



---

**REPORT TO: MORAY INTEGRATION JOINT BOARD ON 24 JUNE 2021**

**SUBJECT: ADULT SOCIAL CARE REVIEW**

**BY: CHIEF SOCIAL WORK OFFICER**

**1. REASON FOR REPORT**

1.1. To inform the Board of the current situation with respect to Adult Social Work and Social Care in Moray.

**2. RECOMMENDATION**

**2.1. It is recommended that the Moray Integration Joint Board (MIJB) consider and note the content of this report.**

**3. BACKGROUND**

3.1. The Independent Review of Adult Social Care published its report in early February 2021. The review was commissioned by the Scottish Government and was independently chaired by Derek Feeley who was supported by an Expert Panel.

3.2. Between September and December 2020, the review team met with and listened to the views of over one thousand people, including many unpaid carers, as well as supported people and members of the social care workforce. This evidence formed the basis for the 53 recommendations in the final report.

3.3. The review sets out a bold and ambitious vision that, if fully implemented, has the potential to transform the lives of people with social care needs, unpaid carers and the wider adult social care sector. The review has received widespread political and public support but it needs government backing in order for its vision to be translated into reality. It is highly likely that implementation of the review recommendations will form part of the programme for government in the next election term. Whether this will include all of the recommendations and the full costs for implementation remains to be seen.

3.4. The review defines the purpose and vision of social care as:

‘Everyone in Scotland will get the social care support they need to live their lives as they choose and to be active citizens. We will all work together to promote and ensure human rights, wellbeing, independent living and equity’.

3.5. The Report has identified **three key areas** that must change to improve outcomes for people using social care and their unpaid carers.

- The language that is used must change if people are to view social care as a positive investment in people with support needs and unpaid carers. See below example:

<b>Old Thinking</b>	<b>New Thinking</b>
Social care support is a burden on society	Social care support is an investment
Managing need	Enabling rights and capabilities
Available in a crisis	Preventative and anticipatory
Competition and markets	Collaboration
Transactions	Relationships
A place for services (e.g. a care home)	A vehicle for supporting independent living
Variable	Consistent and fair

- The need to strengthen the foundations by building on what we already have and the many strengths of the Scottish system of social care support. The review identifies that Scotland has some ground-breaking legislation, specifically The Carers Act and Self-Directed Support legislation.
- The scale of change needed cannot happen without redesigning the system.

#### **4. KEY MATTERS RELEVANT TO RECOMMENDATION**

4.1 Important areas addressed within the report include:

- Purpose of social care and adopting a human rights approach;
- Access, eligibility and assessment
- Unpaid carers
- National Care Service
- A new approach to improving outcomes
- Models of care
- Commissioning for Public Good
- Fair Work
- Finance

##### **A Human rights based approach**

4.2 Underpinned by Human Rights legislation, the report describes how adult social care should develop to further meet the needs of people in a way that is collaborative, is based on meaningful conversations with emphasis on support delivery where, when and how people want it. It recommends a move away from protracted and repeated assessments to a more efficient asset based approach.

4.3 The review stresses the need to move away from eligibility criteria, where many people have to be in critical need or at crisis point to receive support. Instead it asserts there needs to be a focus on people planning the support they need, when they feel they need it, in order to live their lives well. Everyone should understand their rights and there should be no barriers to them accessing them. Where they need advocacy support or brokerage this should be available, and, where the system fails, they should have rapid access to an effective complaints system with the ability to put things right. Local community based support must be encouraged, supported and funded and instead of

assessments, people should have good conversations where they are in the driving seat, leading to choice and control over the support they receive.

### **Unpaid Carers**

- 4.4 The review acknowledges the role of unpaid carers throughout and also includes a chapter specifically on support for carers. It recognises unpaid carers as the largest group of care providers in Scotland, greater than the health and social care workforce combined and it acknowledges that they must be viewed as equal partners in the provision of care. It sets out a number of recommendations for improving support for unpaid carers.

