

# Health and Social Care Alliance Scotland (the ALLIANCE)

Briefing paper – Scottish Parliament debate:  
Independent Review of Adult Social Care  
16 February 2021



The Health and Social Care Alliance Scotland (the ALLIANCE) welcomes the opportunity to share this briefing related to the Scottish Parliament debate on the Independent Review of Adult Social Care (the Review).

## Summary

The ALLIANCE welcomes the Review report, which was based on extensive engagement with the public, independent and third sectors, and people with lived experience. A considerable amount of engagement was facilitated by the ALLIANCE.<sup>1</sup>

There is much to be commended in the Review report, including the strong focus on:

- Reframing social care as an investment instead of a burden
- Equality and human rights at the heart of social care
- Prevention and early intervention
- Closing the implementation gap between policy and practice
- Greater empowerment for people accessing social care
- Unpaid carers rights and requirements
- Self-directed Support and the Independent Living Fund
- More independent advocacy and brokerage services, including peer services
- Commissioning for social good
- A gendered approach to social care and Fair Work
- Removing non-residential care charges
- Increased spending on social care, as an investment in the Scottish economy

**The ALLIANCE recommends that the next Scottish Government appoint a dedicated Minister for Social Care and implement the Review's recommendations as a priority.**

## The purpose of social care

The Review recommends a new 'social contract' for social care, based on this suggested definition, which we welcome:

“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.”<sup>2</sup>

The ALLIANCE are pleased that the Review echoes our call for social care to be reframed as an investment that enables rights and capabilities, rather than a burden.

**We urgently need to shift the purpose of social care away from stigmatising and paternalistic models of disability towards people being regarded as rights holders with an active role to play in directing their own lives.**

## A human rights based approach

The ALLIANCE believes that social care is a means to an end; it exists to help people equally enjoy their human rights, including (but not limited to) the rights to live with dignity, independent living, meaningful and active participation in Scottish society, work, education, and so on. ALLIANCE members spoke frequently about the need to ensure that any reforms made to social care as a result of the Review should adhere to a human rights based approach (HRBA).

**Without the right support at the right time in the right place, people who use adult social care services cannot experience full and equal enjoyment of their rights. The ALLIANCE welcomes the strong focus in the report on ensuring that equalities and human rights are mainstreamed and embedded in a new social care system for Scotland.**

## Unpaid Carers

Participants in the ALLIANCE's engagement sessions were of the clear view that without the hundreds of thousands of unpaid carers across Scotland the social care system could not cope or work. In return, it was felt important that unpaid carers are valued and have easy access to their own support and a range of services, know what is available and how to apply. This will not only to help them in their supporting role but also to live a fulfilling life themselves.<sup>3</sup>

This echoes the experiences of the unpaid carers we spoke to as part of our 'My Support, My Choice' research project, very few of whom accessed Self-directed

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Support (SDS) with a carers budget, and the majority were not aware that it was possible to access SDS as an unpaid carer.<sup>4</sup> The ALLIANCE therefore welcomes the Review's recognition that unpaid carers need better, more consistent support to carry out their caring role well.

**The ALLIANCE supports the Review's recommendations to give a 'right to respite' for unpaid carers; take a human rights based approach; involve the person themselves in planning support; and include unpaid carers as full partners on Integrated Joint Boards and the National Care Service.<sup>5</sup>**

## **A National Care Service for Scotland**

The Review calls for system redesign, including the creation of a National Care Service (NCS) and the introduction of ethical and collaborative commissioning. The NCS would be created by a new law, led by a Chief Executive, and report directly to the Scottish Government. It would oversee local commissioning and procurement, supported by reformed Integration Joint Boards. Services would be procured from local authorities and third and independent sector providers. The NCS would also be responsible for implementing a new approach to improvement, similar to the NHS Patient Safety Programme.<sup>6</sup>

**Regardless of any future structure for social care in Scotland, it is essential that necessary, transformational change is delivered, as detailed in this Briefing. The ALLIANCE recommends assessing potential options for a national care service, or other mooted reforms, by how effectively they would deliver this change.<sup>7</sup>**

## **Closing the implementation gap and Self-directed Support (SDS)**

The Review recommends that as part of a National Improvement Programme for social care, a particular focus be placed on addressing the implementation gap in Self-directed Support (SDS).<sup>8</sup>

Some elements of human rights can be found in current Scots law and policy related to SDS and social care. However, there can be an 'implementation gap', whereby people's experiences do not reflect this national 'rights based' law and policy. There is clear evidence of this in our 'My Support My Choice' research project, which represents the most recent and comprehensive reflection of people's experiences of SDS in Scotland prior to COVID-19.<sup>9</sup> Expressing concerns about an 'implementation gap', ALLIANCE members have emphasised that integration and ambition must be "vertical and horizontal" and present at the level of service delivery, not just as a national policy rhetoric.<sup>10</sup>

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Participants in our engagement sessions described SDS as a perfect example of where the intent behind the legislation is unarguable and, if correctly implemented, Scotland would be benchmarked as a country which provides quality support for those that need it and for every citizen to thrive. However, the challenge is to turn policy into practice which participants felt had been lacking and expressed hope that the Review could help address.<sup>11</sup>

**As Scotland's approach to social care, SDS guarantees people the right to exercise choice and control over their support. If properly applied, SDS could be a key driver for the shared vision for adult social care and the cornerstone of a world leading, human rights based system.**

### **Commissioning for the public good**

Third and independent sector providers have long highlighted difficulties in engaging with local and integration authorities' commissioning processes. Some of the issues raised with the competitive tendering is that it hinders, rather than helps, partnership working and can contradict the values of personal choice and control embedded in SDS/social care legislation.

