



The Scottish Parliament
Pàrlamaid na h-Alba

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3 November 2023

Dear Minister,

Post-legislative scrutiny of the Social Care (Self-directed Support) (Scotland) Act 2013

1. The Health, Social Care and Sport Committee agreed at its meeting on 27 June 2023 to undertake post-legislative scrutiny of the Social Care (Self-directed Support) (Scotland) Act 2013 (hereafter referred to as 'the Act').
2. The Committee plans to undertake its scrutiny as part of a two-phase process, with phase one focusing on information gathering and the Committee's future scrutiny in phase two will be determined following consideration of the information gathered in phase one.

The Act

3. The Act was intended to ensure that care and support is arranged, managed, and delivered in a way that supports choice and control for individuals. Four fundamental principles of SDS are built into the legislation – participation and dignity, involvement, informed choice and collaboration.
4. All social care in Scotland should be provided in line with the principles set out in the Act.

Implementation

5. The Committee is aware that it is widely considered that an implementation gap exists between the policy intent behind SDS legislation and what happens in practice.
6. In 2017-18, the then Public Audit and Post-legislative Scrutiny Committee undertook combined scrutiny of the Auditor General for Scotland's (AGS) [report on self-directed support \(SDS\)](#) and post-legislative scrutiny of the Act. The Committee [wrote to the then Cabinet Secretary for Health and Sport](#) raising concerns over:
 - slow progress implementing SDS
 - a lack of available information on each of the four SDS options
 - a lack of baseline data to accurately measure progress of SDS, including unmet need
 - a lack of confidence and empowerment of frontline staff to drive forward changes at a local level
 - robust commissioning plans for services
 - local level funding for implementation
7. In 2020-21, the then Health and Sport Committee highlighted some of the issues that continued to exist with the implementation of SDS in its inquiry into the [Future of Social Care and Support in Scotland](#). The [Independent Review of Adult Social Care in Scotland](#) also set out stakeholder views and experiences that point to the existence of an implementation gap related to self-directed support. Based on evidence gathered, the review recommended that “the experience and implementation of self-directed support must be improved, placing people using services' needs, rights and preferences at the heart of the decision-making process.”
8. Committee Members have further explored this implementation gap as part of the Committee's Stage 1 scrutiny of the National Care Service (Scotland) Bill.
9. The Committee is aware that numerous policy and legislative changes have taken place since the Act came into force, which may have impacted on the implementation of SDS, such as the Public Bodies (Joint Working) (Scotland) Act 2014. The Committee is also interested in how the Scottish Government sees the relationship and interaction between existing SDS legislation and the National Care Service (Scotland) Bill.

Improvement plan

10. The Scottish Government has recently published its [Self-directed support: improvement plan 2023 to 2027](#). Co-developed by a [working group](#), the stated intention of this plan is to “support the delivery of the national SDS Strategy by ensuring cohesive implementation of Self-Directed Support.”
11. The [plan](#) states that the Scottish Government has identified four outcome areas reflecting where improvements in how SDS is delivered are most needed. These areas cover choice, staff autonomy, systems and culture and strong, informed leadership. The Committee notes that procurement, one of the key drivers of how SDS is delivered in practice, is not included in these outcome areas but that resource, budget allocation and commissioning are included.

Monitoring and evaluation:

12. In November 2017, the Scottish Government commissioned researchers to conduct [a study of the implementation of self-directed support](#) to contribute to and help to shape ongoing national monitoring and evaluation, which was published in 2018.
13. The report concluded that the data being routinely collected was not sufficient to meaningfully evaluate the implementation of the Act. It made several recommendations including:
- Effective ongoing monitoring as existing measures did not provide useful mechanisms to gather information on self-directed support
 - Addressing existing data gaps by undertaking further evaluation methods
14. The improvement plan contains a section entitled “How will we know the Plan is working?” and sets out a list of key sources of national strategic priorities across health and social care which it notes “are likely to be of relevance to this Plan”. The plan further states that “A short monitoring and evaluation plan will be developed later in 2023 through the National SDS Collaboration to support how individual activities will be monitored and evaluated.”

