

SCOTTISH SOCIAL SERVICES COUNCIL

**Unconfirmed minutes of the Council meeting
held on 23 November 2023 at 10.00am in Tay Room, Quadrant House,
Riverside Drive, Dundee and by Teams meeting**

Present: Sandra Campbell, Convener
Theresa Allison, Council Member (online)
Professor Alan Baird, Council Member
Julie Grace, Council Member
Rona King, Council Member (online)
Lindsay MacDonald, Council Member
Doug Moodie, Council Member (online)
Peter Murray, Council Member

In attendance: Maree Allison, Acting Chief Executive
Hannah Coleman, Acting Director, Regulation
Laura Lamb, Acting Director, Workforce, Education and Standards (online)
Laura Shepherd, Director, Strategy and Performance
Nicky Anderson, Head of Finance
Anne Stewart, Head of Legal and Corporate Governance
Audrey Wallace, Corporate Governance Coordinator

Observing: 11 people were observing

1.	Welcome and apologies
1.1	The Convener welcomed everyone to the meeting. It was noted that there appeared to be technical issues with Doug Moodie's online connection.
1.2	Apologies were intimated on behalf of Lorraine Gray, Chief Executive.
2.	Declarations of interest
2.1	There were no declarations of interest for items 3 to 8.
3.	Minutes of the previous meeting – 24 August 2023
3.1	The minutes of the meeting held on 24 August 2023 were approved as an accurate record.
4.	Matters arising
4.1	There were no matters arising which were not covered elsewhere on the agenda.

5.	Convener's report
5.1	Sandra Campbell presented her Convener's report, 38/2023 which provided an update of her activities as the Convener since the Council meeting in August 2023. Following a question from Alan Baird, she verbally updated Members on the current campaign to recruit two Council Members to replace Members, Lynne Huckerby and Linda Lennie whose appointments had expired. It was hoped that the new Members would be in place in time for the Away Days early in December.
5.2	Sandra Campbell also referred to the need to plan ahead for September 2024, when the appointments of Alan Baird and Theresa Allison will expire. She confirmed that she had spoken with the Members and later in the meeting there will be a report recommending Peter Murray and Lindsay MacDonald taking over the offices of Chair and Vice Chair, respectively, of the Audit and Assurance Committee.
5.3	The Council
	1. noted the summary of key issues and activities as detailed in the report.
6.	Chief Executive's report
6.1	Maree Allison presented report 39/2023, her Chief Executive's report, which gave Members an update on the organisation's outcome-based activities. She highlighted three areas in particular, the first meeting of the reconstituted Fitness to Practise representatives' group, consultation on the new Integrated Health and Social Care Award and the six-monthly report analysing the filled and unfilled social workers and senior social worker posts in local authorities.
6.2	Members discussed the National Care Service (NCS) and particularly discussed the aspect of dual registration for some workers, noting that legislation is an issue. Registration for health care workers was an issue that needed to be resolved. Laura Lamb advised that a number of bodies in the NCS working groups were working together to try to bridge any gap in registration requirements and qualifications with the integrated Health and Social Care Award. This would potentially be part of the career pathways for both health care and social care workers. The award has so far been well-supported in consultations.
6.3	Alan Baird asked for some further information on the level of the award and Laura Lamb confirmed that this was a practitioner level award for the social care workforce. It would be a progression step for those currently at level six. Laura Lamb outlined the current qualifications for management and supervisors.
6.4	Maree Allison advised that she understood that a wider report on the scope of the NCS was due to be released in December. She also advised on progress of the National Social Work Agency.