Sustainable funding and flexible approaches to commissioning, focused on equalities, human rights and personal outcomes – and designed to encourage innovative practice – are never more needed.<sup>12</sup> In that light, the Review's detailed recommendations for substantial changes in commissioning and procurement of social care are welcome and timely.

**The ALLIANCE supports the recommendations for a shift from competitive to collaborative commissioning; establishing a system of involving people with lived experience in the co-design of commissioning; and a decisive move away from time and task and defined services to commissioning based on quality and purpose of care.<sup>13</sup>**

### **A gendered approach to social care and Fair Work**

Workers and unpaid carers are the backbone of Scotland's social care system – it could not exist without them – however, there are ongoing issues with workforce recruitment, retention, training and quality.<sup>14</sup> With 85% of the workforce identifying as female, and the majority of unpaid carers also women, issues related to social care are highly gendered.<sup>15</sup>

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. In response to these pressing issues, the Review states that a National Care Service would provide a mechanism for delivery of Fair Work in social care and support.

**The Review's call for rapid delivery of all the Fair Work Convention recommendations is welcome, as are proposals to put in place national minimum terms and conditions; a national organisation for training, development, recruitment and retention; and express recognition of Personal Assistants employed by people using Option 1 of SDS as part of the workforce.<sup>16</sup>**

### Removing non-residential care charges

For many disabled people and people living with long term conditions, social care services are essential for their participation in society and equal enjoyment of their rights. Charges for non-residential care puts participation and rights at risk, increases the financial pressures on people accessing care, and potentially causes them to forego essential services. This difficulty is compounded by the fact that local authorities can make their own decisions on charging, which leads to varying quality in the experience of social care across Scotland.

**The ALLIANCE supports the Review's recommendation that people should no longer be charged for non-residential care social care support such as care and, support at home, and day care.<sup>17</sup> The incoming Scottish Government should commit to ending care charging by the end of 2021.**

### Increased investment in social care

The Review estimates that the total cost of the recommendations it makes would amount to additional expenditure of £0.66bn per year, approximately 0.4% of Scottish GDP. Increased expenditure is essential, it argues, to achieve a new rights based system and will have a positive impact – amongst others – on women's employment and the gender pay gap.<sup>18</sup>

There have long been calls for greater public investment in social care as part of the shift from acute services towards preventative, community-based support.<sup>19</sup> While the national social care budget has grown, thanks in part to campaigning by Scottish civil society,<sup>20</sup> it is widely recognised that much more investment is needed<sup>21</sup> and it is difficult to track overall spend.

**Increased funding for social care is urgently needed to ensure people have meaningful choice and control over good quality support and the third sector workforce enjoy Fair Work. Taking a human rights based approach to budgeting would embed fairness, transparency and people's participation in resource allocation, financial decision making, monitoring and accountability.<sup>22</sup>**

## 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.

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.

## Contact

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- <sup>1</sup> [Independent Review of Adult Social Care in Scotland: Engagement Activity – ALLIANCE, November 2020](#)
  - <sup>2</sup> [Independent Review of Adult Social Care in Scotland report, February 2021](#)
  - <sup>3</sup> [Independent Review of Adult Social Care in Scotland: Engagement Activity – ALLIANCE, November 2020](#)
  - <sup>4</sup> [My Support, My Choice: People’s Experiences of Self-directed Support and Social Care in Scotland – Self Directed Support Scotland and the ALLIANCE, October 2020](#)
  - <sup>5</sup> [Independent Review of Adult Social Care in Scotland report, February 2021](#)
  - <sup>6</sup> [Independent Review of Adult Social Care in Scotland report, February 2021](#)
  - <sup>7</sup> [ALLIANCE Briefing Paper: Independent Review of Adult Social Care – November 2020](#)
  - <sup>8</sup> [Independent Review of Adult Social Care in Scotland report, February 2021](#)
  - <sup>9</sup> [My Support, My Choice: People’s Experiences of Self-directed Support and Social Care in Scotland – Self Directed Support Scotland and the ALLIANCE, October 2020](#)
  - <sup>10</sup> [ALLIANCE Briefing Paper: Independent Review of Adult Social Care – November 2020](#)
  - <sup>11</sup> [Independent Review of Adult Social Care in Scotland: Engagement Activity – ALLIANCE, November 2020](#)
  - <sup>12</sup> [ALLIANCE Briefing Paper: Independent Review of Adult Social Care – November 2020](#)
  - <sup>13</sup> [Independent Review of Adult Social Care in Scotland report, February 2021](#)
  - <sup>14</sup> <https://www.alliance-scotland.org.uk/blog/resources/my-support-my-choice-peoples-experiences-of-self-directed-support-and-social-care-in-scotland-reports/>
  - <sup>15</sup> <https://data.sssc.uk.com/images/WDR/WDR2018.pdf>
  - <sup>16</sup> [Independent Review of Adult Social Care in Scotland report, February 2021](#)
  - <sup>17</sup> [Independent Review of Adult Social Care in Scotland report, February 2021](#)
  - <sup>18</sup> [Independent Review of Adult Social Care in Scotland report, February 2021](#)
  - <sup>19</sup> <https://www.audit-scotland.gov.uk/report/health-and-social-care-integration-update-on-progress>
  - <sup>20</sup> <https://inclusionScotland.org/wp-content/uploads/2018/05/Shared-Ambition-for-social-care-final.pdf>
  - <sup>21</sup> Around 25% of Scotland’s £15bn health and social care budget in 2019-20 was allocated to social care.
  - <sup>22</sup> <https://www.scottishhumanrights.com/projects-and-programmes/human-rights-budget-work/>