



INTEGRATION JOINT BOARD

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| Date of Meeting | 6 July 2021 |
| Report Title | Independent Review of Adult Social Care |
| Report Number | HSCP.21.052 |
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| Consultation Checklist Completed | Yes |
| Directions Required | No |
| Appendices | Appendix A - Independent Review of Adult Social Care (Feeley Report) (Scottish Government) |

1. Purpose of the Report

- 1.1. The purpose of the report is to highlight the publication of the Independent Review of Adult Social Care (Feeley Report) commissioned by the Scottish Government.

2. Recommendations

- 2.1. It is recommended that the Integration Joint Board (IJB):
- a) Note the contents of this report.

3. Summary of Key Information



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- 3.1. The Independent Review of Adult Social Care (IRASC) report (Feeley report) was published by the Scottish Government on 3 February 2021.
- 3.2. The review of adult social care was previously announced on 1 September 2020 by the First Minister as part of the [Programme for Government 2020-21](#). The principal aim of the review was to recommend improvements to adult social care, primarily in terms of the outcomes achieved by and with people who use services, their unpaid carers and families, and the experience of people who work in adult social care.
- 3.3. The review panel wanted to hear from as many people as possible and so extensive engagement (228 written submissions, 128 stakeholder meetings, 13 engagement events) was undertaken with support from the Health and Social Care Alliance. Review panel minutes and other associated review documentation including the Alliance engagement report can be found [here](#).
- 3.4. The IRASC report's executive summary suggests that there are three changes that must be implemented in order to achieve better outcomes. These changes are:
 - Shift the paradigm
 - Strengthen the foundations
 - Redesign the system

Key themes that emerged from stakeholder discussions included:

- Access, eligibility and assessment
 - Structure and design of services
 - Planning, commissioning and procurement
 - Workforce
 - Unpaid Carers
 - Registration, regulation and inspection
 - Equality
 - National care service (NCS)
- 3.5. The IRASC report offers a shared vision for social care which is:



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“Everyone in Scotland will get the social care support they need to live their lives as they choose and to be active citizens. We will all work together to promote and ensure human rights, wellbeing, independent living and equity”.

The report narrative speaks of a common purpose and the need for a social covenant so that the following changes can be realised:

- A new narrative for social care support
- A redesign of the system of social care support (including the creation of a National Care Service)
- Redefining quality and closing the gap between intent and lived experience (the implementation gap)
- Protecting, promoting and ensuring human rights and equality
- Greater empowerment of people who need support and unpaid carers at the level of the individual and the collective
- Valuing of the social care support workforce

3.6. The report makes fifty-three recommendations (see paragraphs 3.7 – 3.24) across a number of themes/topics. It is difficult to say at this stage what the direct and indirect implications of these recommendations will be. Further detail will be required to evaluate these more fully.

3.7 Human rights-based approach (10 recommendations) – there is an intention to introduce a human rights-based approach to social care so that everyone knows what their rights are in respect of the assessment of need and delivery of care and agencies know what their respective duties are in respect of the same.

3.8 The IRASC emphasizes that human rights, equity and equality should be at the heart of social care and that this should apply to those who use social care support as well as unpaid carers and families and the workforce. The use of existing eligibility criteria is criticised, stating that individuals should be able to access support at the point they feel they need it, to allow a greater emphasis on prevention and early intervention. To achieve this, the IRASC advocates strongly that greater choice and control be given to



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service users and that there should be increased support and funding for informal, community based services.

- 3.9** Unpaid carers (4) – the IRASC recommends that the human rights-based approach be extended to unpaid carers and it places significant emphasis on the need to provide better and more consistent support to unpaid carers who are described as “the cornerstone of social care support”. This includes a recommendation that a right to respite be included within the Carers (Scotland) Act 2016.
- 3.10** The case for a National Care Service (6) - the report recommends that accountability for adult social care should move from local government to the Scottish Government, that a Minister should be appointed with specific responsibility for Social Care and that they should have the power to vary the number of IJBs without the need for primary legislation change. In addition, a National Care Service (NCS) for Scotland should be established in statute along with, on an equal footing, NHS Scotland, with both bodies reporting to Scottish Ministers.
- 3.11** It is envisaged that the National Care Service would oversee local commissioning and procurement of social care and support by reformed Integration Joint Boards. As well as to manage services that are better organised on a national basis such as support for people with complex and specialist needs and provision in custodial settings including prisons.
- 3.12** A National Care Service, how it should work (6) – The report recommends that a Chief Executive should be appointed to oversee the National Care Service and, like its NHS equivalent, be accountable to Scottish Ministers. Chief Officers would no longer be jointly accountable to the chief executives of their respective local authority and health board but would instead be accountable to the NCS Chief Executive. In addition, it is envisaged that Chief Officers and other staff involved in the planning, commissioning and procuring of services would be directly employed by the IJB.
- 3.13** The IRASC also envisages that the reconfigured IJBs will be able to hold assets and contract directly with third and independent sector agencies, neither of which IJB’s are currently empowered to do. In addition, the newly-established NCS would also oversee some aspects of social care



