

Health and Social Care Alliance Scotland (the ALLIANCE)

Response to COVID-19 Committee: call for views on The Social Care Staff Support Fund (Coronavirus) (Scotland) Regulations 2020

21 July 2020



Introduction

The Health and Social Care Alliance Scotland (the ALLIANCE) welcomes the opportunity to respond to the COVID-19 Committee's call for evidence on The Social Care Staff Support Fund (Coronavirus) (Scotland) Regulations 2020. This response is partly based on our submission to the IJB Chairs and Vice Chairs Executive Group's questionnaire on developing adult social care following COVID-19,¹ and consultation with our members.

To what extent is this legislation necessary and what are the reasons for your views?

Despite the competencies, expertise and dedication required of its workforce, social care is often referred to as an undervalued and underpaid job, with low pay and poor terms and conditions.² COVID-19 and responses taken to it have highlighted – and in some instances exacerbated – many of the pre-existing (fiscal) tensions in Scotland's social care system. Some people have been particularly struck by the apparent lack of regard for social care in national pandemic preparedness planning as well as the COVID-19 response itself.

As key workers, social care staff have been at the sharp end of the pandemic. They, and the services they provide, are essential to ensuring that disabled people and people living with long term conditions enjoy their rights to independent living and equal participation in society. The ALLIANCE therefore welcomes the stated policy objective of The Social Care Staff Support Fund ('the Fund') to ensure that social care workers do not experience financial hardship if they are ill with coronavirus or are self-isolating in line with the latest guidance.

¹ <https://www.alliance-scotland.org.uk/blog/news/considerations-for-adult-social-care-during-and-after-covid-19/>

² <https://www.fairworkconvention.scot/wp-content/uploads/2018/11/Fair-Work-in-Scotland%E2%80%99s-Social-Care-Sector-2019.pdf>

Will this legislation achieve the proposed outcomes? Are there any further improvements you would suggest and if so, why?

The ALLIANCE believes the following changes and improvements will help the legislation achieve the proposed outcomes.

Equal access to the Fund

Concerns about the disparity between public sector workforce pay and conditions of those employed by third and independent sector social care providers – a consequence of the current procurement process – pre-date COVID-19.³ Parity of working terms and conditions is essential to Fair Work practices and the provision of high quality care for disabled people, people living with long term conditions and unpaid carers. **It is therefore essential that the legislation and Fund is accessible to all those who provide social care support in Scotland, including the third and independent sector workforce.**

Personal assistants (PAs)

The ALLIANCE also recommends that **the legislation and access to the Fund should explicitly include Personal Assistants (PAs)**. PAs are individuals employed directly by people who access social care services. They are a vital part of the social care workforce and also recognised as key workers.⁴

This recognition is particularly important in situations where family members have been employed as PAs during COVID-19 – something only previously permitted under exceptional circumstances. This change has been facilitated by the ‘COVID-19: Guidance on Self-directed Support Options 1 and 2’.⁵ However, we are aware that there have been problems communicating and implementing this Guidance in some local authority areas.⁶

³ <http://www.ccpscotland.org/hot-topics/hourly-rates-wages/>

⁴ <https://www.sdsscotland.org.uk/wp-content/uploads/2020/03/Cabinet-Secretary-and-Cllr-Currie-Letter-Social-Care-Key-Workers-30-March-2020-1.pdf>

⁵ <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2020/05/coronavirus-covid-19-guidance-on-self-directed-support/documents/coronavirus-covid-19-guidance-on-self-directed-support/coronavirus-covid-19-guidance-on-self-directed-support/govscot%3Adocument/SDS%2BSocial%2BCare%2BGuidance%2Bfor%2BCovid19%252C%2B13%2BMay%2B2020.pdf>

⁶ <https://www.alliance-scotland.org.uk/blog/news/social-care-and-covid-19-emergency-powers/>

Impact assessments

The Policy Note accompanying the legislation notes that, “Due to time constraints, no impact assessment has been carried out, however there has been extensive engagement with the stakeholders mentioned above which has informed the developments of the Fund.”

As we know, COVID-19 – and responses taken to it – are not having the same impact on everyone⁷ and are already disproportionately affecting some individuals and groups within society more than others, including the social care workforce. The ALLIANCE has outlined our concerns about this in several reports,⁸ including a recent briefing on social care and COVID-19 emergency powers.⁹

It is widely recognised that COVID-19 is having a disproportionate impact on women and girls.¹⁰ Social care is highly gendered: women comprise 85% of the workforce (currently estimated at over 200,000) and around two thirds of those who access social care services. However, while recent (and welcome) campaigns strengthened the rights of NHS workers, social care workers are frequently left behind. For example, when the UK Government agreed to scrap the £400 surcharge to access NHS services for non-EU immigrants working in healthcare, it took a further campaign to extend that decision to those working in social care.¹¹ This kind of neglect impacts disproportionately on women, and particularly Black and minority ethnic women. The lack of parity between the terms and conditions of public sector employees and those employed by third and independent sector providers also contributes significantly to continued inequality in women’s work, occupational segregation and Scotland’s gender pay gap.

