

2017.03.28

### **3.5 Deputy R.J. Renouf of St. Ouen of the Chief Minister regarding consultation on draft Regulations to be made under the Regulation of Care (Jersey) Law 2014:[1(192)]**

Given the importance of ensuring health and social care providers deliver care in the community that is safe and of a high quality, is the Chief Minister satisfied that sufficient effort has been made to bring to public attention the consultation presently taking place into draft regulations to be made under the Regulation of Care (Jersey) Law 2014?

#### **Senator I.J. Gorst (The Chief Minister):**

I would like to ask Senator Routier to answer this question.

#### **Senator P.F. Routier (Assistant Chief Minister - rapporteur):**

I would like to thank the Deputy for this question. Currently the phase of consultation is predominantly focused on technical matters such as definitions of services. We are consulting with care providers and some service representatives and that consultation is open until the end of April. This is a timely reminder for those people who are contributing to the first phase of this consultation. This will then be followed by the developments of more detailed standards describing how services must be delivered and what clients, their families and loved ones can expect. These detailed standards will be developed by the Care Commission, who are required by law to consult representatives of those affected by the standards. This will be an extensive process, which, as I say, will be carried out by the Care Commission. As far as today's position is concerned, I am satisfied that this phased approach to the consultation process is satisfactory.

#### **3.5.1 The Deputy of St. Ouen:**

The regulations that are drafted and that are attached to the consultation paper are far more than technical, in my opinion, and deal with matters such as standards of care, premises, staffing matters. Why does the Minister not consider the general public to be stakeholders in such matters, especially given the content of the gov.je website page that expressly states that it seeks the views of people who use such services, their carers and their relatives?

#### **Senator P.F. Routier:**

There is no intention to stop people contributing to this consultation. This next phase, the issues which the Deputy rose about, the describing of services, for instance, the design layout and the physical environment and the ratio of staff and qualifications of training and all those matters will be part of the consultation which the Care Commission themselves will be consulting on. That will be the next phase after April and I hope that the general public will participate in that consultation. I know recently a consultation process was carried out, only a couple of evenings ago, which was well attended, well received and people are sort of looking forward to the next stage which I am sure the items that the Deputy is focusing on will be covered very fully during that consultation.

#### **3.5.2 Deputy M. Tadier:**

The care of our elderly in particular when it comes to that time of life is, I am sure, of paramount importance for all of us. Does the Assistant Minister agree that regulation is only one part of ensuring good delivery of service and that when we see a vastly-increasing elderly population projected in the next few decades that it is absolutely important that resources - financial resources - put in by government must also increase proportionately, if not more than proportionately? Is that a fair point to make and does the Assistant Minister think that with our current tax and spend model

the resources will not be able to be given to that particular sector without fundamental changes to the tax and spending model?

**Senator P.F. Routier:**

I am not going to comment on the tax and spending model as Members will be aware that there is a piece of work going on about tax at the present time in which every Member will have an opportunity to have their say during that. But the main point which the Deputy was making about the importance of ensuring that we do support the elderly in our community is something which I am sure everyone in this Assembly wants to achieve. So, I think it is a high priority to ensure that our growing elderly population are cared for in an appropriate manner.

**3.5.3 Deputy M. Tadier:**

Does the Assistant Minister accept that the free market cannot be relied on too heavily in order to deliver adequate and affordable health care for our most vulnerable members of society and does he agree that there is a risk in this particular model that we are putting too much emphasis on private suppliers and not enough on the public sector provision?

**Senator P.F. Routier:**

I probably need to declare an interest as being a trustee of an organisation which does provide care for people in the community. So, I am a big fan of non-States departments being involved in providing some of the care because they can often do it far better than governments because they deal with things in a good way. So, the comments are made as a philosophical difference of approach and I am a supporter of people being provided best services by whoever can provide it.

**3.5.4 Deputy G.P. Southern:**

Will these new regulations cover delivery of care in the home and will they extend to terms and conditions where they may impact on health and safety of those cared for, in particular among organisations delivering this care in the home?

**Senator P.F. Routier:**

The Care Commission will have a wide brief and it will include people who are in their own homes as well as in larger institutions. The Care Commission will look at all aspects to ensure that the care is appropriate for those people who are using the services.

**3.5.5 Deputy G.P. Southern:**

Will the Care Commissioner examine terms and conditions where they may have an impact on health and safety of clients and/or the workers?

**Senator P.F. Routier:**

No doubt the Care Commissioner will do what he thinks is appropriate.

**Deputy G.P. Southern:**

If I may, that is a woefully inadequate answer in the sense that the Minister is conducting consultations at the moment and says the commissioner will make up his mind.

**The Deputy Bailiff:**

There is time for you to ask a further supplemental, Deputy, so please do.

**3.5.6 Deputy G.P. Southern:**

Would the Assistant Minister care to be more specific about what these regulations cover and not what the commissioner may or may not instigate when he arrives?

**Senator P.F. Routier:**

The standards which the Care Commissioner has to determine may include things like what information a provider must publish describing the type of service offered, matters relating to design and layout of the physical environment, the ratio of staff and the qualifications and training that they should have and the arrangements that should be in place to manage the dignity, safety and wellbeing of those using the service. Those are the headline ones but there are plenty more which I could spend quarter of an hour going through with the Deputy. Certainly, the main aim of the commissioner will be to ensure that people are safe and well looked after.

**3.5.7 Deputy G.P. Southern:**

A supplementary, if I may. Especially where reference is made to safety, will these regulations cover safe-working practices for the deliverers of home care?

**Senator P.F. Routier:**

That will be a matter for the commissioner.

**3.5.8 The Deputy of St. Ouen:**

Will the Assistant Minister confirm that members of the public will be given an opportunity to be consulted about these regulations before they are brought to the House, not simply an opportunity to contribute to standards but these regulations, given that there has been no media release to the public seeking their participation in this consultation thus far?

**Senator P.F. Routier:**

Yes, certainly it is the duty of the commissioner in its terms of reference to ensure that the public are aware of the consultation process and I would fully expect that the commissioner will ensure that that happens.