6.5	The Council
	1. noted and commented upon the information contained in the report.
7.	Audit and Assurance Committee's report to Council
7.1	Alan Baird presented report 40/2023, Audit and Assurance Committee's report to Council. He highlighted a number of matters which were discussed at the meeting.
7.2	<ul style="list-style-type: none"> Alan Baird advised on one change to the RAG status on the Risk Register, which had been increased to red status, given uncertainty whether future budgets will allow the organisation to follow it's Strategic Plan. Hannah Coleman explained the decision made regarding the proposed change to the method of calculation and the target figure for the workers completing registration within a time period. Council noted that once the Future Proofing Programme is launched, the time allowed to apply to register will be reduced to three months and this will be a clearer target to promote, rather than promoting the six-month timeline for now then changing to three months early in the new year. Following a question by Lindsay MacDonald, Hannah Coleman confirmed that data was being ingathered to ascertain whether there were particular geographical, register parts or services where the time to apply to register appeared to be slower. Theresa Allison commented that employers have a duty to ensure workers are registered and the Care Inspectorate has a role in this. Doug Moodie agreed to take this back to the Care Inspectorate for comment. Peter Murray raised a question about the number of workers who had not yet attained their qualification. Notwithstanding that some parts of the register were still within the given time, he had a particular concern about workers of supervisor level who were not qualified. Sandra Campbell confirmed that this matter should be a point of discussion between Maree Allison and the Chief Executive of the Care Inspectorate. Alan Baird commented on the variation in numbers of qualifications gained across the sector, advising that this was a concern to Committee. He asked whether the organisation understands the reason for this and is there an impact on the quality of service? His view is that this is a sector-wide issue and we need to find solutions. There were a number of suggestions as to the cause, including lack of college places as well as lack of funding. Julie Grace agreed that first we need to understand the reasons behind the data. Maree Allison advised that during the pandemic a number of extensions were granted to allow additional time to complete qualifications and this may still be impacting. There's also a large staff turnover particularly in Adult Care Services (ACS). It's unclear if there's a connection between numbers of qualified workers and Care Inspectorate inspection outcomes. Maree Allison agreed to bring an action plan to Council in 2024, which would set out proposals on how to ascertain the reasons and factors leading to the low numbers of qualified workers especially in specific job roles. The date of the report to be confirmed.

	<ul style="list-style-type: none"> Alan Baird confirmed there were two reports by Internal Audit submitted to Committee and both gave a good level of assurance.
7.3	The Council
	<ol style="list-style-type: none"> accepted that the assurance report presents a true and fair view of the SSSCs performance towards achievement of strategic objectives, financial management and risk identification and management. In particular that <ol style="list-style-type: none"> operational performance as measured by strategic key performance indicators give confidence that the SSSC is delivering as forecasted to meet strategic objectives agreed with the Sponsor Department financial performance is consistent with forecasted spend and this does not present concern relating to year-end outturn of approved budget operational delivery and financial expenditure are consistent discussed the concerns over the time being taken for workers to meet the required qualifications (at item 7.2 above) noted <ol style="list-style-type: none"> the Committee did not accept the proposed changes to the method of calculating SPI 2.1 for the assurance report the Committee approved a change to the status of Risk 6 of the Risk Register the internal audit reports on Debtors and Income and Intelligence Strategy both provided a good level of assurance the Committee approved a revised date for one of the recommendations from an earlier audit on Data Protection. The delay being due to resourcing challenges the assurance map will, in future, become part of the quarterly assurance report submitted to Committee changes to the reporting of fraud, bribery and corruption work the SSSC's participation in the National Fraud Initiative 2022/23 the Benefits Realisation report will be submitted to the February 2024 meeting cycle updates were provided by the Acting Chief Executive on National Care Service (NCS), the National Social Work Agency (NSWA) and the Independent Review of Inspection, Scrutiny and Regulation (IRISR). agreed that an action plan on investigating and finding a solution to low numbers of qualified workers be submitted to Council in 2024, on a date to be confirmed.
8.	Appointment of Audit and Assurance Committee Chair and Vice Chair
8.1	Sandra Campbell presented report 41/2023, Appointment of Audit and Assurance Committee Chair and Vice Chair. She proposed, at the end of the terms of appointment of Alan Baird and Theresa Allison, on 31 August 2024, that Peter Murray and Lindsay MacDonald be appointed as Chair and Vice Chair of the Audit and Assurance Committee, respectively.
8.2	She further proposed that they should shadow the Audit and Assurance Committee work of Alan Baird and Theresa Allison until that time.

