

The Adult Social Care Review: second submission by the Scottish Social Services Council (November 2020)

‘Scottish Social Services Council – a protected public, a professional workforce’

The Scottish Social Services Council (SSSC) is the professional regulator for the social service workforce. Our work means the people of Scotland can count on social services being provided by a trusted, skilled and confident workforce.

Our first written contribution to the review¹ summarises our role and impact. This includes information on significant numbers of people who have or are required to register with us and our workforce development role. This submission provides further information on:

- how our regulatory approach has evolved in response to COVID-19
- our thinking around the evolution of regulation
- Fair Work
- our forthcoming report on the qualification status of the workforce.

Responsive regulation

We welcome the review's focus on regulation. We believe that this is particularly critical as the policy landscape continues to evolve. Key drivers include the ongoing integration of health and social care services, a focus on providing care at home and in the community, commissioning and the push to provide personalised services via Self-Directed Support (SDS). The pandemic has also enabled or supported innovative approaches to service delivery.

The SSSC regulates social workers and social service workers. Our regulation cuts across adult and children's services. This holistic, whole family approach must not be lost as it's an important strength. The assessment of management of risk is a key aspect of the sector's unique contribution. Effective social care staff build vital relationships with our most vulnerable citizens and are in a unique position, whether in a care home or at home, to see changes which may require medical assessment including changes in mental health

The SSSC works closely with the other social work and social care and health regulators throughout the UK. We share best practice and learn from each other.

The evolving landscape should ultimately lead to improved choice and high quality care for people who use services and carers. A regulated workforce is a critical component of that approach and supports our vision where the people of Scotland can count on social services being provided by a trusted, skilled and valued workforce. There are significant steps that we can and are doing to support the sector during this period of change.

¹ [Scottish Social Services Council \(2020\) The Adult Social Care Review: Factsheet on the Scottish Social Services Council](#)

In response to the pandemic we have taken action to support the sector. For example, the Coronavirus Act 2020 has led to an extension in the time period for workers to register from six months to twelve months. We're providing further time for workers to pay fees or – in the case of temporary social workers – ensure that no fee is required. We're asking the sector to ensure that they only refer serious fitness to practise concerns to us and we continue to develop learning and wellbeing resources to support the sector.

We have been able to respond effectively quickly because of our unique role of regulating over 166,000 social workers and social service workers. We know and understand this workforce and the valuable contribution they make to the wellbeing of our loved ones.

The evolution of professional regulation

In planning for the future, it is necessary to look to the policy intentions when the SSSC and Care Commission (Care Inspectorate) were established. In 'A way forward for care', a policy position paper published by the Scottish Executive in July 2000, this was clearly set out.

The policy paper states, we want:

- to ensure we have services that recognise and respond to the needs of children, vulnerable adults and their families
- everyone to know they will receive the same minimum standards of service of care whoever they are, wherever they live and whoever it is provided by
- everyone to have confidence that a system is in place to deal with situations where this does not happen
- everyone to have confidence in the workforce who deliver services.

The Regulation of Care (Scotland) Act 2001 set out the responsibilities of the SSSC:

- to register people who work in social services
- to regulate workers' education and training role
- to raise the standards of practice of social workers and social service workers
- to increase the protection of people who use social services.

As social work and social services respond to a range of policy drivers which includes new roles and service, referring back to the policy intention provides a clear direction. Public protection is a clearly defined role for the SSSC, and it is of concern to us that Personal Assistants (PAs) are not regulated. We recognise the differing views in relation to the regulation of personal assistants and the importance of individual choice. However, as we are the body with responsibility for ensuring the workforce is safe and skilled, we must make sure that it is properly considered. As

care is delivered differently in the future and we further integrate health and social care regulation must change alongside so we can continue to protect people who use social services.

The questions around whether PAs should be regulated was debated extensively throughout the passage of the Social Care (Self-Directed Support) (Act) 2013. We highlighted the need to promote the Codes of Practice and recommended the introduction of minimum induction training for PAs.² The wider discussions around whether PAs should regulate has subsequently featured in Audit Scotland reports³ and a report for the landmark Fair Work Convention.⁴ A recent Self-Directed Support Scotland study highlights concerns around access to training and contains a quote noting that the SSSC 'won't let them' (PAs) be registered, and notes that this leads to challenges around ensuring personalisation and professionalisation for the people who rely on these services.⁵ This suggests that a number of PAs see the benefits of regulation and mistakenly believe the SSSC is preventing this.

