

The Independent Review of Inspection, Scrutiny and Regulation of Social Care in Scotland: Our response

March 2024

My predecessor, Kevin Stewart MSP, announced an Independent Review of Inspection, Scrutiny and Regulation of Social Care in Scotland (IRISR) in September 2022, to be chaired by Dame Sue Bruce. This was in recognition that the present system of inspection, scrutiny and regulation had been in place for two decades and over that time there has been a lot of change across the social care support sector. The IRISR was initiated to ensure that inspection, scrutiny and regulatory systems remain fit for purpose and are firmly focused on human-rights and person-centred approaches.

The IRISR made 38 high level strategic recommendations spanning across five key themes, with a strong focus on outcomes and continuous improvement becoming a stronger focus of inspection, scrutiny and regulation. It emphasised that further consideration is required to minimise duplication of inspection activity and to ensure that where gaps exist these are addressed. I would like to reiterate my thanks to Dame Sue Bruce and her team for conducting this independent review. The recommendations will play a significant part in improving the inspection, scrutiny and regulatory systems for everyone.

At the time of publication, I said I would consider the recommendations in detail before updating Parliament of our next steps. Having done so, I can confirm that I accept all 38 recommendations. I recognise significant amounts of work are already underway that will in part or fully address a large number of the recommendations, and this work needs to continue in partnership and at pace. Our regulators play a critical role in assuring consistent and high standards of social care support and linked services and I would put on record again my continued thanks for the work they do and their willingness to respond positively to these recommendations.

On recommendation 8, a co-produced and bespoke scheme of registration for Personal Assistants (PAs), I would like to be clear on the context under which I accept this recommendation. I fully understand the sensitivities around this recommendation and the unique relationship between the PA and their employer. The work plan of the PA Programme Board has made significant progress, for example, through the PA National Training Framework, the PA Direct Payment Model Agreement Standard and the work with Disclosure Scotland in preparation for implementation of the Disclosure (Scotland) Act 2020. I continue to support the work plan and wish to make it clear that I will not consider whether further actions are necessary to implement recommendation 8 until the work with Disclosure Scotland and the PA Programme Board work plan activities to support the recruitment, retention and training of PAs, have been progressed.

The Scottish Government will continue to work closely and collaboratively with regulators, providers, partners and with those who have lived and living experience of social care support and linked services in implementing the recommendations. I am acutely aware of the challenges being faced by the sector at present and the need for implementation to be phased to ensure they can be delivered in the way envisaged by the IRISR. While I am confident that these recommendations will help support improvement, they must not place an unnecessary additional burden on regulators, commissioners, providers and those working in social care support and linked services.

To build on work already underway, and provide a solid basis to deliver the aspirations set out in the IRISR more broadly, two new workstreams focused on recommendations 15 and 33 will shortly commence.

Recommendation 15 is a review of the care service types and corresponding definitions as set out in schedule 12 of the Public Services Reform (Scotland) Act 2010, to assess if these continue to be fit for purpose. Revisiting the definitions of care services as set out in schedule 12, will support a reduction in duplication, support the wider sector by making it easier for staff to work across different services and enable the consideration of definitions that would support the expansion of the regulatory landscape at a later date.

Recommendation 33 is a review of the Health and Social Care Standards. This will help ensure the Standards are based on human rights, ethical commissioning and are outcome focused. Given the establishment of a National Care Service, it is more vital than ever that standards are designed, implemented, and measured in a way that makes health, social care and social care support services better for everyone.

I have heard the strong desire for change across the social care landscape from those who use, work and deliver services. In accepting these recommendations, and by taking a phased approach to their implementation, I am confident we can work in partnership to deliver continuous improvement that addresses the key challenges highlighted by the Review and support better outcomes for the people of Scotland.

Maree Todd MSP,
Minister for Social Care, Mental Wellbeing and Sport



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