8.3	The Council
	1. approved the appointment of Peter Murray as Chair and Lindsay MacDonald as Vice Chair of the Audit and Assurance Committee from 1 September 2024 and that meantime they should be involved in shadowing the outgoing Chair and Vice Chair.
	<i>Doug Moodie declared an interest in the following item and left the meeting.</i>
9.	Authorised Officer – registration requirements
9.1	Laura Lamb presented report 42/2023, on proposed revision of registration criteria and qualifications for authorised officers in the Care Inspectorate. She outlined the reasons for proposing that the current authorised officer registration be divided into two separate officer levels and the qualifications that would be required for each level. Laura Lamb outlined the different roles of the two levels, the primary level officers who lead on regulatory scrutiny activity and the secondary level officers who undertake roles to support or carry out regulatory or scrutiny activity. The latter undertake a broader range of activity than the primary level officers.
9.2	Laura Lamb confirmed that there was no change proposed for the accepted qualifications for the primary officer role, but that the qualifications and awards for secondary officer would be broadened to include the European Foundation for Quality Management (EFQM) and Public Service Improvement Framework (PSIF) awards which were previously introduced as an interim measure.
9.3	Laura Lamb also clarified that this proposed change would have no effect on any claim for a change to pay grade as there is no change to the level of qualification required. The proposal introduced broadening the qualifications or awards accepted for the secondary level posts.
9.4	The Council approved
	1. primary and secondary level registration for authorised officers
	2. the proposed qualification requirements for primary and secondary authorised officers.
	<i>Doug Moodie returned to the meeting</i>
10.	People management policies – Work Performance Policy and Maximising Attendance Policy
10.1	Laura Lamb presented report 43/2023 the new Work Performance Policy and the revised Maximising Attendance Policy and their various appendices relating to processes. She confirmed that the policies working group had reviewed the draft policies.
10.2	Council discussed the Work Performance Policy and the following matters were raised in particular.

	<ul style="list-style-type: none"> • Staff are subject to an annual review and also a twice-yearly development discussion although this information is not included within the policy, it was acknowledged that this should be included. • 'Manager options' and 'Your options' lists should mirror each other and additions to be considered are including a mentor, clearly set goals, appropriate working environment (including home or office working), consider how flexible working arrangements are being employed. • Appendix 3 to the Work Performance Policy is the Performance Improvement Plan which sets out in clear steps what is required in terms of improvements to performance, this is linked to the strategic plan and smart objectives.
10.3	<p>The following matters were discussed during consideration on the Maximising Attendance policy.</p> <ul style="list-style-type: none"> • Members were reminded that the Agile Working policy was approved at Council in August 2023 and interim measures had been in place prior to this. • The policy will be reviewed on a three-yearly basis unless information comes to hand that raises a question on whether hybrid working is still effective and efficient. • There were concerns regarding monitoring of work where staff were working from home. Maree Allison confirmed that performance is monitored through the Audit and Assurance Committee and any issues should be brought and discussed there. • Sandra Campbell suggested that this matter has been broached previously and it would be useful to facilitate a discussion at one of the development days in 2024. • Maree Allison also confirmed that the Agile Working policy will be subject to review but that should there be any significant change to the way of thinking, this can be revisited at the Audit and Assurance Committee and the policy can be reviewed early. Maree Allison also added that there is a performance management structure in place for dealing with performance which is measured against performance indicators and any concerns would be discussed or dealt with by the Audit and Assurance Committee. • In terms of the broader issue of agile working generally, the policy is due to be reviewed next August, the Investors in People feedback is now in and this will come to Council in August. We will also have more data on performance by then. • It was agreed on the suggestion of the Convener, that a discussion on agile working and performance be built into a Members' development session so the wider issues of agile working in the employment sector can be fully discussed.
10.4	<p>Laura Lamb answered a query about managing absence and confirmed that training for managers was being rolled out and that would support managers in managing staff absences.</p>
10.5	<p>The Council</p> <ol style="list-style-type: none"> 1. approved the Work Performance Policy subject to amendments being made to take account of comments and additions suggested at this meeting 2. approved the revised Maximising Attendance policy.

