

**Better Regulation Task Force Report**  
***Bridging the Gap – Participation in Social Care***  
***Regulation***

**Government Response**

**1 December 2004**

## Introduction

1. The Government welcomes the report *Bridging the Gap – Participation in Social Care Regulation* published by the Better Regulation Task Force (BRTF) on 8 September 2004.
2. *Bridging the Gap* is a helpful contribution to identifying how users of social care services can be involved in the process of inspection and regulation. The report is very much in line with Government thinking and its recommendations largely reflect commitments and policy announcements previously made by the Government and the Commission for Social Care Inspection.
3. It is vital that the voices of people living in care homes or receiving social care services in their own homes are heard. The forthcoming Green Paper on adult social care will outline proposals which will emphasise the importance of involving users and carers in the planning and delivery of care services. Both the interest expressed in the new vision for adult social care and in the BRTF report indicate a clear appetite for involvement among users of social care services.
4. The Government's policy on inspection places a number of expectations on inspectorates and the departments that sponsor them. It includes the requirements that inspection should focus on outcomes, which means looking at how services deliver for their users, and ought to take a user perspective in judging the effectiveness of services. The BRTF's support for these principles is very welcome.

## Recommendation 1

*The Task Force recommends that, by April 2005, the Department of Health should commission research on people's experiences of the availability and accessibility of information on the range of social care services available to them (including voluntary and informal services). The aim should be to establish a single, accessible point of information.*

5. Government response - recommendation accepted. A single, accessible point of information has been a long term goal of Government for some time. The Department of Health's Policy Research Programme funds a large programme of research in adult social care across a wide range of service user groups and topic areas. Many of the individual research studies commissioned within the Policy Research Programme have a dimension that examines access to and use of information by specific service user groups. The Department's Learning Disability Research Initiative, for example, includes a study designed to produce evidence-based guidance on producing accessible information for people with a learning disability. One of the projects under the Modernisation of Adult Social Care initiative is on older people's use of information technology.

6. The Government acknowledges however that the BRTF's recommendation relates to research on people's experiences of the availability and accessibility of information across the whole range of social care services. The Department of Health has no current research that looks at information for service users and carers across the whole spectrum of adult social care. It is therefore considering the possibility of such a project, beginning with a thorough review of available evidence in order to establish exactly what is required. It will begin work on a proposal for a feasibility study early next year.

### Recommendation 2

*The Task Force recommends that, by April 2005, the Department of Health should carry out a user-centred post-hoc review of the two sets of National Minimum Standards on care homes for adults. The Standards should be rationalised, simplified and focused on personalised outcomes for individuals rather than on processes.*

7. Government response – recommendation accepted. When they were introduced we made a commitment to review the National Minimum Standards for social care, made under the Care Standards Act 2000, within three years. On 27 October 2004 we announced the start of the review of the standards and the associated legislative framework for adult social care.
8. The focus of the review will be on ensuring a targeted and proportionate system of regulation which delivers the best possible outcomes for service users. It will consider the suitability of the standards for ensuring the needs of service users are met. If this test is met, the review will look at the structure of the standards and consider whether this could be improved and made clearer. It will also consider how the regulatory framework can facilitate more proportionate and cost effective regulation of adult social care services. The review will be led by the Department of Health and will involve close working between Government, users of social care services, providers and the Commission for Social Care Inspection (CSCI).
9. Following the review, the Government will carefully consider the case for change. We intend to implement any changes to the adult social care standards resulting from the review in 2006.

### Recommendation 3

*The Task Force recommends that the Department of Health work with the Commission for Social Care Inspection to achieve a flexible, risk-based approach to the interpretation of the National Minimum Standards.*

*The Commission for Social Care Inspection should consider adopting a policy of "comply or explain", particularly in relation to voluntary sector organisations which provide informal, small-scale services.*

10. Government response – recommendation accepted. The Task Force's recommendation is in line with the direction of travel set by the Commission for Social Care Inspection. CSCI has recently launched a consultation on its own user-focused regulation programme *Inspecting for Better Lives*. CSCI's consultation considers how it can ensure that its processes of inspection and regulation deliver improved outcomes for the people who use social care services. The Department of Health is working with CSCI on its new approach and will feed the conclusions of CSCI's consultation into its own review of the National Minimum Standards.

#### Recommendation 4

*The Task Force recommends that, by April 2005, the Department of Health and the Department for Work and Pensions should work together to produce joint guidance on payment for participation. This guidance should clarify issues for those involved (participants, regulators and Job Centre plus staff) and also help to encourage greater participation.*

11. Government response – recommendation accepted. We agree that participants should not be deterred from user involvement by a lack of clarity on the issue of payment and reimbursement. The Department of Health is already developing guidance to service users and relevant NHS and social care organisations to clarify the position on payment and reimbursement for participation. It is working closely with the Department for Work and Pensions on the development of this guidance. The Department of Health is also working closely with the National Mental Health Institute in England London Development Centre on issues relating to user involvement, drawing on its previous work in this area for users of mental health services.

12. In order to allow sufficient time for the full involvement of service users in the development of the guidance, a consultative approach will be taken to its development over the coming months. The guidance will be finalised in 2005.

13. In a related area, the Department of Health and the Department for Work and Pensions are currently working together to produce guidance clarifying the current position for disabled people in receipt of benefits who may be interested in taking up Public Appointments.

#### Recommendation 5

*The Task Force recommends that, by December 2004, the Department of Health should ask the General Social Care Council and the Commission for Social Care Inspection (and all Department of Health Arm's Length Bodies which seek to involve people) to formally adopt the principles for participation which have been developed by the Joint Participation Steering Group.*

14. Government response – recommendation accepted in principle. The Government welcomes the work carried out by the Joint Participation Steering Group on the development of the principles for participation. The Department of Health has discussed the principles with the General Social Care Council (GSCC) and the Commission for Social Care Inspection. Both organisations have already begun to explore the adoption of the principles for participation through formal debate, consultation and discussion with their own service user constituencies. The Government has asked the GSCC and the CSCI to continue to explore, together with the other organisations represented on the Joint Participation Steering Group, how the principles for participation could most appropriately be used.
  
15. Both the GSCC and CSCI are represented on the Joint Participation Steering Group and were therefore fully involved in the development of the principles for participation. It will be for other Department of Health Arm's Length Bodies to consider the relevance of the principles for participation to their own work, according to the extent of their involvement with users of social care services. The Government would support the adoption of the principles for participation where a body considers this to be appropriate.