

Scotland Excel

To: Executive Sub-Committee

On: 17 September 2021

**Report by:
Chief Executive of Scotland Excel**

Response to Scottish Government Consultation

1. Introduction

The purpose of this paper is to provide an update in relation to the Scottish Government's consultation on the proposed National Care Service (NCS).

The paper aims to highlight areas of specific concern for the local government sector and Scotland Excel, and seeks support for the proposed approach to our response.

2. Background

In February this year the report on the findings of the Independent Review of Adult Social Care was published. The report found issues with implementation of social care policy and was critical of current commissioning & procurement activity.

Amongst the recommendations, to help drive improvement in the sector, was the establishment of a NCS in Scotland. The report recommended that the NCS take over responsibility for the strategic aspects of social care planning and commissioning from local government. Local government would instead become a care provider alongside the private and voluntary sectors and would be commissioned to deliver services on behalf of the NCS.

The report noted the work of The Promise in children's services and identified that separation of services for adults and children (by moving adult social care to the NCS) may cause issues. It did not go as far as to recommend inclusion of children's services within the NCS.

In August, the Scottish Government published their consultation on the creation of the NCS in Scotland. The proposals set out within this document are significant and will result in a fundamental change to the role of local government in Scotland if implemented.

The scope of services proposed for inclusion in the NCS is far broader than was initially anticipated and includes services relating to adult social care, children's services, community health, addiction, justice, and social care in prison.

3. Issues for Local Government

The proposals pose significant issues to local government. If implemented as set out, the overall role for the local government sector will undertake a fundamental shift and will be much diminished. With strategic responsibility for social care removed, local authorities will be refocused as social care providers. This assumes that this is role authorities will be willing to continue to provide under the new system. If not, the implications for the social care market are significant.

Scotland Excel's role would also be much diminished by the proposed plans. Within the section 'Commissioning of Services' there are a number of questions which clearly and directly impact Scotland Excel's current and potential service offering.

These include questions on:

- National commissioning of social care;
- Market research and analysis; and
- Structure of Standards and Processes which includes the provision of guidance, templates and tools to support local commissioning practice

The proposals relating to these questions include the NCS undertaking responsibility for commissioning of complex services at a national level. This includes residential services such as the National Care Home Contract. Given the proposals extend to children's services it is likely that the majority of Scotland Excel's current portfolio and remit in social care would transfer to the NCS.

For more than 10 years Scotland Excel has been delivering national social care arrangements on behalf of Scottish local authorities and in collaboration with the wider sector. Today, national social care commissioning is a key strategic focus for Scotland Excel covering both adult social care and children's services. Removing responsibility for social care commissioning would mean the loss of one of our key functions.

The proposals also include responsibility for market research & analysis, provision of commissioning standards & guidance and provision of tools and templates to support local commissioning all sitting within the NCS.

Whilst undertaking extensive market research and analysis in relation to the markets and services commissioned, Scotland Excel does not currently have a role in market research beyond this.

In terms of support for local commissioning Scotland Excel has experience in delivering this at an individual project level, but this is not routinely undertaken at a national level.

4. Approach to Scotland Excel's Consultation Response

Response to Commissioning of Services Section

In response to the areas highlighted in section three, Scotland Excel proposes to respond by confirming it does not believe the NCS should undertake responsibility in these areas.

Scotland Excel plans to respond that it should continue to lead work on the national commissioning of social care services and that it should utilise existing skills and experience to extend its current remit to meet the challenges set out in relation to overall market research and analysis and provision of standards and guidance for the sector.

Scotland Excel proposes to argue that it is uniquely positioned to undertake this role having an established, dedicated social care section, comprising three specialist teams staffed by skilled and experienced social care commissioners, and supported by other professional disciplines and governance arrangements. With more than a decade of experience in commissioning at a national level,

Scotland Excel has developed the skills and knowledge to offer expert stakeholder engagement and collaboration across a complex stakeholder group. Working in partnership with local authorities and other key stakeholders Scotland Excel is set up to support decision making in relation to local versus national options and to utilise its experience to extend its current role to support local commissioning.

Scotland Excel feels strongly that the role of providing guidance and documentation to support local commissioning should be undertaken by an organisation with direct skills and experience in undertaking social care commissioning & procurement. Scotland Excel already has these in place.

Local government and Scotland Excel has worked for years to improve procurement practices both generally and in social care. In the period since the McLelland report was published in 2006, the procurement profession has changed radically from a back-office function to a strategic and professional function which drives social good as well efficiency. Scotland Excel feels strongly that the local government sector - including Scotland Excel- is best placed to deliver the improvement now needed in social care commissioning.

Scotland Excel proposes to argue in its response that establishing a new team within the NCS to undertake a role for which there is already a successful specialist national resource would not be best for recipients of care or representative of best value.

In its response, Scotland Excel will also note the absence of its current role being articulated within the consultation document. It is felt that without an accurate description of current roles and responsibilities in relation to commissioning, a question in relation to the future roles and responsibilities is materially flawed.

Response to Other Sections

In relation to the remainder of the consultation, Scotland Excel will be working to consult and agree the detail of its final proposed position. It is the organisations intention to respond 'no' in relation to some of the key questions including:

- Q20 -Do you agree that Scottish Ministers should be accountable for the delivery of social care, through a National Care Service?
- Q23 - Should the National Care Service include both adults and children's social work and social care services?

Scotland Excel's response to these questions would note that it is unable to answer 'yes' without clear evidence to support the major structural reform proposed. It is suggested that a comprehensive cost/benefit analysis is carried out, comparing the features and benefits of the current structures against any alternative models.

There are a number of questions in relation to the role of the regulator within the document which are also of interest. While Scotland Excel would not propose to be involved in the main duties and function of the regulator but propose to offer a supporting function in relation to the areas where skills and expertise allows. This would include areas agreed as overlapping in terms of market oversight and market research and analysis e.g. financial monitoring.

5. Governance Proposal

Given the significance of the potential impact of the proposals and consultation it is proposed that a paper containing our full proposed consultation response is brought to the Executive Sub Committee in October for approval.

In advance of this Scotland Excel will hold a special meeting of the Chief Executive Officers Management Group to help inform the response.

6. Recommendation

Members are invited to:

- Note the issues set out in respect of the current proposals for a National Care Service;
- Endorse the proposed response in respect of the specific areas with impact our role;
- Endorse the response to the key general questions;
- Support Scotland Excel's position within individual council responses; and
- Approve the governance proposal in respect of approving Scotland Excel's final consultation response.