

# Report

Report to:	<b>South Lanarkshire Council</b>
Date of Meeting:	<b>24 February 2021</b>
Report by:	<b>Chief Executive</b>

Subject:	<b>Independent Review of Adult Social Care</b>
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## **1. Purpose of Report**

1.1. The purpose of the report is to: -

- ♦ Provide information on the outcome and recommendations of the Independent Review of Adult Social Care

## **2. Recommendation(s)**

2.1. The Council is asked to approve the following recommendation(s): -

- (1) note the contents of the report, the findings of the review and resultant recommendations – in particular:-
  - a. the proposed establishment of a National Care Service;
  - b. that the Council would no longer be responsible for adult social care including the commissioning and procurement of adult social care support but could continue to provide social care services commissioned by the reformed Integration Joint Boards; and
  - c. that the reformed Integrated Joint Boards would enable them to hold assets, employ staff, enter into contracts directly and take full responsibility for the commissioning and procurement of adult social care support, funded directly by and accountable directly to the Scottish Government.
- (2) Agree to further reports being presented once the Scottish Government outlines its response to the recommendations.

## **3. Background**

3.1 The Scottish Government commissioned the Independent Review of Adult Social Care on the 1 September 2020. The principal aim of the Review was to “recommend improvements to adult social care in Scotland”, primarily in terms of the outcomes achieved by and with people who use services, their carers and families, and the experience of people who work in adult social care. This was to be informed by taking a human-rights based approach rather than a needs led approach. The scope of the review did not however include consideration of the full health and social care system.

3.2 The Scottish Government appointed Derek Feeley, former NHS Scotland Chief Executive to lead the review and also directly appointed an Advisory Panel to support his work. The Advisory Group did not have a representative of local government, COSLA, SOLACE or Social Work Scotland. The Review report was published on 5 February 2021 and will be debated by the Scottish Parliament this

month. A formal response to the review by the Scottish Government is awaited at the time of writing.

3.3 The Review report offered a definition of the purpose of adult social care to help bring people and organisations together. It has defined the purpose of adult social care as being that 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.

3.4 To achieve this purpose, they believe that there needs to be: -

- i. A new narrative for social care support.
- ii. A redesign of the system of social care support (including the creation of a National Care Service).
- iii. Redefining quality and closing the gap between intent and lived experience (the implementation gap).
- iv. Protecting, promoting and ensuring human rights and equality.
- v. Greater empowerment of people who need support and unpaid carers at the level of the individual and the collective and
- vi. Valuing of the social care support workforce.

#### **4. Social Care Support in South Lanarkshire - Context**

4.1 In terms of the context in South Lanarkshire in relation to Adult Social Care: -

- a) In 2019, there were 3,605 Home Care clients in South Lanarkshire – the highest number since 2014. Four-fifths of clients receiving Home Care are frail older people, with two-thirds having Physical or sensory disabilities. Relative to Scotland as a whole nearly twice as many have Dementia and relatively more have Other vulnerabilities – substance abuse, palliative care, carers, etc. Over time, increasing numbers have Dementia and Mental Health problems. Nearly half of Home Care clients received 10 or more hours care a week – significantly above the Scottish average of 36%. Private providers accounted for 40% of Home Care in 2019 in South Lanarkshire which is comparable to Scotland as a whole.
- b) In 2018-2019 there were 2,150 Social work clients with Self-Directed Support arrangements. The Council delivered 52% of these needs and 30% involved a private provider, 12% a voluntary provider and 5% a Personal Assistant. At 31 March 2019, the position on the system would suggest SDS spending at approximately £4.86m with median spend of £2,150 per service user.
- c) there are currently 60 registered care homes in the South Lanarkshire area and most recent position reflects capacity of 2,771 beds. South Lanarkshire Council account for 6 (10%) of these care homes and 8% of the places. As at 31 March 2020, there were 2,049 social work service users in long stay care home placements and 89% of placements were in relation to service users aged 65 and over. The approximate net weekly cost for care home placements is £1.062m
- d) In terms of employment, in 2019, it is estimated that there were 2,225 employed in Residential social work establishments in South Lanarkshire – and a further 1,000 in providing Residential nursing care activities. There were 5,500 in South Lanarkshire employed in Non-Residential social work activities.
- e) In relation to finance, the current Social Work Budget is £127.134m or 16.3% of the Council's total budget of £781.540m and non-residential charging income is £2.5m. The latest total Social Work staffing figure is 2,944 – 18.6% of the workforce.

