



Briefing Paper 3 | March 2024

## Jersey Care Commission

### Overview

This briefing paper examines the background to the Regulation of Care (Jersey) Law 2014 and the establishment of the Care Commission as well as the Regulations relating to the Commission and its activities.



### Background to the Regulation of Care (Jersey) Law 2014

The [Regulation of Care \(Jersey\) Law 2014](#) was passed to establish a Health and Social Care Commission and provide regulation of activities associated with the provision of health or social care services. Prior to this Law there were two principal pieces of legislation covering the provision of health and social care in Jersey:

**Nursing and Residential Homes (Jersey) Law 1994** - concerned with the regulation of independent residential care homes, nursing homes, mental nursing homes, and private hospitals.

**Nursing Agencies (Jersey) Law 1978** - concerned with licensing businesses that supply nurses, midwives, and auxiliary nurses.

Neither home care nor care provided by the States of Jersey were regulated by either of these Laws.

In May of 2006 the Council of Ministers approved drafting time for new health and social care regulating legislation. This approval was followed in November 2007 by the [Regulation of Care \(Jersey\) Law 200- Stakeholder Consultation](#) which stated that the proposed legislation “will have a greater service user focus, promote best practice and standards of care, place emphasis on demonstrating compliance, make requirements more specific and easily understood and facilitate the regulation authority to gather evidence.” (p. 6)

This stakeholder consultation ran from January-March 2008 and the Health and Social Services Department released the [Regulation of Care \(Jersey\) Law 200-, Report of Stakeholder Consultation](#) in January 2010. The report stated that: “In general the responses showed broad support for the proposals as set out in the consultation document.” (p.2)

On 7th May 2013 the [Regulation of Care Law: proposals, R.42/2013](#) was presented to the States providing information on the elements included in the proposed legislation and putting forward initial options for the phased implementation of the Law. Stakeholder consultation was carried out from 25th March-30th April 2014 on the draft law and a [report](#) was produced by



the Public Health Directorate. The Health, Social Security and Housing Scrutiny Panel were also briefed about the draft law.

The [Draft Regulation of Care \(Jersey\) Law 201- P.95/2014 \(re-issue\)](#) was then lodged au Greffe on 20th May 2014 by the Minister for Health and Social Services. The proposition's report stated that the draft Law "is primary legislation setting out the regulatory framework for health and social care and how it operates." (p. 5). The key elements of the draft law were:

- Independent regulatory oversight
- Defining regulated activities
- Registration of regulated activities
- Requirements related to regulated activities
- Standards of care
- Inspection
- Complaints and matters of concern
- Fees

The Health, Social Security and Housing Scrutiny Panel called for a delay in passing the new Law in the [Draft Regulation of Care \(Jersey\) Law 201- \(P.95/2014\): comments](#) presented to the States on the 3th June 2014. The Panel cited the tight timeframe for reviewing the draft law and the possible impact on the new Law of a consultation being undertaken in the UK on the Care Act 2014, however, the Minister for Health and Social Services rejected this call for a delay in his [response to the comments](#). The Regulation of Care (Jersey) Law 201- was adopted by the States on the 3rd of July 2014.

