







Executive Summary: Independent Review of Inspection, Scrutiny and Regulation of Social Care in Scotland: Recommendations



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In September 2022, the Scottish Government announced an Independent Review of Inspection, Scrutiny, and Regulation of Social Care in Scotland (IRISR). Dame Sue Bruce was appointed as the Chair of the IRISR with Mr Stuart Currie as the Vice Chair.

No assumptions were made about what the Review would find or would recommend, but it was recognised that the present system of inspection, scrutiny, and regulation has been in place for two decades. In that time there has been a great deal of incremental change in the social care landscape, in partnership working, in pressures in the system and of overarching importance, in recognising the importance of the views and expectations of those receiving social care support services.

In recent years, a number of reviews have identified the need for change across the social care and wider support landscape. This Review has drawn upon and builds on this earlier work and their findings. All those involved in this Review have been clear that now is the time for action, with this and the many prior reviews providing both evidence and recommendations to support action.

Hearing the views and experiences of all individuals, including seldom heard voices, was paramount in this Review. It was important that the Review's recommendations were informed by listening to and learning from people, particularly those who work in and use social care support services as well as other linked services such as housing support, addiction services and community health.

The work of the Review was supported by two advisory panels, the Independent Review Panel and the Practitioner and Stakeholder Panel. Both panels included people with lived and living experience and provided expert knowledge, guidance and support in the making of the Review recommendations.

In addition to the Panel meetings, the Chair and the Vice Chair hosted in excess of 30 meetings with professional subject matter experts across the sector, to inform the Review.

Inspection, scrutiny, and regulation of social care support must fundamentally be about people. How inspection, scrutiny and regulation are operationalised and experienced should ensure not only the provision of safe and high-quality care and support, but also that people are treated with respect, involved in decision making about their lives and are fully informed about the support they can expect.

The Review heard from people who receive social care support, and from those who work in the sector, that they want a system of inspection, scrutiny, and regulation where the rights of people with lived and living experience are understood and upheld, strong professional relationships are built, there is meaningful and inclusive involvement processes and information is clear and accessible to all.

The recommendations made under this theme are:

1. It is recommended that inspection, scrutiny, and regulatory bodies consistently apply a human rights-based approach that places people at the centre of the process.
2. It is recommended that matters of trust, respect, relationships, ethos and culture be placed at the heart of inspection, scrutiny, and regulation and should be reflected in reports.
3. It is recommended that inspection, scrutiny, and regulatory bodies must set out clearly in their annual report how they have led and cultivated a culture of openness and trust.
4. It is recommended that inspection, scrutiny, and regulatory bodies make appropriate arrangements to engage people with lived and living experience in co-designing engagement tools and developing the inspection and regulatory frameworks.
5. It is recommended that a strengthened system be put in place for people to have a **formal** role as lay inspectors in the process of inspection, scrutiny, and regulation, including young people with care experience. An appropriate level of remuneration should be made available.
6. It is recommended that inspection bodies' approach to engagement must be flexible, inclusive and appropriate. This includes allowing sufficient time for responses to be made and making suitable arrangements for conversations to take place with individuals, family members and staff, ensuring consistency and accessible information is available.
7. It is recommended that independent advocacy is available for people to help them to exercise their rights, and when necessary, to provide support to navigate complaints and any escalation processes.

Theme 2 – what needs to be inspected, scrutinised, and regulated?

Inspection, scrutiny, and regulation is an essential element of providing protection and safety for those who use social care support services. It is a way of giving assurance to families, friends and unpaid carers that their loved one is in receipt of good services, and it provides evidence to those commissioning and delivering care.

Evidence provided to the Review identified a range of services not currently subject to inspection, scrutiny, and regulation. It also heard that there are gaps in the regulation of some staff groups working in social care support services.

The recommendations made under this theme are:

8. It is recommended that a co-produced and bespoke scheme of registration for Personal Assistants (PAs) which recognises their skills and role, and opens up access to training and development, should be developed. Such a scheme would **expressly** seek not to create barriers, and through co-production, would create positive opportunities for both the Personal Assistant and their employer.
9. It is recommended that there should be a universal requirement to obtain registration with a regulatory body for all social care support staff appropriate to their role and setting, and that this should be a condition upon joining the social care workforce.
10. It is recommended that inspection, scrutiny, and regulation should be extended to areas not part of the current system, including agencies who provide social care support staff, to help drive continuous improvement and deliver better outcomes.
11. It is recommended that further development of stronger links between regulatory bodies across all areas within and out with the borders of Scotland should be established to ensure better regulation, transparency and accountability of providers of social care support services.
12. It is recommended that the best practice from other nations' regulatory landscape is explored and considered with a view to enhancing transparency and accountability, particularly in relation to there being a named, accountable link to registration, inspection, and local employees.
13. It is recommended that The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 be reviewed to ensure consistent, effective and comprehensive applicability of the fit and proper person provisions across social care support services in Scotland.
14. It is recommended that Scottish Ministers make appropriate arrangements for market oversight and sustainability in the social care sector.
15. It is recommended that the list of care service types and set of corresponding definitions as set out in Schedule 12 of the Public Services Reform (Scotland) Act 2010, are assessed for fitness for purpose.

Theme 3 – how should inspection, scrutiny, and regulation be carried out?