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provision at a national level such as delivery improvement programmes, workforce planning and development, data and research, IT and, as appropriate, national and regional service planning.

- 3.14** A new approach to improving outcomes (1) – the success of the NHS Patient Safety Programme is seen as an example for the National Care Service to follow in respect of establishing its own national improvement programme for social care. This improvement programme should address three key areas: the experience and implementation of self-directed support; the safety and quality of care in care homes; and commissioning and procurement processes.
- 3.15** Models of care (4) – the IRASC recommends that a national approach to improvement and innovation is needed to maximise learning opportunities and develop a collaborative culture that will shape and share methods for improving outcomes. In addition, the report says there must be a ‘relentless focus’ on involving individuals who use care services, their unpaid carers and families in the development of new approaches at a local and national level.
- 3.16** The report also recommends that investment in alternative social care support models should prioritise approaches that enable people to stay in their own homes and communities. Conversely, investment in, or continuance of, models of social care support that do not meet these criteria should lead to ‘very careful reflection’ both by a National Care Service and local agencies.
- 3.17** Commissioning for public good (10) – Collaborative, ethical commissioning that has a strong focus on prevention and early intervention is seen as being more preferable to competitive tendering. In addition, it is recommended that the establishment of core requirements for ethical commissioning to support the standardisation and implementation of fair work requirements and practices is agreed and set at a national level by the new National Care Service and delivered locally across the country. There is also a recommendation that to support the development of ethical commissioning, the possibility of pausing local procurement in the meantime should be ‘fully explored’.



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- 3.18** The IRASC recommends that the care home market is more actively managed than it was pre-pandemic and that there is a greater fairness and transparency in the allocation of resources/provision of services i.e. primary care services, to care home residents. The national care home contract is to be reformed and consideration should be given to other national contracts for other aspects of social care and support. Future commissioning and procurement of residential care should be characterised by ‘transparency, fair work, public good and the re-investment of public money in the Scottish economy’.
- 3.19** It is recommended that commissioners should focus on establishing a system where a range of people, including people with lived experience, unpaid carers, local communities, providers and other professionals are routinely involved in the co-design and redesign of services and supports. A move away from time and task and defined services must be made at pace to commissioning based on quality and purpose of care. A condition of funding for social care services and supports must be that commissioning and procurement decisions are driven by national minimum quality outcome standards for all publicly funded adult social care support.
- 3.20** Fair work (7) – the report recommends the rapid delivery of all the Fair Work Convention recommendations and suggests that there is an ‘ambitious’ implementation timetable for this. A national job evaluation of all social care job roles should be undertaken to establish fair and equitable terms and conditions and this should form the basis of new commissioning and procurement requirements undertaken by the reformed IJBs
- 3.21** A national learning and development organisation should be established and national oversight of the scale and diversity of the social care workforce arrangements that seeks to improve resilience and mutual support arrangements should be a priority. A representative forum consisting of the social care workforce, providers, IJBs and the Scottish Government should also be established to advise the NCS on its workforce priorities and to assume the lead role in the new collective bargaining arrangements for sectoral terms and conditions.
- 3.22** An explicit reference is also made regarding the role of Personal Assistants (PA) who are employed by those individuals in receipt of self-directed



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support option 1 Direct Payments and the assertion that all of these Fair Work recommendations should apply to the PA workforce also.

