

Stakeholder Consultation

Regulation of Care (Jersey) Law 2014: Proposed fees for social work and mental health services for children

Purpose of this Report

This report sets out the proposed fees to be paid to the Jersey Care Commission by providers of children and young people's social work and mental health services from the point at which those services are subject to regulation and inspection under the Regulation of Care (Jersey) Law 2014 (the "2014 Law"). The report provides information on the factors that have been taken into consideration when developing those fees and draws comparisons with other jurisdictions.

The purpose of this document is to inform key stakeholders, including care providers, care users and their representatives, about the proposed fee structure and the suggested amount of those fees.

Responding to the Consultation

The Consultation begins on Friday 25 February for six weeks, ending on Friday 8 April 2022. If you wish to take part, please complete this form either online at www.gov.je or on paper and return by post or email to the address below.

How we will use your information

The purpose of this consultation is to gain your views on the proposed fees structure for those social work and mental health services for children and young people which would be regulated by the Jersey Care Commission if the legislation is adopted. This consultation does not require any personal information to be provided. If any personal information is provided this will not be published or shared outside of the team developing the proposed fee structure within the Department for Strategic Policy, Planning and Performance.

The information you provide will be anonymous unless you are providing a response on behalf of an organisation, in which case you may choose to provide the name of that organisation. Your responses will be included in any summary of statistical information received and views expressed.

The Government of Jersey may quote or publish responses to this consultation (send to other interested parties on request, send to the Scrutiny Office, quote in a published report, report in the media, publish on www.gov.je, list on a consultation summary etc.) but will not publish the names and addresses of individuals – comments from organisations may be attributed if they so choose. This will be done in compliance with the Data Protection (Jersey) Law 2018 for the purposes of this consultation. Further information on how we will use this information can be found in the privacy notice. Under the Freedom of Information

(Jersey) Law 2011, information submitted to this consultation may be released if a Freedom of Information request requires it, but no personal data will be released.

If you would like to provide feedback on the proposals or require any further information about this consultation, please email the **Care Regulation Consultation Team**:

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SECTION 1: Introduction

Background

1. The Regulation of Care (Jersey) Law 2014 (the “2014 Law”) provides a framework for the regulation of health and social care in Jersey. The 2014 Law came into force in January 2019, when care homes, home care services and day care services for adults were made subject to the new regulatory regime under the Jersey Care Commission (the Commission).
2. It is proposed to expand the scope of the 2014 Law so that ten further categories of care service, covering social work and mental health services for children and young people, will become subject to independent regulation and inspection by the Commission. A full public consultation on draft legislative proposals which would effect these changes ran from 19 July until 17 September 2021. It is now envisaged that social work and mental health services for children will be regulated from mid-2022, once the States Assembly has debated associated Regulations¹ including:
 - the Regulation of Care (Regulated Activities) (No. 2) (Jersey) Regulations 202-; and
 - the Regulation of Care (Standards and Requirements) (Amendment) (Jersey) Regulations 202-.
3. The 2014 Law provides for a number of different fees. These include:
 - a) fees associated with making an initial application for registration as a provider or a manager of a registered service (Article 4);
 - b) an annual fee for continued registration (Article 9);
 - c) fees associated with applying for a variation on conditions of registration (Article 17); and
 - d) miscellaneous fees including for replacement registration certificates (Article 8) and for provision of paper copies of the Commission’s report (Article 38).
4. The 2014 Law sets out that those fees may be set by the Minister or by the Commission. However, since the 2014 Law came into force, all fees have been set by the Minister under the Regulation of Care (Fees) (Jersey) Order 2018 (the “2018 Order”). It is intended to continue to set fees in this manner and this report proposes those fees which will be charged to social work and mental health services for children and young people under amendments to the 2018 Order.