### **A National Care Service for Scotland**

- 4.5 One of the most radical changes recommended by the review is the development of a National Care Service (NCS). This would operate as a new body to oversee social care, similar to how the National Health Service oversees health, enabling social care to have a more equal footing with health care. As part of this proposed new structure responsibilities would shift from local authorities to national government, with a new Minister being appointed to oversee social care. It proposes that Local Integration Authorities would also have more powers and would be directly funded by national government, rather than receiving their funding from local authorities and Health Boards as they do at the moment. The role of the NCS would include:

- Overseeing commissioning and procurement, which is how local authorities currently develop some social care services. The review recommends that the NCS should set national standards while Integration Authorities should be responsible for commissioning and procurement at a local level, as well as being responsible for GP contracts;
- The NCS would lead on workforce development, including improvement programmes to raise standards;
- For people whose needs are highly complex, their social care provision would be overseen by the NCS;
- The NCS and NHS would both develop a set of joint outcome measures, which would set the standards for health and social care;
- The Care Inspectorate and Scottish Social Services Council would be part of the NCS, allowing the NCS to play a role in the inspection of services and the regulation of the social care workforce;
- The NCS would address gaps in social care in relation to workforce planning, data and research, IT and service planning.

### **A new approach to improving outcomes**

- 4.6 The review sets out a new approach to improving outcomes by enabling people to have more choice and control. It highlights a gap between legislative intent and lived experience in many cases. This includes self-directed support, which has not been implemented consistently across Scotland, leading to patchy service provision and the ambitions of self-directed support falling far short of their original intentions. The review calls for the experience and implementation of self-directed support to be improved by going back to the original principles of putting people's needs, rights and preferences at the heart of decision making. It also sets out a recommendation to improve the quality of care in care homes.

### **Models of Care**

- 4.7 The review sets out ways in which we need to build on the good models of care already being delivered, including:
- The need to reduce the use of institutional and residential care. Rather than support being delivered through institutional care people should be supported in their own homes and communities. This includes models such as extra-care housing and shared lives, as well as providing early support to enable people to stay in their own homes;
  - Making better use of adaptations and technology;
  - Ensuring that people who use services and unpaid carers are at the heart of all social care support by involving them better and earlier;
  - Building on community supports;
  - Better partnership working across traditional boundaries of health, social care support and other services such as housing.

#### **Commissioning for public good**

- 4.8 The review recognises that the current system for commissioning and procuring services acts as a barrier rather than a support to the development of quality, accessible social care services and therefore needs a radical overhaul. It highlights that procurement methodology and practices have increasingly driven and occasionally undermined commissioning decisions where price and competitive market environment, characterised by competitive tendering between providers, dominates. The review recommends a more collaborative approach to commissioning, involving people who use social care services, carers and communities in the design, development and monitoring of services. It further suggests exploring the idea of pressing the pause button on all current procurement until new ways of working are established.

#### **Fair work and the workforce**

- 4.9 The review sets out the need to improve the pay, conditions and experience of the social care workforce. It draws heavily on the Fair Work Convention report "Fair Work in Scotland's Social Care Sector". It suggests that the recommendations from the Fair Work Convention should be fully implemented, and that national minimum terms and conditions as a key component for commissioning and procurement by Integration Joint Boards should be put in place. It also suggests that, in partnership with the Independent Living Movement, the recommendations in the review should be extended to include Personal Assistants, as well as staff in the public, third and independent sectors.

#### **Integration Authorities**

- 4.10 The review recommends that Integration Authorities, created under the Public Bodies (Joint Working) (Scotland) Act 2014, should be reformed to take full responsibility for the commissioning and procurement of adult social care support locally, accountable directly to the Scottish Government as part of the National Care Service. Local Authorities should no longer be responsible for commissioning and procuring adult social care support but can continue to provide social care services procured by reformed Integration Joint Boards. The review recommends one model of integration, the Integration Joint Board, should be used throughout the country. It determines there is no evidence that lead agency arrangements have delivered better results than Integration Joint Boards and advises that consistency will be important in the new system to simplify governance arrangements and improve public understanding of who is responsible for what.

## **Finance**

- 4.11 The review concludes that social care is currently not funded in a way which is sustainable or supports transformation of services. It acknowledges the need for significant additional investment in social care. The total bill for the proposals in the review comes in at an extra £660 million a year. Additional investment is recommended in several areas. These include enabling more people to access social care and at an earlier stage, before they reach crisis; implementing the Fair Work Convention and removing charges for non-residential social care support. In addition, the review recommends increasing the financial support for free personal and nursing care for self-funders and re-opening the Independent Living Fund, as well as directing funds to preparing for our ageing population. Support for carers is specifically mentioned as an area that needs more funding, with the recommendation that the 'National Care Service should also increase investment in a range of respite provision including options for non-residential respite, and for short breaks.' It does not recommend a specific approach to funding but suggests different ways to raise money through taxation.

