

Independent Review of Adult Social Care in Scotland

Note of meeting – 26 November 2020 – 9:00 – 11:00

Present – via MS Teams	
Chair	Derek Feeley
Advisory Panel Members	Malcolm Chisholm
	Stuart Currie
	Anna Dixon
	Caroline Gardner
	Göran Henriks
	Ian Welsh
	Jim Elder-Woodward
	Andy Kerr
Scottish Government Attendees	Alison Taylor Christina Naismith Claire Louise Verrecchia Secretariat support
Apologies	
1) Welcome and Introductions	
Mr Feeley welcomed the panel and introduced Andy Kerr, Chair of the Fair Work in Social Care Group, and had the panel members introduce themselves to Mr Kerr.	
2) Minute of last meeting – 12 November 2020 (IRASC (025))	
The minutes of the previous meeting were signed off without amendment.	
3) Discussion on Fair Work in Social Care	
a) Paper - Update on Fair Work in Social Care (IRASC (027)) - Andy Kerr, Chair, Fair Work in Social Care Group	
<p>Mr Feeley introduced Andy Kerr and invited him to talk about the work he has been leading in the Fair Work and Social Care group, and stated the aim of this meeting included thinking about how they integrated that work with the aims of this Review, where these agendas intersected, and how they could use the work of the Independent Review to give effect to some of the significant work that Mr Kerr's group have undertaken.</p> <p>Mr Kerr thanked the panel for the chance to contribute to the Review, that they had a huge opportunity to make meaningful change happen, and that this was an opportune moment. He saw substantial overlaps in what each group was working towards and welcomed being able to feed in on pay, conditions and the workforce.</p> <p>He then gave some background on the history and remit of the Fair Work in Social Care Group including its short and long term ambitions. He stated that the concept of Fair Work has not been effectively delivered, while recognising other organisations, particularly local government, are making welcome advances. Mr Kerr also touched on the wider aims of economic recovery, reducing in-work poverty and gender equality issues.</p>	

Mr Kerr discussed with the panel areas where he believed there would be a shared interest and provided a brief overview of where the Fair Work in Social Care Group had got to in its deliberations.

Mr Kerr concluded by giving some information about the Scottish Living Wage, citing the annual delays in implementing wage rises to illustrate some of the complexity of implementing Fair Work in the current landscape and summarising the next steps in the timetable of the Fair Work in Social Care Group.

Mr Feeley thanked Mr Kerr for a very helpful overview of that has clearly been a huge amount of work for the Fair Work group.

Ms Dixon asked for more information on the National Care Home Contract.

Action: *Secretariat to circulate information on the National Care Home Contract.*

Mr Feeley then invited the panel to explore how they were going to support the Fair Work agenda, what they want to recommend around Fair Work and commissioning and referenced back to discussions about ethics, outcomes based commissioning and alliance based approaches.

There then followed a wide ranging discussion exploring the practicalities of implementation, short term funding and different commissioning models. There was particular discussion of commissioning models that could work alongside giving more autonomy to the workforce and the people they are supporting, with reference to self-organising teams. It was discussed that the Buurtzorg approach requires teams that include highly trained members of staff, and while it could be effective in a clinical setting Social Care staff training has not been historically invested in. However, choice and control in the workforces has formed a significant part of the thinking of the Fair Work in Social Care Group. Mr Feeley asked the panel not to focus on individual models, noting that Scotland currently spends a third of the 4.5% of GDP the Netherlands do on Social Care, that he is not sure Buurtzorg is scalable, and its success is culturally and contextually sensitive.

Mr Elder-Woodward asked for Mr Kerr to talk about the differential between Personal Assistant wages, which are tied to the Scottish Living Wage, and Local Authority care staff. Mr Kerr touched on how pay rates ranged both between private and public sector employers but also geographically, and offered to come back with information on the different in pay rates between the independent, third sector and public sector. He stated that there was an even wider gulf in conditions including occupational sick pay, pensions and time off for study between different sectors in Social Care than hourly pay rates.

Action: *Andy Kerr to provide information on the different in pay rates between the independent, third sector and public sector.*

Mr Elder-Woodward later noted via email to the Chair and Secretariat that his question regarding Personal Assistant wages would not be fully answered by Mr Kerr's submission on pay rate differentials as their data would not be found in the available sources. He explained that Personal Assistants are paid, via local authorities' direct payments to those choosing Option One, within Self-Directed Support legislation. Mr

Elder-Woodward also highlighted that PAs are often highly skilled, for instance in areas such as catheter and trachea tube management, but these skill levels are not considered when support needs are assessed and a 'care package' is awarded. He pointed out that while there is geographical variation, in virtually every area of Scotland local authorities give PA employers less money to employ their assistants than they pay their own employees, with Self-Directed Support award levels often frozen for several years.