Factors for consideration

5. A number of different factors have been taken into account when determining the proposed new fee structure. These include:
 - a) fee income as a proportion of the Commission’s total expenditure;
 - b) the levying of fees in proportion to the size of the provider; and
 - c) the costs of compliance.
6. Fee income as a proportion of total expenditure: The 2014 Law was agreed by the States on the understanding that the then inspection team’s budget would be grant-funded to the Care

¹ The associated Regulations are currently in draft form, having been refined further following feedback received from interested parties and the public on the consultation drafts of the legislation.

Commission, and that this would represent approximately 45% of the total cost of administering the Law (i.e. fees should generate approximately 55% of total Commission expenditure). 45% is part way between 34% government funding provided to the Care Quality Commission (CQC) in England and the 65% provided to the Scottish Care Inspectorate.²

7. Fees proportion to size of providers: Prior to the introduction of the 2014 Law, regulated care providers were charged 'flat' fees, paid by all providers regardless of business size. This led to smaller providers cross subsidising larger providers, as larger providers absorb a larger proportion of the regulator's resources.
8. Under the present fee structure, all providers pay an initial registration fee. The level of registration fee depends on the type of regulated activity, with care homes attracting the highest level of fees and home care services the lowest. This is because the pre-registration work for care providers with premises is more onerous than for those without premises.
9. It is proposed that all newly regulated services will be charged the same initial registration fee, except those to which the provision of premises is integral to the service – these being children's home services, residential family centre services and care services in special schools. This is because the process of registering these services will provide the same level of bureaucratic burden to the Commission.
10. The registration fee for managers is, and will continue to be, the same across all types of regulated activities, as the resources required in supporting the initial registration processes are broadly the same regardless of business size.
11. A charity child contact centre service will pay an initial registration fee and fees to register managers only (i.e. no annual fee) This is in acknowledgement of the fact that charitable services of this nature receive no public funding but do receive referrals from public bodies.
12. Annual fees will continue to be based on business size, as the resources required in relation to annual inspections – plus the provision of ongoing monitoring and support during the year – vary relating to business size. The larger the business, the greater the resource requirement. All annual fees will continue to be prorated for providers that register part way through a year.
13. The costs of regulating social work and mental health services for children which are provided by the Government of Jersey have been budgeted for under the Government Plan. These are set out in Table 1, below. It is anticipated that it will cost the Care Commission £375,000 per year (plus inflation) to regulate these Government services which will cover the costs of additional staff with relevant knowledge and experience of regulating social work and mental health services.

Table 1: Government Plan 2020–2023: Further Information on Additional Revenue Expenditure and Capital and Major Projects Expenditure, July 2019, p.9

"1.5 Regulation and Inspection: Strategic Policy, Performance and Population
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² Full information on the overall income and expenditure of the Commission can be found in its latest annual at [Commission-2020-AnnualReport.indd \(carecommission.je\)](#)

2020	2021	2022	2023	Total
£75,000	£225,000	£375,000	£450,000	£1,125,000

The recently established Care Commission places new demands on children’s services in relation to ensuring that services are fit for purpose. This includes a number of areas such as the ‘fitness’ of managers, qualification of staff, staff ratios, buildings being fit for purpose - all of which requires additional resource. The system being introduced requires the provider to pay fees to the Care Commission for its oversight services. The resources requested are proposed to cover the estimated costs for the Government of Jersey’s relevant children’s services from 2021, and also takes account of the cost of a further inspection by Ofsted in 2020.”

14. Business size is currently and will continue to be measured in different ways:
 - a) the size of all social work and mental health services provided by the Government of Jersey is based on the total annual budget allocated to those regulated services;
 - b) the size of non-Government provided children’s homes, social work services, independent reviewing officer services, child contact centre services, residential family centres, children’s mental health services, and care services in special schools is based on number of client places; and
 - c) the size of non-Government provided children and family community nursing services is based on staff numbers, or more precisely, the total number of staff hours.

15. The business size of non-Government provided adoption and fostering services has not been considered. Currently, only the Government provides these services in Jersey and it is not envisaged that private or charitable providers will do so in the short to medium term. However, it has been necessary to include a fee, in case such services are provided in the future. This has been based on the fee charged to independent fostering agencies in England by Ofsted.

