Regulating care in Scotland from April 2011: what the changeover means for care service providers
What’s changing?

From April 1 2011 two new public bodies will begin operating in Scotland; **Social Care and Social Work Improvement Scotland (SCSWIS)** and **Healthcare Improvement Scotland (HIS)**. These bodies have been created by the Public Services Reform (Scotland) Act 2010.

**SCSWIS**

SCSWIS will inspect, regulate and support improvement of social care and social work services across Scotland. The Care Commission and the Social Work Inspection Agency (SWIA) will no longer exist and responsibility for elements of the work they did will pass to SCSWIS. The child protection work currently done by HMIE will also pass to SCSWIS.

**HIS**

HIS will take over the regulation of independent healthcare services, previously carried out by the Care Commission. It will also take over the work of NHS Quality Improvement Scotland (NHS QIS), which will no longer exist.

**The new Act**

The work of the Care Commission is governed by the Regulation of Care (Scotland) Act 2001. The work of SCSWIS and HIS will be governed by the Public Services Reform (Scotland) Act 2010. This means that the regulations will be different and activities like registration, inspection, complaints, enforcement and so on will be dealt with according to the law as set out in the new Act.
The National Care Standards
The National Care Standards which apply to all regulated services will remain in place. SCSWIS and HIS will continue to take account of these standards when regulating services.

How will the changeover work?
If you are a care service provider you need to know how registration, inspection, complaints and enforcement work will be handled at the changeover from the existing bodies to SCSWIS.

Existing registrations
If you have a care service (not independent healthcare) registered with the Care Commission at 31 March 2011, on 1 April 2011 it will be assumed to be registered with SCSWIS. You do not need to take any action. SCSWIS will have access to all registration and other information held currently by the Care Commission and will contact you when it requires any further information from you. Limited registrations and registration under s33 of the Public Services Reform (Scotland) Act 2010 (such as local authority adoption and fostering) will also convert to registration with SCSWIS under the appropriate part of the new Act.

If you have an independent healthcare service registered with the Care Commission on 31 March 2011, on 1 April 2011 it will be assumed to be registered with HIS. You do not need to take any action. HIS will have access to all registration and other information held currently by the Care Commission and will contact you when it requires any further information from you.
New registrations
If, at 1 April 2011, you are in the process of registering a new service with the Care Commission, this process will continue but when your registration certificate is issued it will state you are registered with SCSWIS (or with HIS if you are registering an independent healthcare service).

Fees
The maximum fees SCWIS and HIS are permitted to charge will not change for 2011/12. For most services this will mean there will be no change to the application to register or annual continuation fees you currently pay. Care home continuation fees are currently set at £162 per place to reflect the cost of regulation. This, unlike other service types, is below the maximum permitted of £165 per place. SCSWIS may vary this fee depending on agreement of the SCSWIS operational plan.

Any fees you are due to pay will be payable to the new body appropriate for your service: SCSWIS or HIS. “How to Pay” details will be present on fee invoices.

For services currently paying by direct debit, we will migrate existing details to SCSWIS/HIS as appropriate and advise you of your new payment reference number. There should be little or no inconvenience to you.

Inspections
It is likely that only a small number of inspections (including follow-up and joint inspections) by the Care Commission, SWIA and HMIE will be in process on 31 March 2011. Where the inspection has started this will continue and SCSWIS or HIS will work with you from
1 April to complete the inspection and follow up any requirements or recommendations.

**Complaints**

Any complaints made to the Care Commission that are still in progress after 31 March 2011, will be taken over and dealt with by SCSWIS. Complaints about independent healthcare services will be dealt with by SCSWIS in consultation with HIS.

From 1 April 2011, any complaints about care services should be made to SCSWIS or HIS where the service is an independent healthcare service even if the complaint is about something that took place before 1 April 2011.

**Enforcement**

If the Care Commission has issued your service with an improvement or condition notice, this notice will still apply after 31 March 2011. The notice will convert to the appropriate notice under the Public Services Reform (Scotland) Act 2010 and SCSWIS or HIS will take the necessary follow-up action as set out in the new Act. So, you must act to comply with any notices to ensure that your registration continues.

**More information**

For the latest information on changeover and how the new bodies will work, visit

[www.scotland.gov.uk/topics/health/scrutiny](http://www.scotland.gov.uk/topics/health/scrutiny)