Updates

15. As part of phase one, the Committee requests the following information:
- An update on the actions set out as part of the Scottish Government’s response to the Public Audit and Post-legislative Scrutiny Committee’s 2018 inquiry (included at Annexe A).
 - A copy of any impact assessment on the impact of the National Care Service (Scotland) Bill on SDS, particularly given the previous effects of provisions in the Public Bodies (Joint Working) (Scotland) Act 2014 on SDS.
 - Further detail of how the Scottish Government intends upcoming legislation will facilitate implementation of SDS.

Improvement plan

- Detail of the consultation process that informed the current improvement plan, including an analysis of consultation responses/activities.
- Detail of specific pieces of work underway to address actions detailed in the improvement plan and how these are intended to improve outcomes.
- Detail of how the improvement plan is different from previous improvement plans, notwithstanding the recognition in the plan that improvement work will span multiple years.
- Further detail of how it is intended that improvement work will span multiple years without a concurrent committed budgetary framework.

- A breakdown of funding allocations outlined in the plan, specifically whether figures detailed are new funding or part of existing allocations.
- Sight of any guidance for local delivery partners on funding allocations and associated spending, including how the budget is linked to the expected outcomes detailed in the plan, and how this will be measured/audited.
- Further detail of how the Scottish Government will fully incorporate consideration of dependencies, detailed within the improvement plan, within implementation work. The Committee is particularly interested in exploring work undertaken to ensure there are no unintended consequences across linked policies.
- An update on actions to date to address the recommendations from the Scottish Government commissioned research, and how these have informed priorities for change within the improvement plan 2023-2027.
- Sight of a copy of the monitoring and evaluation plan detailed within the improvement plan, alongside detail of specific indicators against outcomes detailed in the plan and a methodology for evaluation, if these are not included within the plan.

16. I would be grateful to receive a response by **Friday 15 December 2023** and look forward to hearing from you soon.

Yours sincerely

A handwritten signature in black ink that reads "CHaughey". The signature is written in a cursive, flowing style.

Clare Haughey MSP
Convener, Health, Social Care and Sport Committee

Letter to Jenny Marra MSP, Convener of the Public Audit and Post-legislative Scrutiny Committee

21st March 2018

Dear Jenny

Thank you for your letter of 21 February 2018 following the Public Audit and Post-Legislative Committee's scrutiny of Audit Scotland Self-directed Support 2017 progress report and post-legislative scrutiny of the Social Care (Self-directed Support) (Scotland) Act 2013.

The Scottish Government and COSLA share ambitious Health and Social Care policies that demand transformational change. Scotland is leading the way with integration of health and social care, our approach to social care being one that is focused on personal outcomes and self-direction.

We accept the findings of the Audit Scotland review and know there are still cultural and system changes required to fully embed this as our approach to social care. We also need to ensure sustainability of social care support into the future. That is why we are working together, and with stakeholders, to develop a programme of reform for adult social care.

Contained in the annexes to this letter are the actions we are taking forward with partners to address the specific points you raise. However we know that these plans need to be constantly evaluated and reviewed to ensure they are having the intended impact. While there is still a distance to go, we are determined to continue supporting integration authorities as they create the environment necessary for self-directed approaches to flourish.

We would be happy to provide further information if that would be helpful to the Committee.

SHONA ROBISON
Cllr PETER JOHNSTON, COSLA Health and Wellbeing

RESPONSE TO PAPLS COMMITTEE LETTER 21 FEBRUARY

We ask the Scottish Government to provide a plan for progressing the AGS's recommendations, setting out clearly who is responsible for taking the work forward, any relevant funding requirements and a timescale for delivery.