16. Different provider sizes in relation to non-Government provided children and family community nursing services will be determined based on the number of care staff hours provided by a service in a week. This mirrors the current charging structure for home care providers, including:
 - a) small providers: 112 care staff hours per week or less (equivalent to less than 3 full time equivalent staff);
 - b) medium providers: from more than 112 care staff hours per week up to 600 (equivalent to 3 or more, but less than 16 full time equivalent staff);
 - c) medium plus providers: from 600 to 2,250 care staff hours per week (equivalent to 16 or more, but less than 60 full time equivalent staff); and
 - d) large providers: 2,250 care staff hours per week or more (equivalent to more than 60 full time equivalent staff).

17. It is important to note that, care staff hours are not the same as care hours provided. For example, one member of staff may in any one hour simultaneously be providing care to multiple clients. (For example, one member of staff may, in one hour, be caring for 4 clients. This is one staff hour, but 4 care hours.) It will be a legal requirement for registered providers to supply information about the service’s staffing levels to the Care Commission on application, in their annual return, and at any time the provider applies to vary the registration conditions. This information can be checked at inspection through either pay-roll or duty rosters.

18. In determining which band (e.g.: small, medium, large etc.) that a non-Government provided children and family community nursing service falls into, consideration will be given to natural fluctuations in staffing levels. For example, a provider at the upper of the medium band may, for a limited period of time, provide additional care hours without being pushed into a higher band if there is a rational for temporary provision of additional hours.
19. The maximum full time equivalent hours provided by a non-Government provided children and family community nursing service and the maximum number of service users for whom other non-Government provided social work and mental health services can provide care will be a condition of the service's initial registration.
20. Costs of compliance: In addition to paying fees, providers are also required to meet costs that arise from compliance with care standards. Where high levels of investment are required to ensure compliance, this will usually indicate that care standards are poor and must be addressed in order to protect the wellbeing of clients.

SECTION 2: Proposed New Fees

21. The proposed new fees to be introduced under the 2018 Order are set out below. These fees will come into effect at the point at which the proposed draft legislation comes into force.
22. Providers that will be regulated for the first time under the 2014 Law, will be required to pay both an initial application fee and an annual registration fee.
23. Providers of children's home services which are currently regulated as care home services under the 2014 Law will be required to pay the annual fees due under the 2018 Order. Providers of home care services which are currently regulated as children and family nursing services under the 2014 Law will also be required to pay the annual fees due under the 2018 Order. Providers and managers of these services who are already registered will not need to pay application fees.

Registration Fees – All Providers

24. Proposed registration fees for all providers

Regulated Activity	Category of Provider	Fee for Provider	Fee for Each Manager
Adoption service	All providers	£1,615	£280
Children's home	All providers	£1,615 in respect of each premises at which the service is carried on	£280
Fostering service	All providers	£1,615	£280
Social work service for children and young people	All providers	£1,615	£280
Independent reviewing officer service	All providers	£1,615	£280
Child contact centre	All providers	£1,615	£280
Residential family centre	All providers	£1,615 in respect of each premises at which the service is carried on	£280
Children and young peoples' mental health services	All providers	£1,615	£280
Care services in special schools	All providers	£1,615 in respect of each premises at which the service is carried on	£280
Children and family community nursing services	All providers	£1,615	£280

25. The proposed registration fee for these services is based on the fees which are currently charged, under the 2018 Order, to the providers of care home services.³ As noted at paragraph 10, above, residential family centres, care services in special schools and children’s homes must have at least one premises from which they provide services. The provision of suitable premises is a key component of these services and it is for this reason that these providers must pay a registration fee based on the number of premises they intend to provide. The other services listed above may or may not provide premises as part of their services. The costs to the Commission in registering them is likely to be similar. It is for these reasons that is proposed that these services will be charged the same registration fee.