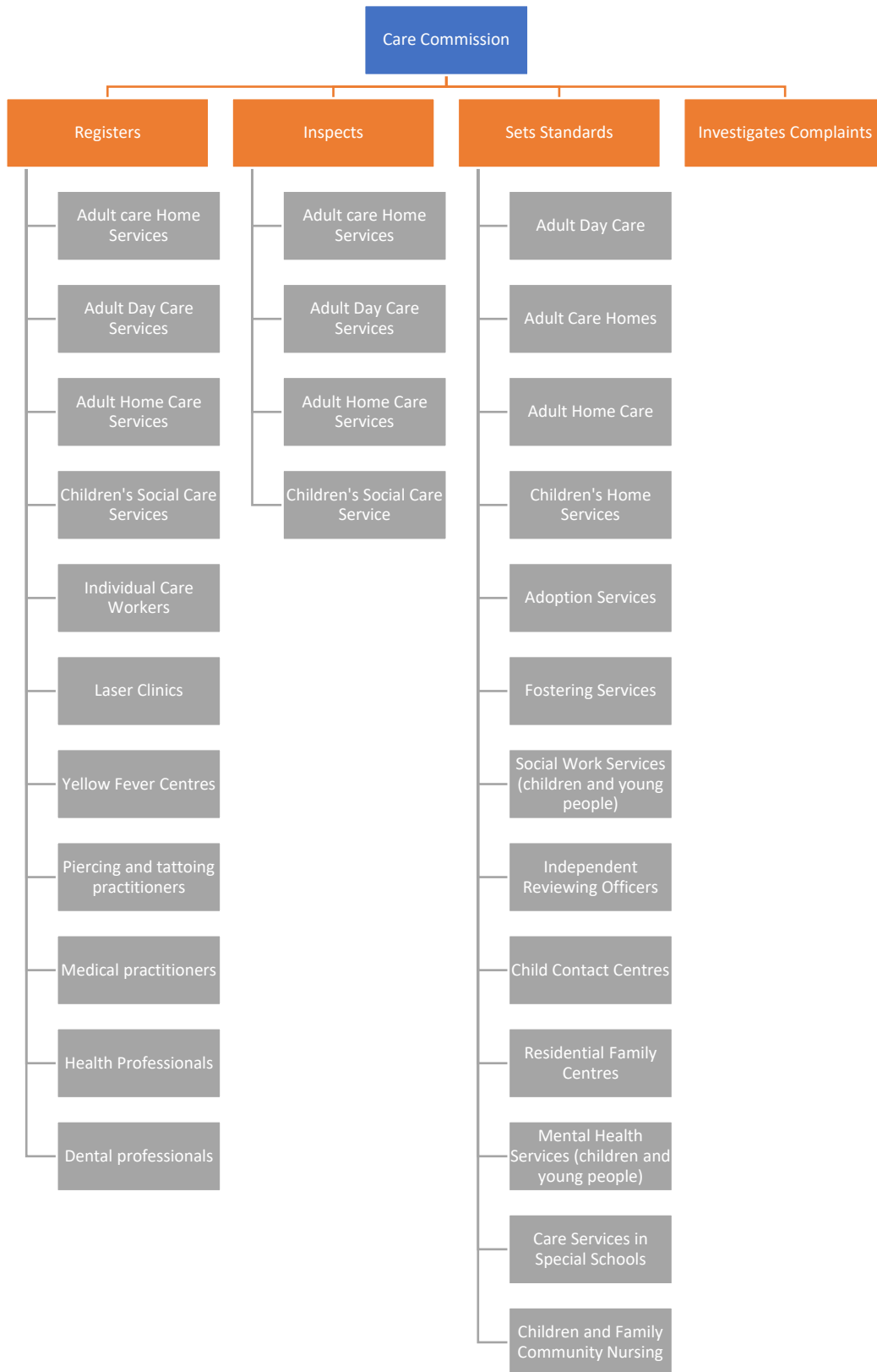
## Establishment of the Care Commission

In line with the phased implementation of the law, a number of provisions of the [Regulation of Care \(Jersey\) Law 2014](#) came into force on 15th November 2014, the day after the Law was registered with the Royal Court. Amongst these provisions were **Part 7: Establishment and general functions of the Commission** and **Schedule 2: Appointment, Resources and Funding of Commission** which enabled a Health and Social Care Commission to be set up and set out how Commissioners are appointed and the Commission's duties and responsibilities. This meant that the Care Commission was initially established as a shadow entity in May 2017, only formally becoming the health and social care regulator on 1 January 2019 when the Law fully came into force.

The Care Commission's [Constitution](#) states that the Commission is established to:

- Provide the people of Jersey with independent assurance about the quality safety and effectiveness of their health and social care services
- Promote and support best practice in the delivery of health and social care by setting high standards and challenging poor performance
- Work with service users and their families and carers to improve their experience of health and social care and achieve better outcomes.

The Commission achieves these aims through registration and inspection of, and standard setting for, a number of care services, centres and practitioners as well as receiving and investigating complaints.





## Care Commission – current Regulations and activities

Regulation of Care (Jersey) Law 2014 is a single enabling Law which is underpinned by a series of Regulations, each focusing on a distinct type of health and social care provision.<sup>1</sup> As such there are a number Regulations that have been put in place and updated as required by the States Assembly as well as Orders that have been set down by the Minister for Health and Social Services. The key Regulations are:

[Regulation of Care \(Fees\) \(Jersey\) Order 2022](#) (sets out fees payable by the regulated care service providers)

[Regulation of Care \(Standards and Requirements\) \(Jersey\) Regulations 2018](#) (sets out the standards and requirements around the regulation of care for children's home service and support services, adoption service, and fostering service)

[Regulation of Care \(Transfer of Functions\) \(Jersey\) Regulations 2018](#) (sets out the transfer of functions from the Minister of Health and Social Services to the Care Commission and the transfer of functions from the Medical Officer of Health to the Commission)

[Regulation of Care \(Transitional and Transfer\) \(Jersey\) Regulations 2018](#) (sets out the transfer of the regulation of Licensed nursing agencies, Registered homes, and anyone undertaking regulated activity not previously registered to [Regulation of Care \(Jersey\) Law 2014.](#))

[Regulation of Care \(Transitional Provisions\) \(Jersey\) Regulations 2022](#) (sets out the transition of certification of a Care home service (only in respect to children) which became children's home service; transition of registration of a Home care service which became a children and family community nursing service; and registration of anyone undertaking new regulated activities to [Regulation of Care \(Jersey\) Law 2014.](#))

On 1st January 2023 the [Regulation of Care \(Regulated Activities\) \(Amendment of Law\) \(Jersey\) Regulations 2022](#) came into force, adding the following services to the Care Commission regulatory work:

- adoption service
- children's home service
- fostering service
- social work service for children and young people
- independent monitoring and review service in respect of looked after children's cases
- child contact centre service
- residential family centre service
- outpatient children and young peoples' mental health service
- care service in special schools
- children and family community nursing service

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<sup>1</sup> [Draft Regulation of Care \(Standards and Requirements\) \(Amendment\) \(Jersey\) Regulations 202- \(P.46/2022\)](#), p. 3