The Review heard consistently that a more streamlined system of inspection, scrutiny, and regulation is needed to reduce duplication, increase consistency, be inclusive of all services, and to support the delivery of high-quality services. Inspection and scrutiny can be the catalyst for improvement and is widely recognised by providers, commissioners and regulators as critical for the delivery of safe, agile and effective community health and social care support services.

The recommendations made under this theme are:

16. It is recommended that inspection, scrutiny, and regulation processes more fully take account of an individual's experience of service delivery and their overall care journey to understand, follow and evaluate the person's social care support experience over time and their impacts.
17. It is recommended that clear and accessible information about the agencies and their roles, responsibilities and accountabilities is provided for all those who require social care support services.
18. It is recommended that Scottish Government work with the regulators to clarify roles and responsibilities between organisations to streamline inspection activity, remove repeat inspections by different agencies and to reduce duplication and omission. This should include reviewing how joint inspections are currently carried out, encouraging more partnership working and joint inspections, and greater involvement of people in receipt of social care support in inspection, scrutiny, and regulation.
19. It is recommended that inspectors and regulators, whilst fulfilling their statutory duty to identify shortcomings in improvement, should also place equal weight on identifying good practice, innovation and improvement across the sector.
20. It is recommended that an emphasis on outcomes and continuous improvement becomes a central focus of inspection, scrutiny, and regulation.
21. It is recommended that the Scottish Government updates and clarifies its expectations regarding the National Performance Framework (NPF) in relation to publicly funded delivery bodies, particularly with respect to outcomes for social care support services.
22. It is recommended that there should be a duty on the regulator/inspector to work more closely with the provider on agreeing action plans and timescales for continuous improvement recommendations that are additional to regulatory requirements and improvement notices.
23. It is recommended that Scottish Ministers should review legislation to ensure that regulatory bodies have adequate enforcement powers.

24. It is recommended that a duty to self-report should be reviewed to ensure that self-reporting is inherently linked to continuous improvement, whilst also ensuring the regulatory bodies have appropriate powers to act when issues are identified.
25. It is recommended that there is clear and accessible public information about how to raise a concern and systems of complaints. Those systems of complaints should be easy to use, have accessible detail about routes of escalation with clearly defined outcomes that can include redress for people.
26. It is recommended that the Scottish Government should make arrangements to ensure appropriate oversight of regulatory provision of social care support and consider whether there should be separate arrangements put in place for Scotland, in this respect.

When people and their families need to access social care support, particularly for the first time, it can be a life changing experience, involving bringing new people and routines into an individual's life. This often means having to understand a lot of information to inform decisions about what might work best for the person and their family. It also often requires placing a significant amount of trust in services, professionals and regulators. For some it can be a worrying time whilst for others it can be reassuring, offering up new opportunities.

As part of the Review, it was important to explore how we know systems are working by speaking to people about issues related to informed decision making, digital technologies, data collection and supporting good practice.

The recommendations made under this theme are:

27. It is recommended that qualitative measures should be co-designed by the regulatory agencies and people with lived and living experience to ensure that they include elements of services that are important to people.
28. It is recommended that the sharing of data is examined, with the people at the centre of the process having access to their own data in formats that facilitate their understanding of it in order to support decision making and their involvement in this. This data should also be utilised for service planning and improvement, both strategic and operational.
29. It is recommended that data is utilised for social care planning and individuals, and their advocates have access to this to inform their choices.
30. It is recommended that the type of data collected, and its purpose, is reviewed to ensure that the right data is collected for the right reasons, with a focus on data supporting performance management and service improvement.
31. It is recommended that a more tailored and contextualised approach is developed to how GDPR is used and interpreted within the regulatory landscape. It is also recommended that an Information Governance (IG) group is established to support the effective and proper use of information and engagement with IG experts.
32. It is recommended that there is a 'duty to co-operate' placed upon service providers to share data appropriately and equally upon regulatory bodies to work together to avoid duplication in their requests for information.
33. It is recommended that a review of the Health and Social Care Standards takes place to ensure they are based on human rights, ethical commissioning and are outcomes focused. The Standards should be the basis on which social care support services are inspected, scrutinised and regulated.

Theme 5 - how will systems of inspection, scrutiny, and regulation support the workforce?

One of the key aims of this review is to identify and set out recommendations to help ensure inspection, scrutiny, and regulation works towards making the system better for everyone, including for those who work to deliver social care support. The Review was keen to understand views on how current support systems and arrangements for the workforce might be improved, built upon and further strengthened, for the benefit of all.

The recommendations made under this theme are:

34. It is recommended that Scottish Ministers should review the powers of intervention and enforcement currently in place, where providers fail to meet workforce registration obligations or fail to follow the codes of conduct, and consideration be given as to where powers of enforcement should lie.
35. It is recommended that regulators and providers examine ways in which the workforce can become more actively involved in the inspection process, on a basis of mutual trust and respect.
36. It is recommended that Scottish Ministers align the social care workforce in a coherent model, based on fair work, to support the sustainability of the workforce and to help drive continuous improvement.
37. It is recommended that Scottish Ministers should review the sufficiency, quality and availability of resources for training, development and improvement.
38. It is recommended that steps are taken to ensure that nationally recognised qualifications that reflect the skills required to work in the social care sector are developed and are portable across the social care sector.



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