Annual Fees – Government of Jersey Provided Services

26. Proposed annual fee for social work and mental health services provided by the Government of Jersey

Regulated Activity	Category of Provider	Annual Fee
<ul style="list-style-type: none"> • Adoption service • Children's home • Fostering service • Social work service for children and young people • Independent reviewing officer service • Child contact centre • Residential family centre • Children and young people's mental health service • Care services in special schools • Children and family community nursing services 	Services carried on by the Government of Jersey	0.8% of the total annual budget allocated to these regulated activities

27. The formulation for the proposed annual fee for Government provided children’s social work and mental health services is based on the way that fees are charged by the Care Quality Commission (CQC) in England to NHS trusts.⁴ The budget allocated to services refers to the estimated operating revenue of all these services added together, as allocated and set out under the Government Plan for that year. As set out under paragraph 14, above, the costs of regulating these Government provided services has been budgeted for under the Government Plan. This calculation is designed to recover those costs for the Commission in the fees it charges to the Government.

Annual Fees – All Non-Government Providers

28. Proposed annual fees for social work and mental health services which are not provided by the Government of Jersey (GoJ). This will include all private and charitable providers.

³ Please note that the figures in these tables which are based on the current fees charged to registered providers under the [Regulation of Care \(Fees\) \(Jersey\) Order 2018 \(jerseylaw.je\)](http://jerseylaw.je) have been rounded for the purposes of this consultation

⁴ Further information can be found on the CQC’s website at [Fees Guidance for providers 2020 21 \(cqc.org.uk\)](http://cqc.org.uk) p.10

Regulated Activity	Category of Provider	Annual Fee
Adoption service	All providers, excluding services carried on by the GoJ	£2,830
Children's home	All providers, excluding services carried on by the GoJ	£172 for each bed available to a service user that is permitted by the conditions of registration ⁵
Fostering Service	All providers, excluding services carried on by the GoJ	£2,830
Social work service for children and young people	All providers, excluding services carried on by the GoJ	£86 for each service user place that is permitted by the conditions of registration
Independent reviewing officer service	All providers, excluding services carried on by the GoJ	£86 for each service user place that is permitted by the conditions of registration
Child contact centre	All providers, excluding services carried on by the GoJ	£0
Child contact centre	All providers, excluding services carried on by the GoJ	£86 for each service user place that is permitted by the conditions of registration
Residential family centre	All providers, excluding services carried on by the GoJ	£172 for each bed available to a service user that is permitted by the conditions of registration
Children and young peoples' mental health service	All providers, excluding services carried on by the GoJ	£86 for each service user place that is permitted by the conditions of registration
Care services in special schools	All providers, excluding services carried on by the GoJ	£86 for each service user place that is permitted by the conditions of registration
Children and family community nursing services	Small provider (non-GoJ)	£646
Children and family community nursing services	Medium Provider (non-GoJ)	£1,185
Children and family community nursing services	Medium plus provider (non-GoJ)	£2,369
Children and family community nursing services	Large provider (non-GoJ)	£4,523

⁵ This is the same fee which is charged to children's homes under the current legislation

30. Children's home services are currently charged on the basis of the number of beds which they are permitted to have under the provider's conditions of registration. The conditions of a provider's registration are set by the Care Commission when the service registers initially and these can be amended upon application by the provider. These proposals will not, therefore, change the way that children's home services are charged. It is proposed that residential family centres should be charged on the same basis, as these services will also be providing accommodation to service users.
31. If private or charitable organisations are to provide adoption or fostering services in future, then they would be charged a set annual fee which is based on the fees charged by Ofsted to independent fostering agencies in England. As has been stated at paragraph 16, above, it is not envisaged that these services will operate in Jersey in the short to medium term, but fees will be put in place in case this situation changes.
32. Private and charitable providers of social work services, independent reviewing officer services, children and young people's mental health services and care services in special schools will be charged based on the number of service users they are permitted to provide care to under their conditions of registration. As stated above, the conditions of registration will be set by the Commission for each provider upon its initial registration. These conditions can be amended upon a further application from the provider. Adult day care services are currently charged on this basis under the 2018 Order.
33. A charitable child contact centre would mean a provider:
- a) that is registered as a charity within the meaning of Article 1 of the Charities (Jersey) Law 2014;
 - b) that facilitates contact for no more than 10 children at any one time;
 - c) whose sole activity is the provision of that service;
 - d) that does not charge its service users directly; and
 - e) that does not hold any contract for services with, nor receives any form of grant or aid from, any administration of the States of Jersey.
34. If, following its application to register with the Commission, the Commission determines that a child contact centre satisfies the conditions set out in paragraph 33, the provider of that service will not have to pay annual fees. It is proposed that child contact centre services which do not satisfy these conditions will pay a fee which is based on that charged to adult day care centres under the 2018 Order.
35. The definitions of the categories of provider for children and family community nursing services (small, medium, medium plus and large) is set out at paragraph 17, above. Home care services are currently charged in precisely this fashion under the 2018 Order.