A key priority for us is around the critical role that regulation plays in protecting people who access care. The Fair Work Convention report highlights the significant and profound concerns around the potential regulation of PAs and provides evidence of our concerns. For example, their survey examined whether PAs had had an Enhanced Disclosure check. Just under a third had not done so. These issues are complicated further by the potential for some people to register with the SSSC in a regulated role and working separately as a PA. This is also an adult protection issue as people who use social services who are dependent on an unregistered and in some instances untrained workforce. A professional workforce must mean regulated with a qualification.

The SSSC has a key part to play in supporting and enabling workforce development for PAs. Our resources are freely available from our websites and cover many of the key skills needs identified by PAs.

Our initial point in this section is around the evolution of the policy landscape and the implications for regulation. The drive to support personalised services is a key part of that and has implications for the wider workforce. We are aware that there are no easy answers to this issue, and we highlight these wider regulatory issues as an area that the Review may wish to consider.

² [Scottish Social Services Council \(2012\) response to call for evidence on the Social Care \(Self-Directed Support\) \(Scotland\) Bill](#)

³ [Audit Scotland \(2014\) Self-Directed Support](#)

⁴ [University of Strathclyde Business School \(2018\) Personal Assistants working under SDS Option one: experiences of fair work](#)

⁵ [Self-Directed Support Scotland \(2020\) People's Experiences of Self-Directed Support and Social Care in Scotland](#)

A valued workforce

The Health and Social Care Integrated Workforce Plan (December 2019) set out proposals seeking to improve career development opportunities and progression in social care through:

- the development by the Scottish Social Services Council (SSSC) of a new careers resource that illustrates the qualification and career pathways open to staff working in the sector;
- taking forward the recommendations set out in the Fair Work in Scotland's Social Care Sector 2019 report which specifies that key stakeholders in the social care sector should apply the Fair Work Framework and commit to improving opportunities for progression for social care workers;
- work by SSSC to understand barriers and enablers to progression and identifying options for improvement, including facilitating interchange and movement between health and social care;
- undertaking research into the local and national labour markets for social care, which will also identify factors that influence employees to join or leave social care.

The SSSC plays a significant role in promoting social care as a rewarding career. We have developed career pathways and explored enhanced roles, for example health and social care workers who could provide a wider range of services. The pay, terms and conditions of the social service workforce are outwith our remit, however as we are charged with increasing the professionalism of the workforce it is incumbent on us to highlight that a regulated qualified social care worker who is dealing with complex care needs is very likely to be paid the same as supermarket worker. The SSSC is often told by employers that staff leave to go and work in, for example, supermarkets.

The pandemic shines an even more powerful light on the criticality of adult social care to our wellbeing and economic prosperity. It is clear to all of us that the public have praised and recognised the professional and compassionate way that their family members have been cared for and supported.

We welcome the national debates on pay and wider terms and conditions and we particularly welcome the recent announcement⁶ that the Scottish Government will extend the Social Care Support Fund which ensures that workers will receive their expected income when ill or self-isolating as a result of COVID-19. We've worked with the sector to develop a series of powerful and inspiring care stories⁷ which celebrate the value and commitment of the workforce during COVID-19.

Our previous submission highlights the vital role of social care and our work to support this. For example, we contribute to the Adult Social Care Reform Programme which includes a focus on improving conditions and upskilling, training and the sustainability of the sector. A key priority for us is about raising the profile and awareness of the sector. The issues around pay, terms and conditions are complex and linked to commissioning. Other organisations will respond to this review around

⁶ [Scottish Government, 3 November 2020, supporting those who receive and provide social care](#)

⁷ [SSSC, Inspiring Care Stories](#)

these issues. However, they cannot be entirely separated as pay is a key component of any campaign to raise awareness of this sector. The implementation of the living wage for adult social care has experienced some challenges. That said it is a substantive and universally recognised step forward.

This review provides an opportunity to think differently about the future of the social service workforce. As highlighted throughout this report it is a regulated workforce similar to colleagues in health. If we truly want to address the long standing issues, we need to look at developing better roles, investing in the workforce and ensuring parity with health services.

Qualified status of workforce

We are undertaking an updated analysis of the qualified status of the registered workforce. That analysis will consider the current skills profile of the registered workforce barriers to the workforce gaining access to or funding for training; and to determine if the current qualification requirements and timescales for gaining the relevant qualifications continue to meet the needs of the sector. Our findings will be available in early December and we plan to share them with the Review at that point.

**Scottish Social Services Council
November 2020**