11.	Qualification timescales for registered workers in Adult Social Care
11.1	<p>Laura Lamb presented report 44/2023, which put forward a proposal to delay the implementation of reduction of timescales for workers in Adult Social Care to gain qualifications, and to introduce the change in June 2025. She spoke about the fragility of the sector, from information gathered from consultations and also from data ingathered. She mentioned that the report contains some information on what the organisation is doing to try to address some of the concerns. Prompted by the Convener, Laura Lamb gave some more detail on where she obtained the information used to reach this proposal which included the barriers to the sector becoming qualified. These included being the largest part of the sector, latest to become registered and least qualified. There are recruitment and retention issues and the highest number of vacancies in this sector. Because of the recruitment and retention concerns there were also issues about releasing staff to fulfil their qualifications and also access to funding and training at level six, practitioner level. Laura Lamb advised that the two peak years for gaining qualifications are 2024 and 2027, but the attrition rates are currently higher than those gaining qualifications. She advised that to introduce the reduced timescale for gaining qualifications at this time, will compound the issues for the sector. Laura Lamb confirmed that when the shortened timescales were originally proposed in November 2022, it was thought that the sector would be in a stronger, more stable position by 2024.</p>
11.2	<p>Members raised a number of concerns.</p> <ul style="list-style-type: none"> • Can we implement a sliding move, so support a delay but put measures in place for a transition? • New entrants could be required to complete in three years • The requirement for qualifications doesn't appear from the data to be adding to the attrition rates, but is there an argument for having the sector qualified earlier to slow down attrition rates, as qualified workers tend to remain in the sector? • Is there a plan to overcome the issue of lack of training resource with access to assessors or simplifying the route to funding? • The sector needs robust actions and a plan to ensure we are not facing the same issue of lack of qualified workers in another two years • Uncomfortable about this proposal, it is not our role as regulator to relax standards • Can we get a percentage number of workers who are part qualified? • Qualification alone doesn't guarantee quality, but standards are needed to ensure quality of care for those who receive care • Could there be additional inspection visits by Care Inspectorate meantime to ensure quality of care is still given should we agree to the proposal? • Should we accede to a request from the sector to take off pressure?
11.3	<p>Maree Allison agreed with comments and advised that further detail on progress with qualifications, as asked for, will come as part of the Future Proofing Programme (FPP), when annual reports will be</p>

	available. She added that this proposal was a request to allow breathing space for an action plan to come to fruition. One issue being what do we do with workers who have not gained their qualifications? Do we remove them from the register as unable to work or do we give extensions, as we do currently on a case by case basis? We may end up giving a blanket extension.
11.4	Laura Lamb advised that we are aware of issues in the sector and these need to be addressed to help the sector arrive at a position where they can release staff for development. We are working with key partners including Scottish Funding, NES and Skills Council with a workshop in December to help Scottish Government understand the challenges and to build a robust skills response plan. Recruitment and retention are key issues and we need to try to work out what we and key partners can do to stabilise some of these issues.
11.5	She advised that in the FPP there will be Continuous Professional Learning (CPL) requirements on an annual basis to ensure workers are keeping training and development up to date.
11.6	Doug Moodie asked for reassurance that the systems we use in the organisation are suitable for carrying out the tracking of qualifications and producing the data that we need to accurately assess the situation. Laura Lamb responded by assuring Members about the annual declaration which will come into play with the FPP; it will give us an annual monitoring snapshot of where workers are with their development.
11.7	Peter Murray asked about the position with workers who come in with prior learning and Laura Lamb responded saying this was not a clear picture as this depended on the training providers but we are mapping out resources against the National Occupational Standards (NOS) to assist with this aspect.
11.8	Sandra Campbell summed up the concerns and risks including that the Council is being asked to change a decision previously made. She asked for a further report to come back to Council in February 2024 with more detail about what the sector is proposing to do to address some of the issues. This may allow the Council to consider aligning the SSSC's position with that of the sector.
11.9	There was discussion around work and information required and the timescales for future reporting. Laura Lamb would prefer to bring the report in February 2024 to allow appropriate timeous communication with the sector on any changes. A further request to be included in the future report is to address what difference we expect to be made to the quality of the provision of care with a qualified workforce.
11.10	The Council
	1. agreed that a further report be submitted, which should include all information requested in the discussion, to allow Members to be comfortable in making a decision on this proposal.
	<i>Sandra Campbell, Alan Baird, Theresa Allison and Doug Moodie</i>