Miscellaneous Fees – All Providers

36. The fees set out below currently apply under the 2018 Order and will continue to apply to all registered services when they become subject to regulation under the 2014 Law

Type of Fee	Amount of Fee
For a copy of each entry in the register of persons registered under the Law	£11
For the issue of a replacement certificate to a registered provider	£11
Surcharge for non-payment of annual fee by 31st January each year	If paid before 1 August - £323 If paid on or after 1 August - £646
For an application to vary a condition	£32

SECTION 3: Comparison with Other Jurisdictions

37. Comparisons with other British jurisdictions are difficult, given that the fee structures in England & Wales and Scotland vary considerably. That said, under the current and proposed new Jersey fee structure, Jersey providers will pay in the region of that paid by providers based in mainland UK.
38. The majority of the social work and mental health services for children and young people which it is proposed to regulate are provided by the Government of Jersey. In the UK, regulators do not always charge public health and social care providers directly but, in some cases, charges are levied. For example, in England, Ofsted does not charge fees to regulate and inspect social work services provided by local authorities but the CQC charges fees to regulate NHS trusts. However, Ofsted does charge fees to local authority adoption and fostering services. The Care Commission has an established funding model under which fees will be charged to all regulated services, regardless of the nature of the provider, albeit with certain minor exemptions for specific charitable providers.
39. The table below provides an overview of fees in England and Scotland compared to Jersey, where a direct comparison is possible.

	Scotland	England	Jersey (Proposed Fees)
	Care Inspectorate ⁶	Ofsted ⁷	Care Commission (Non-GoJ)
Adoption service/agency			
Registration fee	<u>Small</u> – £2112 <u>Medium</u> – £3516 <u>Other</u> – £4449	<u>Voluntary</u> >8 FTE - £2445 <u>Voluntary</u> <8 FTE - £667 <u>Support</u> > 3 FTE - £2445 <u>Support</u> < 3 FTE - £667	£1615
Manager registration	N/A	<u>Voluntary</u> >8 FTE – N/A <u>Voluntary</u> <8 FTE – N/A <u>Support</u> > 3 FTE - £667 <u>Support</u> < 3 FTE - £0	£280
Annual fee	<u>Small</u> – £1250 <u>Medium</u> – £3126 <u>Other</u> – £4372	<u>Support agency</u> - £1694 <u>Small support</u> - £895 <u>Voluntary</u> - £1689 for the principal office, plus £1689 for each branch and £895 for each small branch <u>Voluntary with small principal office</u> - £895 for the principal office, plus £1689 for each branch plus £895 for each small branch <u>Local authority</u> - £2059	£2830
Children’s home			

⁶ Care Inspectorate, Fees Table, online at [Fees Table - Update 17.11.16.pdf \(careinspectorate.com\)](https://www.careinspectorate.com/fees-table/)

⁷ Ofsted, Registration fees for children’s social care services, online at [Registration fees for children’s social care services from 1 May 2019 \(publishing.service.gov.uk\)](https://www.ofsted.gov.uk/publication/registration-fees-for-childrens-social-care-services-from-1-may-2019) & Ofsted, Annual fees for children’s social care services, online at [Annual fees for children’s social care services from 1 May 2019.pdf \(publishing.service.gov.uk\)](https://www.ofsted.gov.uk/publication/annual-fees-for-childrens-social-care-services-from-1-may-2019)