- Audit Scotland progress Review 2017 states that challenges identified in the partnership Implementation Plan 2016-18 launched by Minister for Public Health and Sport in December 2016 concur with the Audit Scotland findings and conclude that the plan 'gives a clear guide to help authorities, and third and private sector organisation, move forward after the recent stalling of progress' p42.
- Activity set out in this response is being carried out as part of the Implementation Plan 2016-18 and aligns to the four strategic outcomes.
- Annex B contains a table of the Audit Scotland recommendations and plans to address these.
- Annex C contains Scottish Government funded activity for 2018-19.
- In addition, during 2018-19 the Care Inspectorate will carry out a thematic review involving six authorities to test how well Self-directed Support is embedding.

We invite the Scottish Government to explain how it will ensure that SDS outcomes are monitored, and most importantly, improved. In doing so, we invite the Scottish Government to consider working with the Care Inspectorate on this.

Personal outcomes

- An individual's personal outcomes are monitored by the integration authority.
- Integration authorities also have a responsibility to plan strategically against the Health and Wellbeing Outcomes and report publicly on progress towards these.

Implementation outcomes

- Working with partners, Scottish Government (SG) is leading an evaluability assessment to set a shared framework to review and refine the existing evidence framework and identify what data and evidence is required to evaluate the impact of Self-directed Support. This will also inform integration authorities improvement methodologies.
- During 2018-19 the Care Inspectorate will carry out a thematic review involving six authorities to test how well Self-directed Support is embedding.
- Starting in May 2018 impact and learning from SG funded activity will be collated and reported regularly against the outcomes in the 2016-18 Implementation Plan and subsequent plans.
- We continue to work with integration authorities to improve the quality and completeness of data. A detailed analysis of Self-directed Support data from the 2016-17 Social Care Survey will be published in 2018.
- From 2018 social care data will transition to the SOURCE platform. This means individuals' data will be matched across health and social care services to better inform service planning.

It is clear that there are not always shared expectations about SOS between the people who access care services and those responsible for providing services. We ask you to consider how the Scottish Government could facilitate a shared and more consistent understanding.

- The majority of communication about social care is between health and social care staff and members of the public. Integration authorities carry out a range of communication activities from strategic planning to face to face advice and online information.
- A partnership communications group is currently developing actions to address the disparity in understanding self-directed support. The group is building on the substantial investment in awareness raising and provision of information through Support in the Right Direction, activity of authorities and previous awareness week activity, and evidence gathered in the production of the impact report to be published in May 2018.

We have already asked for a clear plan on how the AGS's recommendations will be taken forward. We ask the Scottish Government to consider how it can support authorities to prioritise the AGS's recommendations in respect of staff development.

- As employers local authorities have responsibility for staff development. This is something that is supported through Scottish Government transformation funding, and will be considered as part of longer term sustainability of social care.
- In addition, Scottish Social Services Council (SSSC) highlight the different approach to leadership required for embedding self-directed approaches to social care in Frontline and Citizen Leadership. This has informed the refreshed Social Services Leadership Strategy published in 2017 which has the vision 'for the workforce to recognise, understand, develop and use their leadership capability to contribute to service design and delivery that meets the personal outcomes of people using services'. Specifically, initial training for social workers will be improved through revision of Standards in Social Work Education (to be published shortly) to incorporate competences around positive risk taking, people directing their own support; personal outcomes; and participation/ co-production. An increased emphasis is placed upon 'strengths and assets of people and communities'. There was significant stakeholder engagement the revised Standards and a majority of respondents to the consultation believed that they will equip qualifying Social Workers for current practice.

We ask the Scottish Government to explain how it could best support authorities to develop new approaches to commissioning SOS services, including how it could remove any barriers to progress.

- Commissioning is one of the strategic outcomes of the Implementation Plan 2016-18.
- Good, flexible commissioning and procurement arrangements are required which place people at the heart of decision making and provide a range of choice. This requires an asset-based approach to commissioning, an understanding of the facilitating role of the commissioner, as well as how to support existing providers and community assets within localities. It also requires procurement practice which supports flexible approaches and presents balance between cost and quality.
- This however is not without challenge and a number of barriers currently exist in relation to social care's strategic planning, commissioning, the resource envelope and procurement.