## 5. Findings and Recommendations

- 5.1 The review report makes a large number of observations local authorities would recognise as challenges that have been wrestled with over a considerable period of time and have remained unaddressed by the integration of health and social care services. These observations are founded on the basis of service user experience as expressed within the report. This references the challenges with needs assessment, care planning and rationing of care to those in only the greatest need which have been necessary to deal with the rapid increase in demographic related demand and limited funding available. The report highlights the priority to be given to preventative and anticipatory care supports to people who would benefit from them at a pre-crisis stage. This aspiration would be shared by every local authority and Social Work/Care Manager, however, over a decade of budget challenges has limited the ability of local government to meet these aspirations.
- 5.2 There is no extended recognition however, that these challenges arise as a result of the wider health and social care context outlined above, the current legislative landscape and most obviously, from the financial envelope afforded to local authorities to support adult social care.
- 5.3 A number of the recommendations reflect policy positions already taken by COSLA and supported by this Council – such as those related to workforce and Fair Work principles. The commentary about the continuing comparative low value and gender inequalities in relation to the social care workforce is recognised and there are positive suggestions, albeit with a resource consequence, to address the workforce planning instability in the system.
- 5.4 **Structural Change** - The Review believes that structural change in social care services is necessary as the structures themselves are impeding good care and support for people. The review notes that social work and social care support should be made more cohesive across age and professional groupings, should enable transitions between children's services and adult services, and that further work should be done to ensure that implementation of this and The (Care) Promise reports are mutually reinforcing. It has also raised the possibility of children services and criminal justice social work being included in the remit of the reformed Integrated Joint Boards.
- 5.5 It has recommended that a National Care Service (NCS) be established which would see accountability for social care support move from councils to the Scottish Government. This would be discharged through reformed Integrated Joint Boards funded directly by and accountable directly to Ministers – the Boards would be able to hold assets (including finance); employ staff directly and enter into contracts directly. The Care Inspectorate and the Scottish Social Security Council would also become part of the National Care Service. It would oversee local commissioning and procurement and lead on social care improvement and on issues such as workforce development and National Improvement programmes to raise standards of care and support. The recommendations of the review are contained in Appendix 1.
- 5.6 The review considered the nationalisation of all adult social care into public ownership and management as part of the NCS but concluded that the evidence suggests that nationalisation would not in and of itself improve the quality of outcomes for people using care. Notwithstanding quality and the lengthy legal proceedings that would ensue, nationalisation was held to also require an unaffordable level of public outlay, particularly in terms of investment in capital. It would also be hugely time-consuming - time that could be better spent working with providers and people who use services to improve care.

- 5.7 **Local Authorities and Integrated Joint Boards** - Local authorities would no longer be responsible for adult social care or be responsible for commissioning and procuring adult social care support. Councils could continue to provide social care services commissioned by the reformed Integration Joint Boards. The reformed IJBs would be responsible for delivering social care, implementing the Social Care Vision outcome measures, planning, commissioning and procuring services and local planning and engagement. Local Authorities would continue to have a key statutory role to play in supporting public wellbeing that is wider than provision of social care support, extending to, for instance, housing, transport and leisure and recreation. Although local authorities would remain an influence in Integration Joint Boards, the recommendation would be for all members of the Board to have voting rights reducing the level of influence of local authorities and Health Boards who currently exercise all voting rights between them. The review notes the distinction between social care and social work services and notes the latter would remain local authority functions albeit they may be commissioned by the Integration Joint Board from the council.
- 5.8 Whilst considering the Council's position in respect of the proposed structural changes and changes in accountability and role for local authorities, it is important to reflect that the lived experience testimony in the report were not new findings and are well recognised by everyone working in the sector. Council may however wish to consider the significant change in context that would arise from the suggested increase in resource investment (£0.660 billion) and whether this would allow for the outcomes sought could be delivered without the loss of local democratic accountability.

## **6. Finance Proposals**

- 6.1 The starting point of the review was not finance but it started from the perspective of people's experience of adult social care support, and the role adult social has to play in Scotland's wellbeing as a whole. This relates to how the review has gathered lived experience and testimonials to form the basis of its conclusions.
- 6.2 The review recommends that budgets for integrated health and social care support services should be determined nationally and distributed directly by the Scottish Government to Integration Joint Boards, as they are to currently to Local Authorities and NHS Boards.
- 6.3 A new distribution formula for Integration Joint Board budgets is needed to ensure equity and transparency, rather than relying on a blend of the existing NHS and Local Authority formulae as at present. Such a formula will need careful development with partners to ensure a fair outcome for Integration Joint Boards, Local Authorities and Health Boards. Consideration will need to be given to VAT in relation to the National Care Service.
- 6.4 In terms of the finance implications of their recommendations – based on a human rights approach - they indicate: -
- (a) that around £436m is needed to provide services to people who would benefit from but are not currently receiving services.
  - (b) that to implement the findings of the Fair Work Convention - including implementing a Real Living Wage of £9.50 an hour would cost £15mn p.a. if extended to all frontline staff and a further £4m p.a. if extended to all auxiliary staff. The review notes there have been calls for it to be raised to £15 an hour. Every one percent increase would cost to around £100m p.a.