- 3.23** Finance (5) – prioritising investment in social care is seen as a key feature of the country’s post-pandemic recovery. Additional investment is highlighted as being required in order to address key changes including: expand access to lower-level, preventive community support; implement the recommendations of the Fair Work Convention; remove charging for non-residential social care support; increase the sums paid for Free Personal and Nursing Care for self-funders using care homes to the levels included in the National Care Home Contract; re-open the Independent Living Fund, with the threshold sum for entry to the new scheme reviewed and adjusted; and review financial support made available to unpaid carers and increase investment in respite.
- 3.24** Being mindful of future demand pressures, the report also recommends that social care planning ‘robustly’ factors in demographic change to its activities and careful consideration is given to options for raising new revenues to increase investment in adult social care.
- 3.25** The Scottish Government and the Convention of Scottish Local Authorities (CoSLA) have published (24/03/2021) a [Joint Statement of Intent](#) outlining how they will work together to deliver key elements of the report. Including the development of a workforce terms and conditions framework; core requirements for ethical commissioning that will reflect fair work principles; and a minimum standards framework for workforce involvement in local discussions to support an effective collective bargaining role across the sector.
- 3.26** In addition, the Scottish Government and CoSLA will also put in place outline plans for: an end to charging for non-residential services; shared ethical commissioning principles; an overhaul of the current mechanism of eligibility criteria; a mechanism which ensures the voices of those with lived experience are at the heart of policy development, service design and service delivery and ensuring that unpaid carers are fully supported to have a life alongside caring.



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3.27 Following the recent Holyrood election, the Scottish Government has announced that a consultation on legislation to establish a National Care Service would begin within the first one hundred days of the new parliament. Appropriate legislation is expected to be introduced during the first year of this parliament and the NCS to be operational by its end (2026).

4 Implications for IJB

4.1 Equalities, Fairer Scotland and Health Inequality - This report itself has no direct equalities implications but implementation of the IRASC report's human rights-based recommendations will very likely have a strong impact on the statutory duties of the IJB and its delivery partners and a positive impact on the experiences and outcomes of those individuals and their carers who use our social care services. This report itself has no direct Fairer Scotland Duty implications but the IRASC focus on improving outcomes for the people who use our social care services makes it possible that there will be a positive impact on reducing inequalities of outcome due to socio-economic disadvantage.

4.2 Financial - This report itself has no direct financial implications but the IRASC report has finance-specific recommendations which will impact on the IJB's funding mechanisms and its subsequent adult social care investment decisions.

4.3 Workforce - This report itself has no direct workforce implications but the IRASC report's workforce-specific recommendations, if implemented, will very likely have a positive impact on the terms and conditions, training and developmental opportunities for the social care workforce, including personal assistants.

4.4 Legal - There are no direct legal implications arising from the recommendations of this report. It is not yet clear to what extent any draft legislation laid down by the Scottish Government will accept the IRASC report recommendations in full and also, following appropriate parliamentary scrutiny and debate what the act of parliament that receives royal assent actually legislates for.



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- 4.5 Covid-19** - There are no direct Covid-19 specific implications arising from this report. The IRASC acknowledges that the review was borne out of the early experiences of the pandemic.
- 4.6 Unpaid Carers** - There are no direct implications for unpaid carers arising from this report however, the IRASC recommendations, if implemented will very likely have a positive impact on our Unpaid Carers.
- 4.7 Other** - An increased emphasis on prevention and early intervention, the implementation of Fair Work principles, removing eligibility criteria and charging for non-residential social care support, reopening the Independent Living Fund, support unpaid carers including removal of cared-for-person respite charges, and the impact of future demographic changes – an ageing society with a shrinking working population – will likely lead to an increase in demand for social care services and will require substantive ongoing financial investment to cover these changes.

5 Links to ACHSCP Strategic Plan

- 5.1** There is a positive alignment between the IRASC report and the partnership's current strategic plan especially in relation to their respective vision statements, for example, "...to live their lives as they choose..." and "...to enable people to achieve fulfilling, healthier lives". Two of the partnership's five strategic aims, prevention and personalisation, also have a strong relevance to the review report.



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6 Management of Risk

6.1 Identified risks(s)



It is difficult to determine fully at this stage what the risks associated with the implementation of the IRASC report recommendations or conversely, the non-implementation of them will likely be. Further clarity in respect of possible risks may be evident as and when the Scottish Government introduces appropriate legislation to implement the review report.

6.2 Link to risks on strategic or operational risk register:

Given the current strategic risk register, it is possible that further information in respect of the implementation of the IRASC report and its recommendations will enable us to determine more fully the impact on the entries that relate to market capacity (1), relationship arrangements (4), performance (5), reputation (6), transformation capabilities (7) and service redesign (9).

6.3 How might the content of this report impact or mitigate these risks:

This report is the first briefing to the IJB in respect of the Independent Review of Adult Social Care and its published report. Further updates will be provided to the IJB as and when appropriate to enable further discussions to take place in respect of the possible impact(s) of the implementation of the report's recommendations.

| Approvals | |
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|  | Sandra Macleod (Chief Officer) |
|  | Alex Stephen (Chief Finance Officer) |