Registration fee	<u>Care home</u> - £3849 <u>Secure</u> - £5544 <u>Offender</u> - £4510	<u>< 4 places</u> - £960 <u>> 4 places</u> - £2646	£1615 in respect of each premises at which the service is carried on
Manager registration	N/A	<u>< 4 places</u> – N/A <u>> 4 places</u> - £910	£280
Annual fee	<u>Care home</u> - £157 per registered place <u>Secure</u> - £221 per place <u>Offender</u> - £180 per place	<u>< 4 places</u> - £2578 <u>4 to 29 places</u> - £2578 plus £257 for each place 4 to 29 inclusive <u>>30 places</u> - £9285	£172 for each bed available to a service user that is permitted by the conditions of registration
Fostering service			
Registration fee	<u>Small</u> – £2112 <u>Medium</u> – £3516 <u>Other</u> – £4449	<u>Independent agency</u> - £2646	£1615
Manager registration	N/A	<u>Independent agency</u> - £910	£280
Annual fee	<u>Small</u> – £1250 <u>Medium</u> – £3126 <u>Other</u> – £4372	<u>Independent agency</u> - £2830 <u>Local authority</u> - £3216	£2830
Residential family centre			
Registration fee	N/A	<u>< 4 places</u> - £801 <u>> 4 places</u> - £2646	£1,615 in respect of each premises at which the service is carried on
Manager registration	N/A	<u>< 4 places</u> – N/A <u>> 4 places</u> - £801	£280
Annual fee	N/A	<u>< 4 places</u> - £1717 <u>> 4 places</u> - £1913	£172 for each bed available to a service user that is permitted by the conditions of registration

40. The Care Inspectorate and Ofsted do not charge for the regulation of local authority social work services, including services provided by independent reviewing officers. Shortfalls in the regulators' budgets for regulation of these activities are funded by central government grants.
41. Comparisons in relation to child contact centres is not possible as these are not subject to statutory regulation in England and Scotland.
42. Outpatient mental health services provided to children and young people are regulated by the CQC in England. These services are categorised as community healthcare services – a category which includes a variety of services, including private doctors, independent ambulance services and community health visiting. The CQC charges fees to these services based on the number of locations at which the service is provided⁸:

⁸ CQC, Provision for fees, online at [Microsoft Word - 20190306 2019-20 Fees Scheme FINAL.doc \(cqc.org.uk\)](#) p.6

Number of locations	Fee payable (for providers of community health care services or NHS Blood and Transplant)
1	£1,867
2 to 3	£3,728
4 to 6	£7,456
7 to 10	£14,910
11 to 15	£29,820
More than 15	£59,640

43. Mental health services provided by NHS trusts would be regulated by the CQC as part of the all the services provided by each trust. The CQC charges NHS based on the following calculation:

Turnover	X	0.0768%	=	£ Fee payable
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44. Healthcare Improvement Scotland registers NHS hospitals and services and independent healthcare. It charges fees to providers of independent healthcare but not to NHS services. Mental health services provided by medical practitioners in an independent clinic are charged on the following basis:⁹

Type	Fee
Application for registration – Independent Clinics	£2,706
Annual continuation – Independent Clinics carrying out non-surgical procedures (with staff, including practicing privileges, additional directors, admin staff)	£1,327
Annual continuation – Independent Clinics carrying out non-surgical procedures (single-handed practitioner)	£955

45. Fees are not charged for the regulation of care services in special schools in either England or Scotland per se. In Scotland, Education Scotland and the Care Inspectorate conduct integrated inspections of schools providing care services. In England, Ofsted has responsibility for regulating these services. It charges an annual fee to residential special school services (but no fee to non-residential special school providers). For schools with 3 or fewer places, it charges £2,061. For schools with 4 to 18 places, Ofsted charges £2,061 plus £205 for each place. For residential special schools with 18 or more places, it charges £5,007.
46. Children and family community nursing services are usually provided by the NHS in both England and Scotland. As set out above, in Scotland NHS services are charged fees to be regulated. In England, the CQC does charge NHS providers. The CQC regulates community health visiting services which are not provided by an NHS trust as community healthcare services and, therefore, charges these services in accordance with the table set out under paragraph 42, above.

