Do you think the Bill will achieve its policy objectives?

With regards to social care there is an existing statutory basis for the provision of appropriate staffing in care services settings. Existing legislation covering workforce planning in social care can be found in Regulation 15 Social Care and Social Work Improvement Scotland (Care Inspectorate) (Requirements for Care Services regulations 2011). Given that the policy objectives are already being met under existing legislation and the Bill offers no clear benefit to organisations delivering social services, employees in social care and people experiencing social services, CCPS deems the Bill unnecessary.

Recommendation 4 of the National Health and Social Care Workforce Plan is to ‘progress and co-produce social care and multi-disciplinary workforce planning tools that support the delivery of high quality care that reflects the new health and social care standards, and enable service redesign and new models of care’. The commitment from COSLA and Scottish Government to progress the recommendations of the plan further renders the Bill unnecessary.

Initially tools will be developed in social care only for care homes for adults. The Policy Memorandum explains, ‘Focusing on care homes for adults in the first instance acknowledges uncertainties raised during recent engagement on the workability of the policy approach in other settings’.

CCPS members deliver a wide range of community based services for adults and children including mental health, criminal justice, adults and children with physical disabilities as well as residential childcare services. Members have expressed concern about applying standardised workforce planning tools in settings where outcomes are personalised and support needs are addressed on an individual basis.

It is difficult to envisage ‘if and when a tool is developed’ the methodology could be applied consistently across a sector as diverse in the range of services it offers as it is in the size of the organisations delivering services.

CCPS, sharing many of the same concerns, supports the submission from COSLA with particular reference to the point that neither the Care Inspectorate or the Scottish Social Services Council supported the Bill during the initial consultation in 2017.

What are the key strengths of Part 3 of the Bill?
It is difficult to identify the key strengths of a Bill that delivers no benefit to social services and has the potential to place additional financial burdens on providers with no indication of how this will be resourced.

**What are the key weaknesses of Part 3 of the Bill?**

- The Bill states the Care Inspectorate may develop and recommend staffing methods. Workforce planning tools should only be developed when the sector has identified and agreed a need to do so otherwise there is a risk that tools will be developed by the Care Inspectorate and imposed on the sector.
- CCPS does not consider it sufficient to say the Care Inspectorate must collaborate with the sector. Any development of tools and methodology has to be sector led and supported by the Care Inspectorate for collaboration to be meaningful.
- The Bill does not indicate how the development of workforce planning tools would lead to improved outcomes for people using services. Instead it focuses on the needs of people using services. CCPS members have raised concerns that this could be interpreted as ensuring safe staffing to meet only the basic/minimum needs of people using services at the expense of prevention/improving outcomes.

**What differences, not covered above, might the Bill make? (unintended consequences, does it take account of integration, how are safe/high quality assured/guaranteed?)**

- The main, very serious, concern for voluntary sector providers is the duty placed on them by the Bill without a commensurate duty on local authority commissioners resulting in responsibility without authority. Any new legislation that is insufficiently resourced will have a detrimental effect on providers’ ability to meet Care Inspectorate requirements with regards to safe staffing. This has been evident in the past but most recently with the policy of paying the Scottish Living Wage to all employees in adult social care. The lack of transparency in the resourcing of this policy has left some care workers still not being paid the SLW as evidenced in CCPS communications with members.
- The Bill has the potential to resource those health settings that have evidenced need of increased staffing through the use of workforce planning tools to the detriment of the social care sector who do not have, and are unlikely to have, tools developed within the next five years.
- The Bill also states that tools for social care will initially be developed for care homes, a very small area of delivery for CCPS members. This raises concern for the voluntary sector that resources will then be diverted to support increased staffing in care homes if workforce planning tools evidence a need.
- The Bill does nothing to support the well evidenced recruitment challenges within social care and could potentially lead to the withdrawal of service

provision. If a tool is developed for use by the sector and it identifies a need to increase staffing, the inability of the employer to meet the increased requirement due to recruitment challenges and resource constraints risks future service delivery.

CCPS members have expressed concern and have strongly opposed the Bill since the discussion document was launched in January this year. Ongoing engagement with CCPS members garnered extensive feedback that was regularly relayed to the Bill Team and discussed with the Cabinet Secretary for Health and Sport in May 2018. The minor amendments that have been made to the Bill are insufficient to reassure members against the impact of unintended consequences and CCPS does not support the implementation of this legislation.