

## **Regulation of Care Bill 2012** **Third Reading approved**

1. Mr Butt to move:

*That the Regulation of Care Bill 2012 be read a third time and do pass.*

**The President:** We turn to the Regulation of Care Bill for the Third Reading. I call on Mr Butt.

**Mr Butt:** Thank you, Madam President.

First of all on this Third Reading, I would like to thank Hon. Members for their contributions during the clauses stages. The mover of the Bill in another place has asked me to pass on his thanks to Members for the scrutiny that they have given to this Bill.

There were some issues raised that I would like to cover further, Madam President, before moving on. There were questions about the vetting and the barring of people, in particular in relation to the Rehabilitation of Offenders Act. All people who work with either vulnerable adults or children are excepted persons and in their case, the convictions and cautions have to be disclosed. So the Rehabilitation of Offenders Act does not apply in their case.

The vetting process has now changed and we passed an Order in 2010 – the Police Act 1997 (Criminal Records) (Isle of Man) Order – which actually extended the Safeguarding Vulnerable Groups Act 2006 of the UK to the Isle of Man, which allows us to use the English, the UK Children’s Barred List or the Adults’ Barred List under that Act to use as disqualifying circumstances in the Isle of Man.

Last year, the Isle of Man Vetting Bureau was formed by the Department of Home Affairs and they became the bar organisation for processing enhanced checks through the Criminal and Records Bureau in England, which has merged with the Independent Safeguarding Authority. When the Bill was drafted, Madam President, that was still in process so it is planned that under regulations made under the Bill, that issue will be able to be covered by regulations.

Madam President, there was a question about the number of staff that will be required to manage this Bill. There was an impact assessment to see what actual effect this would have. There will be one new administration post, to deal predominantly with the increased registrations and the fees and the requirement to publish inspection reports. There will also be one new inspector to deal with the increased number of inspections. Based on the current numbers and new services that will come under regulation, this will be an increase in routine inspections of about 40 inspections per year.

The fees consultation set out that whilst the proposed changes to make the fee structure more equitable across services and the increased numbers being registered, it will bring in a greater cost recovery, but it never has and will not allow for full recovery for the cost of regulation.

However, that is not the intention of this legislation, to raise money. The Bill is about protecting the vulnerable and, through more comprehensive regulation, allowing the public to be confident in the services they, their relative and their children are accessing.

The costs, Madam President, have been allowed for within the budget of the Department, so they will not cause any extra expense outside their budget.

Madam President, as I first stated in the First and Second Readings, the Regulation of Care Bill introduces a single piece of legislation to deal with the regulation of the Island’s Social Care and non-National Health Service care services. These are services that deliver care to many of the most vulnerable in our communities. The Bill will now regulate services that did not exist when the existing legislation was written.

The bulk of the Bill includes previous legislation, in particular the Nursing and Residential Homes Act 1988, some parts of the Children and Young Persons Act relating to care homes, and the Nurses and Midwives Act 1947, which deals with nursing agencies. There are many new services since those Acts have been operating, in particular agencies providing personal care in homes of the vulnerable.

This Bill will give service users and their families complete confidence in the services being delivered. It will modernise and strengthen the current regulatory powers of the Department of Social Care, and importantly, it would allow the Department itself to have its own care services inspected, monitored and reported upon.

Previously Adult Services and Children’s Services were dealt with under different pieces of legislation and the Bill will create consistency in the regulation of Social Care and non-NHS care services. It will introduce a new approach to the registration and inspection of services, one which concentrates on their improvement and will target inspections to where they are most needed. It introduces new levels of enforcement, allowing for improvement notices, before going on to full enforcement.

To avoid a sudden overnight change, there are transitional clauses which allow the registration of new services and allow re-registration to be done over a period of time, which should ensure that businesses will be able to continue without interaction. The sudden changeover in the United Kingdom caused problems, when similar legislation was brought in there. For the first time, social care workers and social workers will be registered with appropriate bodies and, importantly, the inspectors will be able to publish reports on services and premises, so that potential users and families will be able to judge the quality of services offered.

Madam President, this Bill is important as we have been falling behind in regulation and in fact, some services provided for vulnerable people have not been able to be inspected and monitored. Some do, though, submit to voluntary inspection.

There have been recent care scandals in the UK and it is important that we have a robust system of regulation, inspection and monitoring, and this Bill provides a very sensible and reasonable approach to providing that.

Madam President, finally, I would like to thank Mrs Diana Gordon and Sam McCauley of the Department for the huge amount of work they have put in into progressing this Bill over recent years and having studied this subject, I think they have done an exemplary job. I also thank them for their support to the Council during the clauses stages of this Bill.

Madam President, I beg to move that this Bill do pass.

**Mr Lowey:** Madam President, I take great pleasure in seconding this resolution.

It is rather apt, isn't it, in the light of this will be the last Bill that I will be actually seconding in my political career and what is it? It is about social justice. It is about putting in an Act that will safeguard the vulnerable and making and keeping up standards for the future. Could there be a more apt Bill that I would want a second? I think it is an excellent Bill.

It seems a lot. It covers a huge spectrum. I believe in doing this and I think the Department deserves credit. You have mentioned individuals, but I think I would give credit to the whole Department for making and keeping up standards in a format that is more understandable by the very people that it will affect.

Great pleasure in seconding.

**The President:** Hon. Mr Downie.

**Mr Downie:** Thank you, Madam President.

I would just like to say that I fully support the Bill. One of the things that I think we are doing here: there is so much reliance these days on the private sector, more and more caring and so on being devolved to that sector, and I think it is essential that care related businesses are properly regulated, and we have legislation which protects the sick and the vulnerable and those involved with providing childcare.

I fully support the Bill, which does provide a regulatory framework which is easy to understand, and it is a source of reference to people who will be working in that industry. I think that the Department and the draftsman should be congratulated on that because anyone who is working in that industry can refer to this. It is all spelt out here in easy to understand language, which I think is going to provide a very good system for the future.

As I said, I am fully in support of the Bill.

**The President:** The mover to reply.

**Mr Butt:** Thank you, Madam President.

I thank Mr Lowey for seconding the Bill throughout the clauses stages. It is indeed apt that he is the person to second it, because my experience is that he has been the social conscience of Tynwald and this Council for many years. It is an apt Bill that he should be commenting upon. I thank him for his support.

Mr Downie's comments: he is right that more and more of the private sector will be undertaking this work. This Bill will actually be a tool for them to use – and they do support it, I understand – because they will then be able to strive to make sure that when they are reported upon, they get a good result in the reports. This should make them perform better to actually advertise their services to the public because the better their report is, the more likely they are to be used.

So I think this Bill is actually a tool to make the private sector perform to the highest level. I thank him for his congratulations to the draftsman and those that formulated it. It has been going for many years, I understand in the Department and it has finally reached, hopefully, fruition today. I thank him for his support.

**The President:** The motion is that the Bill be read a third time and do pass. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.