	<i>stated that they had a connection, but not an interest, to the following item.</i>
12.	Review of registration fees
12.1	<p>Maree Allison presented report 45/2023, review of registration fees. The report provided an overview of a previous decision to review registration fees as well as information from other regulatory bodies on their fee levels. The particular highlights were that since the start of registration in 2003 there had only been one increase in fees in 2017, further consideration of a review of fees was paused during the pandemic due to the added pressure put on the social services workforce during that time. Scottish Government has now agreed that we may go ahead with a consultation.</p>
12.2	<p>A number of issues were raised and discussed.</p> <ul style="list-style-type: none"> • The last increase was a substantial increase but this time around, a smaller increase is thought better but with annual low increases built in. This would require a change to legislation as we currently must consult on each review. • Is this the right time to consult? Scottish Government is now paying the fees of workers employed by Local Government which amounts to around 40% of registrants. • Approximately 65% of regulation costs are paid by fees, a significant increase would be needed to fully cover the cost of regulation and this is not being proposed. • Benchmarking across other regulators in the UK is what the proposed revised levels is based upon with small regular fixed annual increases built in. • The consultation should focus on the benefits and improvements made to the information and service provided by the SSSC. • Concern that those who's fees are currently paid by Scottish Government will be ambivalent to an increase, so consultation results will be skewed. • There will likely be an area of free text for registrants' concerns/comments, there was in the previous consultation exercise. • Information and transparency about where and how fees are used will be beneficial in the consultation. • Would be helpful to hear from Scottish Government how much of the budget should be met from the fees and also to set out what the budget deficit would be should the proposed increase be implemented. • An appointment with the Minister is being pursued. • If an increase is implemented following a consultation starting in January, the change to the 2024/25 budget would be negligible. The funding for the following year would be affected. • Sponsor department is working towards making the organisation financially sustainable in the long term. • Concern over the majority of the lower paid workforce not seeing or accessing the consultation. These are the workers also likely to not have their fees paid by Scottish Government and are the most financially vulnerable section of the workforce.

	<ul style="list-style-type: none"> Should Scottish Government be asked when/if there is an intention that it meets the registration fees of all social service workers or why was the decision made to pay for only workers employed by the Local Authorities. There's a sense that those who do not have fees paid will feel unsupported and this may skew the results of the consultation. Fees cannot be levied on employers, the SSSC can only charge fees to registrants.
12.3	Sandra Campbell summed up the discussion reiterating that Members had misgivings about a consultation on fees review when we don't have confirmation of the proportion of budget this should meet. Additionally, this was a big risk for little gain if the proposed timeframe was to be followed. She suggested that further, more in-depth discussions to address some of the issues should be held with Sponsor before any decision on consultation is made.
12.4	Maree Allison confirmed that there was no immediate imminence given that by the time any increase is imposed, the benefit to the 2024/25 budget would be negligible.
	The Council
12.5	1. agreed to defer consideration of the matter pending submission of a further report to the Council meeting in February 2024, or if information is not available, then the meeting in March 2024
	2. agreed that further discussions be held with Sponsor and a meeting with the Minister take place to discuss and provide answers to the issues raised in order that Council can make a fully informed decision.
13.	Changes to shared services – financial implications
13.1	Laura Shepherd presented report 46/2023, on financial implications of changes to shared services. This information was requested after the Council agreed to a change in the shared services model at its meeting in August 2023. She reported on the salary of a Head of HR post who would work exclusively for the SSSC, and the reduction in the contribution to the Head of Shared Services, in accordance with the reduction in the duties he will carry out for the SSSC.
13.2	Members noted that the saving from the change would create a reduction of £27k annually once the new arrangements were in place.
13.3	The Council
	1. endorsed the proposed financial implications to the SSSC brought about by the changes to shared services arrangement.
14.	Council Action Record
14.1	Members reviewed the Council action record and agreed that actions C10/23 C11/23 C27/23 C23/14 C23/16 C23/17 C23/18 C23/19 C23/20 C23/21 C23/22 C23/23 C23/24 and C23/27 be removed from the list but held in archive for future reference.

14.2	Rona King requested that officers ensure that where documents were agreed to be shared, they are shared.
15.	Calendar of business and date of next meeting – 26 February 2024 at 10.00 am
15.1	Council noted the calendar of business to 29 October 2024.
15.2	The next meeting scheduled for the Council is Monday 26 February 2024. The meeting will be in hybrid format. Before then we have the away days on 7 and 8 December 2023.

Council started: 10am
Council finished: 12.40pm

Signed _____
Sandra Campbell
Convener

Date_____