- (c) that people should no longer be charged for non-residential social care support which generated £51m in 2019-20 for councils. The removal of charges is likely to lead to an increase in demand and add costs.
- (d) that the sums paid for Free Personal and Nursing Care for Self-Funders using care homes should be increased to the levels included in the National Care Home Contract, and that this would cost £116m p.a.
- (e) that in respect of accommodation costs, the review considered the issue of whether care home accommodation costs should be free at the point of use but decided that some charge should be made. This includes that the National Care Service should consider possible adjustments to the means tested arrangements to ensure that they are fair.
- (f) that the Independent Living Fund should be reopened but that the existing thresholds for access to it should be reviewed and adjusted. If the threshold was set at £600 a week, this would require an extra £32m p.a. in funding.
- (g) that a review of support for Unpaid Carers should be undertaken and the National Care Service should invest in a range of respite provision, including non-residential respite and short breaks and that councils should no longer charge the supported person for respite.

6.5 Overall, the review estimated the total cost of all its recommendations to be around £660m p.a. In terms of future funding, the ageing population will require more funding for social care support, and the review considers a starting point on this to be a 3.5% real increase in social care spending every year until 2035. This is a 20% increase in real terms over 2018/19 levels and twice the total real terms increase in adult social care expenditure over whole of the previous ten years (£3b). Even allowing for a phased introduction, an investment on these lines will require a long-term and substantial uplift in adult social care funding. The review believes that the scale of this increase in funding is warranted on a human rights basis and also that it should be viewed as a good investment in the Scottish economy and has a positive impact on women's employment and the gender pay gap.

## **7. Other Recommendations**

- 7.1 It believes that the principles of the Christie Commission should apply to social care – a decisive shift towards prevention, greater integration of public services at a local level driven by better partnerships, collaboration and effective local delivery, greater investment in the people who deliver services through enhanced workforce development and effective leadership; and a sharp focus on improving performance through greater transparency, innovation and use of digital technology. In addition, the review calls for a stronger voice for the person requiring support and their advocates; a means to learn and improve across the country; a sharp focus on equity, equalities and human rights; fairness and consistency in relation to access, eligibility and outcomes; and transparency and accountability.
- 7.2 A human rights approach has been central to the work of the Review and would be central to its implementation. Effectively this means that access to and eligibility for services should no longer be needs led (as at present) but rather be provided to people in Scotland based on a more expansive set of rights. This relates closely to potential legislation in the next parliament to introduce a consolidated single rights Bill. This further expands access to services at an earlier and preventative stage and requires the scale of investment outlined above.

- 7.3 The review concluded that you cannot inspect quality into a service and inspection is too late and therefore you have to build in quality into the service in the first place. It has therefore put forward proposals for a workable definition of quality in social care:-
- a. **Accessible** – I get the support I have a right to receive when and how I need it.
  - b. **Personalised** – I am able to direct my support and I am a full partner in its planning.
  - c. **Integrated** – if I need care, it is joined up. I get the help I need to navigate.
  - d. **Preventative** – my needs are understood and addressed at lower levels, they are anticipated and I have a plan for the future.
  - e. **Respectful** – I can live with dignity and my voice is heard.
  - f. **Safe** – I feel safe in my environment and free from harm.
- 7.4 A National Improvement Programme for social care along the lines of the NHS Patient Safety Programme, should be introduced and seek to address the three following key areas:-
- 1) The experience and implementation of self-directed support must be improved, placing people using services' needs, rights and preferences at the heart of the decision making process.
  - 2) The safety and quality of care provided in care homes must be improved to guarantee consistent, appropriate standards of care.
  - 3) Commissioning and procurement processes must be improved in order to provide a vehicle for raising the quality of social care support and for enhancing the conditions and experience of the social care workforce.
- 7.5 The review highlighted a number of examples of models of care that reflect improvements being made to improve experience of care and support, but it believes that none have the ambition nor scale are they sufficient to address the challenges adult social care support needs to meet in order to improve the experience of people using them.
- 7.6 In terms of the Social Care workforce, material inconsistencies in terms and conditions, low pay, high turnover, lack of training and development, low esteem and long-standing gender-based unfairness need to be tackled consistently and fairly without undermining the arrangements that underpin good quality existing provision. A national approach – without nationalisation itself – is needed to resolve these unacceptable features of current employment arrangements, without removing the unquestionable value added by the diversity and specialism of the third sector in particular, and without dismantling organisations that are already doing a good job.
- 7.7 The review has recommended a Rapid delivery of all of the recommendations of the Fair Work Convention, with an ambitious timetable for implementation to be set by the Scottish Government. A national job evaluation exercise for work in social care should be undertaken to establish a fair and equitable assessment of terms and conditions for different roles. This should take account of skills, qualifications, responsibilities and contribution. This is in line with commitments made by local government and agreed by COSLA. Other recommendations include:-
- a. Putting in place national minimum terms and conditions as a key component of new requirements for commissioning and procurement by Integration Joint Boards. Specific priority should be given to pay, travel time, sick pay arrangements, training and development, maternity leave, progression pathways, flexible pathways and pension provision. The national evaluation of