⁹ Healthcare Improvement Scotland, Independent Healthcare Services: Fees Information 2021/22, online at [IHC - Fees Information Booklet 2021-22.pdf \(gov.scot\)](https://www.his.scot.nhs.uk/fees-information-booklet-2021-22.pdf)

Privacy Notice for this Consultation

Strategic Planning, Policy and Performance Department Regulation of Children’s Social Work and Mental Health Services Fees Consultation Privacy Notice (Fair Processing Notice)

The Strategic Policy, Planning and Performance Department is registered as a ‘Controller’ under the Data Protection (Jersey) Law 2018 as we collect and process personal information about you. Our registration number is 67347. We process and hold your information in order to provide public services and meet our statutory obligations. This notice explains how we use and share your information. Information may be collected on a paper or online form, by telephone, email, or by a member of our staff, or in some cases, by another government department.

We will continually review and update this privacy notice to reflect changes in our services and feedback from service users, as well as to comply with changes in the law.

WHAT	WHY
<p>What information do we collect about you?</p> <p>We may collect the following types of information about you:</p> <ul style="list-style-type: none"> • Name • Email address • Postal address • Your preferences in relation to further involvement with the consultation <p>We will not hold or process the names and contact details of persons other than the person making contact (or persons authorised). Should we receive this information, it will be securely and confidentially deleted and/or disposed of.</p>	<p>Why do we collect information about you?</p> <p>We need to collect and hold information about you, in order to:</p> <ul style="list-style-type: none"> • seek views of islanders and other stakeholders on the proposed new fees under the Regulation of Care (Jersey) Law 2014 • provide policy advice to Ministers • register your interest in this subject area, in order that we can respond after the consultation closes • respond to Freedom of Information Requests

HOW

How will we use the information about you and who will we share your data with.

Protecting your privacy and looking after your personal information is important to us. We work hard to make sure that we have the right policies, training and processes in place to protect our manual and electronic information systems from loss, corruption or misuse. Where necessary we use encryption, particularly if we are transferring information out of the department. Encryption means the information is made unreadable until it reaches its destination.

We will use the information you provide in a manner that conforms to the Data Protection (Jersey) Law 2018.

We may not be able to provide you with a service unless we have enough information or your permission to use that information.

We will endeavour to keep your information accurate and up to date and not keep it for longer than is necessary. In some instances the law sets the length of time information has to be kept. Please ask to see our retention schedules for more detail about how long we retain your information.

Where necessary, we may disclose your information to other Government of Jersey departments or organisations, either to fulfil your request for a service to comply with a legal obligation, or where permitted under other legislation. Examples of this include, but are not limited to: where the disclosure is necessary for the purposes of the prevention and/or detection of crime; for the purposes of meeting statutory obligations; or to prevent risk of harm to an individual, etc. These departments and organisations are obliged to keep your details securely, and only use your information for the purposes of processing your service request. We will only do this, where possible, after we have ensured that sufficient steps have been taken by the recipient to protect your personal data and where necessary we will ensure that the recipient has signed a Data Sharing Agreement. A Data Sharing Agreement sets out the purpose of the sharing and the rules that must be followed when processing your data.

We may need to pass your information to other departments or organisations outside the Government of Jersey who either process information on our behalf, or because of a legal requirement. We will only do so, where possible, after we have ensured that sufficient steps have been taken by the recipient to protect your personal data.

We will not disclose any information that you provide ‘in confidence’, to anyone else without your permission, except in the few situations where disclosure is required by law, or where we have good reason to believe that failing to share the information would put someone else at risk. You will be told about this unless there are exceptional reasons not to do so.