- Scottish Government and COSLA are working with !Hub, Scotland Excel, Social Work Scotland, CCPS and other partners to develop training, guidance and tools to address these practical and culture barriers.
- We are also working with the Care Inspectorate to understand if change is required to legislation that defines social care categories to enable greater innovation.
- Evidence gathered by Social Work Scotland for the impact report to be published in May 2018 provides evidence of good commissioning practice.

We also question whether the potential reduction of communal services, such as day centres, was an unintended consequence of moving to SDS, and, if so, how this could be rectified.

- Integration authorities have responsibility for undertaking strategic planning with partners and communities for the integrated functions and budgets they control. They face decisions about where best to prioritise investment to achieve a number of policy outcomes including shifting the balance of care from acute to community settings and ensuring choice and control for people using social care support. Partnerships are adjusting services in response to demographics and their growing understanding of local communities' changing needs as reflected in strategic commissioning plans. In some cases this has led to the closure of day centres while in other areas they have become vibrant community hubs.

The Scottish Government's draft budget for 2018-19 states that the Scottish Government will be "investing £9.2 million in system change to enable more people to have choice and control of their care and support".

Please explain how this new funding will be allocated, the outcomes the Scottish Government expects it to achieve and how funding decisions will take account of the issues we have highlighted.

- Scottish Government funding for 2018-19 will be in line with the outcomes and actions of the Implementation Plan 2016-18. Annex C sets out the provisional Expenditure Programme for 2018/19.
- Audit Scotland progress Review 2017 states that this Implementation Plan 2016-18 identifies the same challenges and 'gives a clear guide to help authorities, and third and private sector organisation, move forward after the recent stalling of progress' p42.

We are concerned that the Scottish Government and COSLA, who are jointly responsible for the SDS strategy, have not already discussed and arrived at an agreed estimate of the future funding required to fully implement the strategy. We recommended that the Scottish Government takes forward these discussions as a matter of urgency and reports back on the progress made.

- Scottish Government and COSLA accept the findings of the Audit Scotland review and continue to work in partnership to deliver the joint Implementation Plan 2016-18, and a further implementation plan for 2019 onwards if necessary.
- The Scottish Government is working to develop a medium term financial framework, within the context of the budget settlement that the Scottish Government receives. This will be to outline the broad direction for the NHS and care services to meet the changing needs of the people of Scotland, including shifting the balance of care towards community health services. The Framework will be published by the Spring. Within this context COSLA and the Scottish Government are considering modelling future pressures and demand for social care.
- Scottish Government and COSLA are scoping a joint programme of adult social care reform to fully embed self-directed support as our mainstream approach to social care and explore sustainability of the sector. Research and engagement work to date has highlighted a high level of support for reform, with an initial analysis identifying commissioning and procurement, workforce, community and personal resilience, and opportunities for digital and technology as collective priorities. Initial work to map national and local good practice in these areas is currently being carried out with a view to achieving greater alignment and collaboration across the whole system. A process is also being developed to build a shared understanding of some of the systemic changes necessary, and ways to address these.

We would welcome an assurance from the Scottish Government that it has learned lessons from the implementation of SDS that will result in the more effective delivery of the new policies discussed. Further, what assessment has been made of the potential effect of these policies on the resources available for SOS and on the staff managing its ongoing implementation?

- The Implementation Plan 2016-18 was developed from learning of the first two phases of implementation.
- Starting in May 2018 impact and learning from SG funded activity will be collated and reported on regularly against the outcomes in the Implementation Plan 2016-18, and any subsequent plans.
- Research to produce the impact report has confirmed that self-directed approaches are good social work.
- Development and implementation of the Carers Act 2014 has drawn on learning from self-directed support.
- Development of the reform of adult social care programme is drawing on learning from self-directed support.