terms and conditions should be undertaken to inform these minimum standards, and these should be reviewed as required.

- b. Establishing a national organisation for training, development, recruitment and retention for adult social care support, including a specific Social Work Agency for oversight of professional development. The current role, functions and powers of the SSSC should be reviewed and appropriate read-across embedded for shared and reciprocal learning with the NHS workforce.
- c. Establishing a national forum comprised of workforce representation, employers, Integration Joint Boards and the Scottish Government to advise the National Care Service on workforce priorities and to take the lead in creating national sector level collective bargaining of terms and conditions.
- d. National oversight of workforce planning for social work and social care, which respects the diversity and scale of employment arrangements while improving resilience and arrangements for mutual support should be a priority for a National Care Service.
- e. The recommendations listed above should apply to Personal Assistants employed by people using Option 1 of SDS, who should be explicitly recognised as members of the workforce, as well as employees of providers in the public, third and independent sectors. This recommendation should be delivered in full partnership with the independent living movement.

7.8 It also wants to see the decisions taken by social workers on people's care needs decoupled in the first instance from questions of affordability. It wants to see assessments as being the product of a full understanding of the individual's needs, rights and preferences, and that when that assessment is translated into a package of supports any unmet needs should be recorded.

7.9 An ethical, fair approach to commissioning and procurement must form the cornerstone of future contractual relationships, to help improve the experience of the workforce and help create sustainable, high quality provision. There should be a move towards long term whole system redesign commissioning decisions. Greater emphasis and focus are needed on prevention, early intervention and de-institutionalisation, which means decommissioning, disinvestment and redesign of current services must become a reality and not just an aspiration. Alongside this is the vital importance of recognising, valuing and linking people to local community assets, which should be commissioned and appropriately funded by Integration Joint Boards, potentially through grant aid, and working jointly with Community Planning Partners.

## **8. COSLA Position**

8.1 Following publication of the report, COSLA convened a Special Leaders' meeting on 10 February 2021. The key elements of the report were debated and Leaders unanimously agreed a position that will inform further engagement with the Scottish Government as it considers its response to the recommendations within the report. A copy of the COSLA Leaders' decision is appended at Appendix 2.

## **9. Employee Implications**

9.1 There are potentially significant employee implications arising from the recommendations of the review dependent on the subsequent Scottish Government actions however there are none directly associated with this introductory report.

## **10 Financial Implications**

10.1 There are potentially significant financial implications arising from the recommendations of the review dependent on the subsequent Scottish Government actions however there are none directly associated with this introductory report.

## **11. Climate Change, Sustainability and Environmental Implications**

11.1 There are no climate change, sustainability and natural environment implications directly arising from the content of this report.

## **12. Other Implications**

12.1 There are potentially significant risks arising from the recommendations of the review dependent on the subsequent Scottish Government actions however there are none directly associated with this introductory report.

## **13 Equality Impact Assessment and Consultation Arrangements**

13.1 This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and therefore no impact assessment is required.

13.2 There is also no requirement to undertake any consultation in terms of the information contained in this report.

**Cleland Sneddon**  
**Chief Executive**

14 February 2021

### **Link(s) to Council Values/Ambitions/Objectives**

♦ Accountable, Effective, Efficient and Transparent

### **Previous References**

- None

### **List of Background Papers**

### **Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact: -

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