care, it alone cannot provide complete public assurance. Looking forward, we are encouraged by the adoption by SCSWIS of a more proportionate approach to inspections where the focus will concentrate on services where concerns have been raised and reducing the frequency of visits to projects which consistently achieve high ratings.

We believe that the regulator must be given the necessary powers to challenge authorities who continue to commission below standard services that have consistently failed to achieve national standards, fail to stimulate local markets, or attract and retain a skilled dedicated workforce, which is arguably the most important factor in ensuring high quality care. Therefore, SCSWIS must be given jurisdiction over commissioning, procurement, funding and service delivery if it is to improve the quality of care.

Following the difficulties encountered by Southern Cross, the regulator’s powers should include the ability to regulate all providers in terms of ownership structures, as well as services.
Are there any particular weaknesses in the current system?

As noted in the introduction, the current system has only been operational since post-April 2011. It is therefore, too early to offer detailed analysis. However, it is fair to say that the imbalance between SCSWIS ability to intervene in service delivery when compared to its ability to challenge the service is an area which needs addressing.

SCSWIS has no power to investigate complaints made regarding the assessment, care management or commissioning processes of an authority nor does it have powers to issue improvement notices that impact on the quality of care. With the proposed integration of social care and NHS services, SCSWIS does not have broad enough powers to address the range of structures involved in care pathways and this needs to be addressed (see below).

Does the system adequately take into account the views of service users?

While the system correctly puts a strong emphasis on user participation, it is again hampered by the regulator’s inability to investigate specific complaints made by service users. By giving SCSWIS the power to investigate and challenge service decisions, we believe that not only will the quality of care be driven upwards, but it will also become more sensitive to users concerns.

Does the registration and regulatory system provide an appropriate basis for the regulation, inspection and enforcement of integrated social and NHS care in the community?

As the Scottish Governments plans in respect of the integration of health and social care are still in development, it is too early to offer detailed comment. However, we believe that there will be a need to ensure that equality of regulation and inspection is achieved, regardless of whether the service is provided by the public, private or third sector.

We would like to thank the committee for this opportunity to comment and look forward to following your deliberations.

Joint submission from:
Bielf, Hanover (Scotland) & Trust Housing Associations
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