The Scottish Government has confirmed that a final progress report on the evaluations of the impact of SDS is due in August 2018. We look forward to receiving a copy of the report in due course.

See Annex B recommendation 1

**ANNEX B - AUDIT SCOTLAND SELF-DIRECTED SUPPORT PROGRESS REPORT 2017
- AUDIT RECOMMENDATIONS TRACKER - MARCH 2018 UPDATE**

	Self-directed support - 2017 progress report (published August 2017)	Current Progress Against Recommendation	
1	<p>The Scottish Government, COSLA, partners and authorities should continue working together to develop (1) the accuracy and consistency of national data on the number of people choosing each SOS option, and (2) methodologies to understand the impact of SOS on people who need support and their carers.</p>	<p>Accuracy and consistency of data: An evaluability assessment is underway (completion Aug 2018) which will inform changes to data collection. Scottish Government has appointed Blake Stevenson as an independent evaluator to lead on this research to fill evidence gaps and advise on how to evaluate the impact of Self-directed Support, including work with people who use support and their carers. There are three parts to the research:</p> <ol style="list-style-type: none"> 1. Review and refine the existing evidence framework and identify what data and evidence is required to evaluate the impact of Self-directed Support. This will include reviewing and appraising the utility and quality of existing evidence and making proposals for new data as necessary - progress reports are due February, April and June 2018 and a final report by August 2018. 2. Research the economic/resource implications of Self-directed Support and produce report by August 2018. 3. Research how Option 2 (as the new provision within the Self-directed Support Act where a personal budget is held by the local authority or a third party) works in practice and produce report by August 2018. <ul style="list-style-type: none"> • Data is under development: From 2017/18 Social Care data will transition to the SOURCE platform. This involves the matching of individuals' data across health and social care services in order to better inform service planning. This precludes immediate changes until the process is complete. • Impact methodologies - Alliance research on SOS user experience 2017 complete; follow up SDSS user survey will take place 2018-19; externally commissioned evaluability assessment will create costed case studies by August 2018 and suggest future indicators for tracking. Stakeholders 	<p>In progress - short term deadline</p>

		<p>including HSCP will be involved at all stages of this work.</p> <p>Target Completion Date - 1) 2019 following successful implementation of Social care data to SOURCE 2) August 2018 for evaluability assessment</p>	
2	<p>The Scottish Government, COSLA and partners should work together to review what independent information, advice and advocacy people will need in future, and how that should be funded after current Scottish Government funding for independent organisations comes to an end in March 2018. this review should involve users, carers, providers and authorities, and should conclude in time for appropriate action to be taken.</p>	<p>Independent review, which included all named stakeholders (inc 141 people using social care), was completed and published February 2018. Current Support in the Right Direction funded projects have 6 month extension to Sept 2018; applications are currently open for a new round of funding to run Oct 2018-March 2021. The collaborative approach to designing the new fund with third sector and HSCP/LA partners has been informed by the review.</p> <p>Target Completion Date - December 2017</p>	Completed

3	<p>The Scottish Government, COSLA and partners should work together to agree how any future financial support should be allocated, taking into accounts how authorities' local commissioning strategies will inform future spending priorities.</p>	<p>Scottish Government funding is aligned to the outcomes and activities in the joint Scottish Government and COSLA Implementation plan 2016-18. Future implementation activity and funding will also be focused on this plan and subsequent joint plans. COSLA has been a key partner in development of the new Support in the Right Direction fund (£2.9M pa 2018-21).</p> <p>Target Completion Date - June 2018</p>	<p>Closed - plans in place to proceed on a long term basis</p>
4	<p>The Scottish Government, COSLA and partners should work together to seek solutions that address the problems of recruitment and retention in the social care workforce.</p>	<p>Actions for this recommendation were taken forward within the Workforce plan part 2 which was published in December 2017.</p> <p>Target Completion Date - December 2017</p>	<p>Closed - plans in place to proceed on a long term basis</p>