## **Self-Evaluation and a focus on improvement**

- 4.12 Earlier this month Health & Social Care Moray, along with other Partnerships, was tasked by the national group of Chief Officers to complete a self-assessment template to reflect our state of readiness in respect of implementation of review recommendations, (other than those which relate to structure). The aim of this work is to get a picture of readiness to implement the recommendations in the review, identify exemplar practice and also potential barriers. Once collated, themes will be identified and may include areas for accelerated progress across Scotland or work with the Scottish Government and others to deliver.

- 4.13 The completed template is attached at **APPENDIX 1**.

## **Reactions and Early Actions**

- 4.14 How has the report landed:
- COSLA and SOLACE endorse principles of empowering people, valuing the workforce and embedding a human rights approach to social care.
  - Concern at the recommendation to remove accountability for social care from local government and give to Scottish Ministers
  - Review is strongly supported by Disability Groups, Carers organisations, third sector providers and Scottish Care – including creation of NCS.
  - Health and Social Care Scotland (Chief Officers' network) agreed to work collaboratively to work on areas of 'common ground'.
  - CSWOs are considering their final response to the paper.
- 4.15 Next steps:
- Scottish Government 100 days:  
The NCS will require legislation to set it up. In the first 100 days we will:
    - Start formal consultation on the legislation with a view to introducing it in the first year of the Parliament.
    - Establish a social covenant steering group, including those who use our care services, to ensure the new service is designed around the needs of care users and supports the needs of care workers.
  - COSLA established five work streams to go to Leaders by the end of May with alternative visions of the areas COSLA Leaders raised concerns with from the report:

- Workforce
- Resourcing
- National Care Service (including governance and legislation)
- Commissioning and Procurement
- Human Rights
- Letter from a number of third sector organisations concerned that recommendations will be watered down.
- Chief Officers' network focussing on developing a positive vision in collaboration.
- This excerpt from a parliamentary debate provides additional information on the National Care Service:
 

*“Our commitment to create a national care service will deliver services that are founded on fairness, equality and human rights, and will place that service on the same level of esteem as our national health service. The creation of a national care service will be the most significant public sector reform since the creation of the NHS in 1948, and the service will be operational within the five-year lifetime of this Parliament. In our first 100 days, we will begin the consultation on the necessary legislation, with a view to introducing it in the first year of the session. We will also establish a social covenant steering group that includes people with lived experience who use our care services, to ensure that they are part of the co-design process.”*

4.16 Areas of local focus are:

- i) **Commissioning** - Draft principles identified as being central to future ethical commissioning consideration, that supplement assumptions of fair, transparent and proportionate public sector processes:
  - Person-centred care first
  - human rights approach
  - full involvement of people with lived experiences
  - fair work practices
  - high quality care outcomes
  - method of delivery
  - climate and circular economy
  - financial transparency and commercial viability
  - shared accountability
- ii) **Unpaid carers**
  - Better, more consistent support to carry out caring roles well and regular access to quality respite provision, and a range of options short breaks should be developed.
  - Local assessment of carers' needs must better involve the person themselves in planning support.
  - Carers represented as full partners on Integration Joint Boards and on the Board of the National Care Service.

## 5. SUMMARY OF IMPLICATIONS

### (a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP)) and Moray Integration Joint Board Strategic Plan “Moray Partners in Care 2019 – 2029”**

This links to Outcome 7 of the Strategic Commissioning Plan “Partners in Care” – People using health and social care services are safe from harm.

**(b) Policy and Legal**

Social Work (Scotland) Act 1968; Carers (Scotland) Act 2016

**(c) Financial implications**

None directly associated with this report.

**(d) Risk Implications and Mitigation**

None directly associated with this report.

**(e) Staffing Implications**

None directly associated with this report.

**(f) Property**

None directly associated with this report.

**(g) Equalities/Socio Economic Impact**

There is no requirement for an equality impact assessment because there is no change to policy required as a result of this report.

**(h) Consultations**

Consultations have been undertaken with the following staff who are in agreement with the content of this report where it relates to their area of responsibility:

Health & Social Care Moray Senior Management Team  
Social Work Leaders Group

**6. CONCLUSION**

**6.1. The Adult Social Care Review is a document of complex change for adult social care. The early indicators are that many aspects have widespread support however there is much detail to be worked through with multiple stakeholders.**

Author of Report: Jane Mackie, CSWO/Head of Service

Background Papers:

Ref: