

Compliance with the Duty of Co-operation and Joint Inspection

Report to: Board

Date: 28 June 2013

Report by: Karen Anderson, Director of Strategic Development

Report No: B-12-2013

Agenda Item: 10

PURPOSE OF REPORT

To advise of the Board as to how the Care Inspectorate has fulfilled the duty of co-operation set out at section 114 of the Public Services Reform (Scotland) Act 2010, and as to joint inspection work carried out.

RECOMMENDATIONS

That the Board:

1. Notes the work carried out in fulfilment of the duty of co-operation and the joint inspection work which has been carried out.

Version Control and Consultation Recording Form

Version	Consultation	Manager	Brief Description of Changes	Date
	Senior Management			
	Legal Services			
	Resources Directorate			
	Committee Consultation (where appropriate)			
	Partnership Forum Consultation (where appropriate)			
Equality Impact Assessment				
To be completed when submitting a new or updated policy (guidance, practice or procedure) for approval.				
Policy Title:				
Date of Initial Assessment:				
EIA Carried Out			YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
If yes, please attach the accompanying EIA and briefly outline the equality and diversity implications of this policy.				
If no, you are confirming that this policy will have no negative impact on people with a protected characteristic and a full Equality Impact Assessment is not required.			Name: K. McClure Position: Head of Legal Services Note: The matters referred to in this paper are not a policy and therefore do not require an EIA.	
Authorised by Director	Name: Karen Anderson		Date: 20 June 2013	

1.0 BACKGROUND

Corporate Plan references: Outcome 3:

'The Care Inspectorate performs effectively and efficiently as an independent, scrutiny and improvement body and works well in partnership with other bodies'.

2.0 INTRODUCTION

The Public Services Reform (Scotland) Act 2010 ("the Act") imposes upon a range of bodies, a duty to co-operate and co-ordinate activity with each other, and where appropriate, the Scottish Ministers with a view to improving the exercise of scrutiny functions in relation to local authorities, social services and health services (s114) and provides for joint inspection of social services involving a range of bodies (s115).

The duty of co-operation extends to the following bodies:

- Accounts Commission for Scotland
- Healthcare Improvement Scotland
- Her Majesty's Chief Inspector of Constabulary and Her Majesty's Inspectors of Constabulary appointed under section 33 of the Police (Scotland) Act 1967 (c. 77)
- Her Majesty's Chief Inspector of Fire and Rescue Authorities, Her Majesty's Inspectors of Fire and Rescue Authorities and Assistant Inspectors of Fire and Rescue Authorities appointed under section 43 of the Fire (Scotland) Act 2005 (asp 5)
- Her Majesty's Chief Inspector of Prisons for Scotland
- Her Majesty's Chief Inspector of Prosecution in Scotland
- Her Majesty's inspectors of schools (that is to say, the inspectors of schools appointed by Her Majesty under the Education (Scotland) Act 1980 (c. 44))
- Mental Welfare Commission for Scotland
- Social Care and Social Work Improvement Scotland

The provisions for joint inspection extend to the following bodies:

- Healthcare Improvement Scotland
- Her Majesty's Chief Inspector of Constabulary and Her Majesty's Inspectors of Constabulary appointed under section 33 of the Police (Scotland) Act 1967 (c. 77)
- Her Majesty's Chief Inspector of Prisons for Scotland
- Her Majesty's Chief Inspector of Prosecution in Scotland
- Her Majesty's inspectors of schools (that is to say, the inspectors of schools appointed by Her Majesty under the Education (Scotland) Act 1980 (c. 44))
- Mental Welfare Commission for Scotland
- Social Care and Social Work Improvement Scotland
- any Special Health Board

This report details the Care Inspectorate's actions and inspections in 2012/13 and in Q1 of 2013/14 which demonstrate compliance with these provisions.

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3.0 JOINT INSPECTION

In the period since 1 April 2012, we have completed the programme of inspection of local authority child protection services commenced by Her Majesty's Inspectors of Education in 2009. The inspections involving the Care Inspectorate were carried out jointly with Education Scotland and Her Majesty's Inspectorate of Constabulary for Scotland. We published reports on the child protection services provided by Dundee, and Moray councils in May / June 2012. In 2011/12 we developed, with the assistance of Angus Council and our scrutiny partners, a methodology for joint inspection of children's services. Since April 2012 we have carried out and reported on two pilot inspections, of children's services, in Edinburgh (published in April 2013) and Orkney (published in May 2013). We concluded two further pilot inspections in North Ayrshire and Argyll and Bute, and will report on these in due course. In addition to the Care Inspectorate, these inspections involved Education Scotland, Healthcare Improvement Scotland and Her Majesty's Inspectorate of Constabulary for Scotland. Further joint inspections of children's services have commenced in East Dunbartonshire and Midlothian.

In addition, on 30 May 2103, we published a report on the findings of all joint inspections of local authority Child Protection Services carried out involving Her Majesty's Inspectorate of Education and (since April 2011) the Care Inspectorate. The publication of that report was publicised at an event attended by representatives of the scrutiny bodies involved, local authorities, and by Aileen Campbell, Scottish Government Minister for Children and Young People. That report, along with the reports on the performance of individual local authorities which informed it, is accessible on the Care Inspectorate website.

The Scottish Ministers have requested that we participate in joint inspection of services for adults. These inspections will be carried out jointly with Healthcare Improvement Scotland. A methodology has been developed and pilot inspections are being carried out in three local authority and related community health partnership areas (Inverclyde, West Lothian, and Perth & Kinross).

4.0 CO-OPERATION

We continue to co-operate with the scrutiny bodies identified in the Act. In particular, senior officers attend at a number of groups whose purpose is to ensure the co-ordination of scrutiny activity. The Chief Executive is a member of the Strategic Scrutiny Group, chaired by John Baillie of the Accounts Commission, the purpose of which is to co-ordinate all scrutiny development across Scotland. The participants in that group, in addition to the Care Inspectorate, are Audit Scotland Education Scotland, Healthcare Improvement Scotland, The Scottish Housing Regulator, Her Majesty's Inspectorates of Constabulary and Fire & Rescue for Scotland, CoSLA, SoLACE Scotland and in addition, a representative of the Scottish Government. The Director of Strategic Development also attends the National Scrutiny Planning Group co-ordinated by Audit Scotland, and attended by the same bodies as the Strategic Scrutiny Group referred to above, with the exception of CoSLA and SoLACE Scotland and in addition, with a representative of the Scottish Government in attendance.

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We are reviewing the range of protocols and memoranda of understanding we have in place with other bodies in order to ascertain which of these should be updated, and whether any additional protocols or memoranda of understanding are necessary, whether to better fulfil the duty of co-operation or to facilitate more effective discharge of any of our statutory functions.

5.0 RESOURCE IMPLICATIONS

None – this report reflects work which would in any event be carried out as required by statute.

6.0 BENEFITS FOR PEOPLE WHO USE SERVICES AND THEIR CARERS

It is important that the Care Inspectorate can demonstrate way that it is fulfilling its statutory duties, and that people who use care services and their carers can have confidence that the Inspectorate is fulfilling its statutory remit.