

PE2114/A: Ensure effective regulation and oversight of social care services in Scotland

Scottish Government written submission, 6 September 2024

Thank you for your email of 6 August seeking a view on Better Care Scotland's petition which calls on the Scottish Parliament to urge the Scottish Government to ensure the effective regulation and oversight of social care services by replacing the Care Inspectorate with a new, independent oversight body that:

- has a specific focus on risk management
- uses regulatory and analytical expertise to identify and eradicate poor practice
- meaningfully engages with service operators and those with lay expertise to help deliver better, more transparent social care outcomes for people in Scotland.

Firstly, I thought it would be helpful for me to set out how the Care Inspectorate was established. The Public Services Reform (Scotland) Act 2010 ("the Act") aimed to streamline public bodies in Scotland to deliver improved public services and better outcomes for the people of Scotland. During the Act's development phase, there was thorough consideration and extensive public consultation conducted to determine the appropriate powers and oversight for the Care Inspectorate. [The Act, Part 5 and Schedule 11 in particular, sets out the general provisions for the establishment and operation of the Care Inspectorate](#) (or its formal name, Social Care and Social Work Improvement Scotland (SCSWIS)). This includes scrutiny functions in relation to care services and social work services.

As the regulator of care services in Scotland, the Care Inspectorate is an independent non-departmental body and therefore operates at arm's length from Government. The Care Inspectorate's Board sets the strategic direction of the Care Inspectorate. While Scottish Ministers approve the annual scrutiny and assurance plan, it is extremely important that the Care Inspectorate's independent role is respected. Scottish Ministers are however kept informed of any significant concerns that the regulator may have about quality of care or safety, welfare, and health of those using services.

Care Inspectorate's Approach to Regulation

In 2019 the Care Inspectorate agreed with Ministers that it would take a risk-based, intelligence-led approach to its regulatory activities. This approach involves prioritising resources and efforts based on the level of risk to the safety and well-being of individuals using care services.

The Care Inspectorate evaluates various factors that could pose risks to individuals receiving care. This includes reviewing past performance data, complaints, notifications they receive from care services, incident reports, and other relevant intelligence, including information from other bodies. Services that are deemed

higher risk, due to factors like poor past performance or concerns raised by service users or other stakeholders, are more likely to receive close scrutiny.

The Care Inspectorate gathers information from multiple sources, including those who experience care, families, care providers, partner bodies, and staff. This helps identify trends, emerging issues, and specific concerns that may affect the quality of care.

By using data and intelligence to identify where risks are highest, the Care Inspectorate can be more proactive in its regulatory activities. For instance, they might prioritise inspections or interventions in services where there is evidence of declining standards or significant risks to service users. By prioritising resources, they can more efficiently and effectively focus on preventing harm, improving care quality, and safeguarding vulnerable individuals.

I would also like to note that the Scottish Government is investing significant funding for the Care Inspectorate's digital transformation project which will provide a new digital platform, supporting a modern, flexible, and efficient way of working. This will enable the Care Inspectorate to develop the necessary digital applications to undertake modern forms of scrutiny and improvement activities.

Significant progress has already been made on this project and, upon completion, it will provide additional evidence to aid the Care Inspectorate's strategic oversight of integrated health and social care, services for children, and criminal justice within integration joint boards and community planning partnerships.

Care Inspectorate's Engagement

The Care Inspectorate's Corporate Plan 2022-2025, Quality Improvement and Involvement Strategy 2022-2025, and Equality, Diversity, and Inclusion (EDI) Strategy 2022-2025 set out their commitments to enhancing care services and effectively engaging stakeholders. These strategies focus on continuous improvement in the quality of care and to ensure people's voices are heard.

Commitments within the strategies include the involvement of young volunteers, who play a vital role in incorporating the voices and experiences of young people into the inspection process.

Additionally, adult volunteers contribute their insights and experiences, ensuring that the perspectives of people experiencing care are represented in inspections. These volunteers will bring a wealth of knowledge that enhances the evaluation of care services, promoting transparency and accountability.

The EDI Strategy aims to ensure that equality, diversity, and inclusion are integral to the care services provided in Scotland. One of its primary outcomes is to develop the diversity of stakeholders and meaningful participation of people engaged in the Care Inspectorate's work.

The Care Inspectorate has a Board that sets the strategic direction of their work. Board members bring a diverse range of care and lived experiences, which is invaluable in advancing the Care Inspectorate's work.

Independent Review of Inspection, Scrutiny and Regulation of Social Care (IRISR)

The Scottish Government recognises that there is always potential for improvement in the social care sector. Therefore, in September 2022 the Scottish Government announced an Independent Review of Inspection, Scrutiny and Regulation of Social Care in Scotland (IRISR). The IRISR was initiated to ensure that inspection, scrutiny, and regulatory systems remain fit for purpose and are firmly focused on human-rights and person-centred approaches.

[The IRISR Recommendation Report](#) was published on 27 September 2023 and made 38 high level strategic recommendations.

We have heard a strong desire for change across the social care landscape from those who use, work, and deliver services. [The Scottish Government response to the IRISR Recommendation Report](#) was published on 6 March 2024, accepting all 38 recommendations, recognising that significant amounts of work are already underway that will in part or fully address a large number of the recommendations. The implementation of the recommendations will be phased to build on work already underway and provide a solid basis to deliver the aspirations set out in the IRISR more broadly.

In accepting these recommendations, and by taking a phased approach to their implementation, we are confident that we can work in partnership to deliver continuous improvement that addresses the key challenges highlighted by the Review and support better outcomes for the people of Scotland.

Further information about the IRISR can be found at [Social care: Independent Review of Inspection, Scrutiny and Regulation - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultations-petitions/ip/ip-2023-001/)

The Scottish Government will continue to work closely and collaboratively with regulators, providers, partners (including the Care Inspectorate) and with those who have lived and living experience of social care support and linked services in implementing these recommendations.

Kind regards,

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