5	<p>The Scottish Government, COSLA and partners should work together to ensure that the requirement to effectively implement SOS is reflected in policy guidance across all relevant national policies, such as health and social care integration, community empowerment, community planning, housing and benefits.</p>	<p>This is a focus for the developing programme of Adult social care reform. We are at the early stages of engagement with the developing Local Governance Review and anticipate that this may form a key route to deliver joined up narratives around high quality, person-centred public services, including Self-directed Support. An immediate priority will be ensuring that the Health and Social Care Delivery Plan, the implementation of free personal care for under 65's and the review of Adults with Incapacity legislation fully reflect the requirement to effectively implement Self-directed Support.</p> <p>Target Completion Date - April 2020</p>	<p>In progress - medium term deadline</p>
6	<p>The Scottish Government, COSLA and partners should work together to routinely report publicly on progress against the 2016-2018 SOS implementation plan and the SOS strategy.</p>	<p>An externally commissioned evaluability assessment is currently underway and will agree a revised reporting framework and identify the most effective indicators for informing future reporting. COSLA, an LA representative and other national partners are on the research advisory group. Regular reporting at a national level will build upon the initial public report to be published in May 2018 (see Recommendation No. 7)</p> <p>Target Completion Date - 2019 following successful implementation of social care data to SOURCE</p>	<p>Closed - plans in place to proceed on a long term basis</p>

7	The Scottish Government should report publicly in the outcomes it has achieved from the almost £70 million funding it has committed to support the implementation of SOS.	Social Work Scotland, SSSC and NHS Education Scotland have reviewed all investment from 2010 - date and have collated the identified impact and relevant learning into a Scottish Government report that will be published in May 2018. Impact will be reported against the 4 outcomes of the 2016-18 Implementation Plan and include all relevant tools and products produced with the implementation funding. Target Completion Date - May 2018	In progress - short term deadline
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GOVERNMENT SELF-DIRECTED SUPPORT- 2018/19 PROVISIONAL EXPENDITURE PROGRAMME

Activity	Organisation	Funding
Outcome 1 - People		
Support in the Right Direction programme Extension	various third sector organisations	£1,800,000
Support in the Right Direction programme - 2018-2021	fund currently open to applications	£1,450,000
Support to employers of Personal Assistants	Scottish PA Employers Network	£115,000
Capacity building of Disabled People's organisations (includes survey of SOS users)	Self-directed Support Scotland	£185,000
Implementation of the Health and Social Care Standards	Healthcare Improvement Scotland	£50,000
Implementation of the Health and Social Care Standards	Care Inspectorate	£50,000
Support to funded organisations/ new grant process	Inspiring Scotland	£157,500
Outcome 2 - Workforce		
Support to third sector providers	Coalition of Care and Support Providers Scotland	£83,000
National learning infrastructure to build local capacity and embed personal outcomes & improvement approaches	Scottish Social Services Council	£50,000
Support for the integrated partnership workforce to better understand and implement SOS	Social Work Scotland - proposals under development	
Outcome 3 - Commissioning		

Collaborative commissioning approaches	Coalition of Care and Support Providers Scotland	£104,000
Support for coproduction and engagement of local communities in the provision of social care support/ collaborative commissioning approaches	Healthcare Improvement Scotland - proposals under development	
Outcome 4 - Systems		
Local authority transformation funding	local authorities	£3,520,000
Evaluability assessment	Blake Stevenson	£50,000
Evaluation and monitoring development	To be commissioned following completion of evaluability work	
Knowledge management	proposals under development	
Crosscutting		
Support to The Alliance to embed SOS across their programmes	Alliance	£50,000
Website and Comms activity	proposals under development	
Staffing	Scottish Government	£349,606
Reform of adult social care programme	proposals under development	
Total value of proposals under development	various	£1,163,000
	PROVISIONAL TOTAL EXPENDITURE -	£9,177,106