⁷ <https://www.gov.scot/publications/equality-fairer-scotland-impact-assessment-evidence-gathered-scotlands-route-map-through-out-crisis/>

⁸ <https://www.alliance-scotland.org.uk/blog/news/refining-or-reducing-lockdown-arrangements-during-covid-19/>; <https://www.alliance-scotland.org.uk/blog/news/social-care-assessment-covid-19-human-rights-concerns/>; <https://www.alliance-scotland.org.uk/blog/news/the-alliance-comments-on-draft-covid-19-clinical-and-ethical-guidance/>; <https://www.alliance-scotland.org.uk/blog/news/engage-disabled-people-in-decision-making-about-easing-lockdown/>; <https://www.alliance-scotland.org.uk/blog/news/equalities-impact-of-covid-19-must-be-assessed/>.

⁹ <https://www.alliance-scotland.org.uk/blog/news/social-care-and-covid-19-emergency-powers/>

¹⁰ <https://www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx>;
[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30823-0/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30823-0/fulltext);
<https://www.closesthegap.org.uk/content/resources/Disproportionate-Disruption---The-impact-of-COVID-19-on-womens-labour-market-equality.pdf>;
<https://www.engender.org.uk/content/publications/Engender-Briefing---Women-and-COVID-19.pdf>.

¹¹ <https://www.bbc.co.uk/news/uk-52754903>; <https://www.bbc.co.uk/news/uk-politics-52761052>

The ALLIANCE believes that the unequal impact of COVID-19 should be clearly acknowledged and specifically addressed by taking an equalities, human rights and intersectional approach to health and social care, both in response to the pandemic and in the longer term. **We strongly recommend that thorough Equalities and Human Rights Impact Assessments are carried out on the draft legislation.**

Communications strategy

Evidence suggests that some groups in Scottish society are not as well served by official communications as the general population,¹² with GDA reporting that “vital information is not reaching disabled people in clear, accessible formats”.¹³

Consideration should be given to the need for tailored approaches to communicating the changes brought about by the legislation and the Fund to organisations that employ social care staff and individuals who directly employ PAs. One tool available is the NHS24 ‘Coronavirus communications equalities toolkit’ that provides examples of alternative formats and communication channels.¹⁴

The ALLIANCE recommends that transparent, clear and accessible information on the Fund is co-produced with disabled people, people living with long term conditions and unpaid carers, and tailored for people who employ PAs. Guidelines and information on social care staff rights and how to access the Fund should be made available simultaneously in Easy Read and accessible formats and contain concrete examples of how the process is intended to work, with appropriate helplines available for people without access to the internet.

Contact

If you would like to discuss any of the topics raised in this response, or to request any further information, please contact:

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¹² <https://healthandcare.scot/default.asp?page=story&story=1906>;

¹³ https://www.sdsscotland.org.uk/wp-content/uploads/2020/05/GDAs-Covid-Resilience-Interim-report-27April_alt-text.pdf

¹⁴ <https://www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/communications-toolkits-and-leaflets/coronavirus-covid-19-communications-toolkit>

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About the ALLIANCE

The Health and Social Care Alliance Scotland (the ALLIANCE) is the national third sector intermediary for a range of health and social care organisations. We have a growing membership of nearly 3,000 national and local third sector organisations, associates in the statutory and private sectors, disabled people, people living with long term conditions and unpaid carers. Many NHS Boards, Health and Social Care Partnerships, Medical Practices, Third Sector Interfaces, Libraries and Access Panels are also members.

The ALLIANCE is a strategic partner of the Scottish Government and has close working relationships, several of which are underpinned by Memorandum of Understanding, with many national NHS Boards, academic institutions and key organisations spanning health, social care, housing and digital technology.

Our vision is for a Scotland where people of all ages who are disabled or living with long term conditions, and unpaid carers, have a strong voice and enjoy their right to live well, as equal and active citizens, free from discrimination, with support and services that put them at the centre.

The ALLIANCE has three core aims; we seek to:

- Ensure people are at the centre, that their voices, expertise and rights drive policy and sit at the heart of design, delivery and improvement of support and services.
- Support transformational change, towards approaches that work with individual and community assets, helping people to stay well, supporting human rights, self management, co-production and independent living.
- Champion and support the third sector as a vital strategic and delivery partner and foster better cross-sector understanding and partnership.