Mr Elder-Woodward made a final point was that all this had the consequence of reducing the uptake of Self-Directed Support - Option One, due to the HR headache of hiring and retaining skilled PAs.

Mr Chisholm joined others in praising the Fair Work Convention report and there followed discussion on how its aims of choice, control and autonomy could be realised through commissioning structures, the balance of risk and the danger of risk being transferred from the commissioner onto the provider, impacting the workforce as well as the critical issue of funding. Mr Feeley asked if underpinning analytical work had been done on any additional funding that might be required. My Kerr stated workstreams have been commissioned and they would share detailed work when they could.

Ms Dixon noted that a lot of the discussion had been focused on pay but there are a lot of other aspects to good quality work and moved discussion away from contractual elements to training and skills, flexibility of working (zero hour contracts as a choice but only applicable to small numbers), professional regulation and organisational inspection.

Mr Welsh stated that funding was still the elephant in the room, referencing the Chancellor of the Exchequer's Spending Review presented that morning. He then asked how the recommendations for Fair Work would enhance the experience of service users in terms of choice, control and autonomy. He echoed points made about flexible contracts and how they can be made responsible and concerns about financial risks being passed on to providers.

Mr Feeley summarised the Fair Work portion of the discussion noting that there is consensus amongst the panel that the work of the Fair Work Convention and the Fair Work in Social Care Group would helpfully form a foundation for the Review report on workforce matters, and thanked Mr Kerr and his colleagues for all the effort that made this possible.

Mr Feeley highlighted Mr Henriks comment that they shouldn't lose sight of the purpose of the review – better outcomes for the people who need social care support – and reminded the panel that he has heard from every group he has engaged with that the workforce needs to be invested in and valued.

He continued to summarise by saying there are issues about terms and conditions, and training and development that need to be part of considerations in the commissioning process. The panel needs to return in future meetings to defining the purpose and function of a National Care Service. Does a NCS pick up workforce planning and a national curriculum for training and development? They also need to explicitly address the issue of gender inequality in the social care workforce, stating they probably

wouldn't be having this conversation about Fair Work if 83% of the Social Care workforce was male.

Ms Dixon and Ms Gardner both clarified earlier points about self-managing teams as a workforce model, referencing case loading in midwifery and noting many care workers currently work with a huge amount of responsibility and risk without much support or recognition for the depths of skill, judgement and empathy they require.

Mr Elder Woodward and Mr Feely have been conversing about different models of workforce organisation, including user-led cooperatives.

Action: *Mr Feeley to share the links and discussions he and Mr Elder-Woodward have been having about different models of workforce organisation, including user-led cooperatives.*

Mr Feeley made some suggestions about timeframes for implementation of the panel's recommendations, referencing that The Care Review laid out a 10 year timescale in The Promise.

The Fair Work in Social Care Group interim report is due by the end of December with the ambition that the final report would be complete by the end of January as, noted Mr Kerr, they were dropping into some complex issues. Mr Feeley thanked Mr Kerr again and agreed to keep in touch.

Mr Feeley asked the Secretariat to help him organise the thinking around fair work that came out of this meeting.

Action: *Secretariat to support Mr Feeley in in organising the thinking around fair work that came out of the panel meeting in advance of 17 December meeting focusing on commissioning.*

Background Briefing

4. Fair Work Convention Report: Fair Work in Scotland's Social Care Sector 2019
5. UNISON's ethical care charter
Ethical Care Charter – Summary of Interviews (IRASC (028))
6. Commissioning examples - Alliance contracting - summary overview and analysis (IRASC (029))
7. Iriss - The impact of welfare reform on the social services workforce
8. Jim Elder-Woodward's response to Derek's four questions

All Papers circulated by Kelly Martin 18-23 November 2020

9) Agenda items for meeting on 10/12

- Access, eligibility and charging.

In advance of the next meeting Mr Feeley asked the panel to think about who gets access to social care and how, and the role of eligibility criteria in governing access – are there better ways to determine eligibility for support?

A paper will go out to the panel before the meeting with data and analysis on charging.

10) Future Meeting Dates

1	Thursday 10 December 2020	9:00am – 11:00am
2	Thursday 17 December 2020	9:00am – 11:00am
3	Thursday 7 January 2021	9:00am – 11:00am
4	Thursday 14 January 2021	9:00am – 11:00am
5	Thursday 21 January 2021	9:00am – 11:00am

Revised and new dates passed.