We do not share or process your information overseas. We do not use web services that are hosted outside the European Economic Area.

At no time will your information be passed to organisations for marketing or sales purposes or for any commercial use without your prior express consent.

Publication of your information	E-Mails	Telephone Calls
<p>We may need to publish your information on our website for the following reasons:</p> <ul style="list-style-type: none"> Where we are required to provide statistical information about a group of people; although your data will be anonymised to protect your identity. 	<p>If you email us we may keep a record of your email address and a copy of the email for record keeping purposes.</p> <p>For security reasons we will not include any confidential information about you in any email we send to you. We would also suggest that you keep the amount of confidential information you send to us via email to a minimum or use our secure online services where possible or correspond with us by post.</p> <p>We will not share your email address or your email contents unless is it necessary for us to do so; either to fulfil your request for a service; to comply with a legal obligation, or where permitted under other legislation.</p>	<p>We do not record or monitor any telephone calls you make to us using recording equipment, although if you leave a message on our voicemail systems your message will be kept until we are able to return your call or make a note of your message. File notes of when and why you called may be taken for record keeping purposes. We will not pass on the content of your telephone calls, unless is it necessary for us to do so; either to fulfil your request for a service; to comply with a legal obligation, or where permitted under other legislation.</p>

Your rights

<p>You can ask us to stop processing your information You have the right to request that the Strategic Planning, Policy and Performance Department (on behalf of the Council of</p>	<p>You request that the processing of your personal data is restricted</p>
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<p>Ministers) stop processing your personal data in relation to any of our services. However, this may cause delays or prevent us delivering a service to you. Where possible we will seek to comply with your request but we may be required to hold or process information to comply with a legal requirement.</p> <p>You can withdraw your consent to the processing of your information</p> <p>In the few instances when you have given your consent to process your information, you have the right to withdraw your consent to the further processing of your personal data. However, this may cause delays or prevent us delivering a service to you. We will always seek to comply with your request but we may be required to hold or process your information in order to comply with a legal requirement.</p> <p>You can ask us to correct or amend your information</p> <p>You have the right to challenge the accuracy of the information we hold about you and request that it is corrected where necessary. We will seek to ensure that corrections are made not only to the data that we hold but also any data held by other organisations/parties that process data on our behalf.</p>	<p>You have the right to request that we restrict the processing of your personal information. You can exercise this right in instances where you believe the information being processed is inaccurate, out of date, or there are no legitimate grounds for the processing. We will always seek to comply with your request but we may be required to continue to process your information in order to comply with a legal requirement.</p> <p>You can ask us for a copy of the information we hold about you</p> <p>You are legally entitled to request a list of, or a copy of any information that we hold about you.</p> <p>You can <u>submit a subject access request (SAR) using our online form.</u></p> <p>However where our records are not held in a way that easily identifies you, for example a land registry, we may not be able to provide you with a copy of your information, although we will do everything we can to comply with your request.</p>
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Complaints

<p>You can complain to us about the way your information is being used</p> <p>If you have an enquiry or concern regarding how the Strategic Planning, Policy and Performance Department processes your personal data you can:</p> <p>Telephone: +44 (0)1534 445443</p> <p>Email: oneSPPP@gov.je</p> <p>Strategic Planning, Policy and Performance Department 19 – 21 Broad Street St Helier Jersey JE2 3RR</p> <p>Or you can also complain to the Central Data Protection Unit about the way your information is being used</p> <p>Telephone: +44 (0)1534 440514</p> <p>Email: dpu@gov.je</p> <p>Central Data Protection Unit 3rd Floor 28-30 The Parade St Helier Jersey JE2 3QQ</p>	<p>You can also complain to the Information Commissioner about the way your information is being used</p> <p>The Office of the Information Commissioner can be contacted in the following ways:</p> <p>Telephone: +44 (0)1534 716530</p> <p>Email: enquiries@oicjersey.org</p> <p>Office of the Information Commissioner 2nd Floor 5 Castle Street St Helier Jersey JE2 3BT</p>
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