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Convenor
Health, Social Care and Sport Committee

04 December 2024

Response to PLS Stage 2 Final report

Dear Convener,

I would like to thank the Committee for its extensive work in producing this report, as well as those who have taken the time to give evidence as part of the post legislative scrutiny of the Social Care (Self-directed Support) Scotland Act 2013.

I welcome the Committee's report and recommendations on this matter, which have provided an opportunity to shine a light on the principles and values of self-directed support (SDS); that of choice, dignity and being able to take part in the life of their communities.

The report acknowledges the view of many individuals and organisations, that the intentions of the legislation are sound. It recognises that when SDS is being delivered as intended, there are very real, tangible impacts on individuals across Scotland. Through personalised budgets and tailored support plans, people have been able to live more independently, pursue their passions and participate in their communities in a way that wasn't possible previously. I am proud of SDS as a world leading policy which empowers disabled people.

Your recommendations also reflect the complexity of the health and social care landscape in Scotland, recognising that successful implementation of SDS is wholly dependent on a whole system approach. As the Committee has acknowledged, the Scottish Government can set the legislative framework and can foster connections to promote collaborative working in the areas most needed. However, it is vital that delivery partners across statutory, third and independent sectors all play their role in its implementation within people's communities.

Local Government and the Scottish Government are in agreement on the necessity to deliver high quality care. Together we are committed to securing a route to enhanced national

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oversight of improvement and performance deliver, in order to facilitate the sharing of best practice and providing targeted support to local areas where required.

The Scottish Government is already working alongside COSLA and others to drive improvements in the delivery of SDS at a local level. As I set out in my evidence to Committee in June, reflecting our commitment to a whole system approach, the Scottish Government and COSLA jointly published the Self-Directed Support Improvement Plan 2023-27 in June 2023. The plan, co-produced with the SDS National Collaboration, sets out how we are continuing to drive forward improvements in SDS delivery. It is supported by updated Statutory Guidance and a Framework of Standards, making clear the expectations of local authorities in the provision of care and support, to drive consistency in the practice and delivery of SDS.

In addition, we relaunched the Support in the Right Direction programme (SiRD) in April 2024 for a further 3 years, ensuring access to SDS advice, independent advocacy, brokerage and preventative support across Scotland. This independent support is integral to social care and without it, care users and carers would struggle to access the support they need and make use of it in the way they would like.

However, it remains clear that the current system is not working for everyone and we have received a clear message from some stakeholders that improvement and reform is crucial. This is reflected in the evidence submitted to the Committee as part of the post legislative review process and in turn, your recommendations. Furthermore, the open letters the Scottish Government has received from disabled people's organisations, the ALLIANCE, and Age Scotland, makes clear that action is needed now to deliver what people want – a rights-based system that puts people at its heart, one that allows for greater monitoring, consistency and oversight. The inclusion of the voice of lived experience is crucial and is central to the approach the Scottish Government and Local Government will take to delivering social care reform.

As outlined in my statements to Parliament and this Committee last month, there is a need for structural reform to address the systemic issues highlighted by the Committee and to improve the outcomes for those requiring social care to ensure that everyone in Scotland can access quality services, tailored to their needs. Furthermore, I also note that accountability for the recommendations does not solely sit with the Scottish Government.

Whilst discussions with stakeholders on the National Care Service continue, and as the Bill makes its way through the parliamentary process, I would like to underline that the Scottish Government remains committed to working with partners at an operational level to deliver the SDS Improvement Plan and will work with stakeholders to ensure that year 3 activities are aligned with the recommendations flowing from the Committee's scrutiny, as well as those arising from the Independent Review of Adult Social Care (IRASC). Given the importance of leadership in driving this improvement and reform agenda, I will also take forward discussions with COSLA, Health and Social Care partnerships, local authorities and other relevant organisations on the issues identified within the report.

I am fully committed to keeping the Committee updated on this important work. As I am sure you will understand, some of your recommendations are relevant to the proposals for the National Care Service which are the subject of ongoing discussions with stakeholders and, in turn, will be subject to Parliamentary process. I have advised the Committee that I will provide a further update on the plans for the National Care Service as soon as practicably

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possible. When Scottish Government have completed those considerations I will provide a further response to your full suite of recommendations at that stage.

In the meantime, attached to this letter is a table outlining my interim response, and I will be happy to provide Committee with a fuller update in due course. Please note this interim response will also inform the Scottish Government's discussions with partners, as we develop our collective approach to tackling the barriers hindering the consistent implementation of SDS across Scotland.

I hope you find this useful.



MAREE TODD

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ANNEX A

RESPONSE TO PLS STAGE 2 FINAL REPORT: DETAILED RESPONSE TO RECOMMENDATIONS

As noted in covering letter, SDS delivery is dependent on a whole system approach. The summary of activity underway or planned, led by SG, is noted below.

Theme	Number	Recommendation or Conclusion	Scottish Government response
The sector and its staff	1	The Committee is of the view that in order to deliver SDS in accordance with the Act, there needs to be a range of social care providers to deliver that care across all regions, in accordance with how people choose to receive their support. (para 3, page 2)	Further detail will be provided in due course.
	2	The Committee further calls on the Scottish Government to set out how it will ensure national oversight of this process.	Further detail will be provided in due course.
	3	The Committee calls on the Scottish Government to establish the extent to which SDS is taught within Scottish educational establishments and, if there are gaps, what plans it has to address these. (para 6, page 2)	Responsibility for development and quality assurance of social work courses and their curriculum rests with the Scottish Social Services Council (SSSC). The Standards in Social Work Education (SiSWE) describes what students need to learn and the competencies they must be able to demonstrate when they qualify as social workers. In relation to SDS, Standard 1 sets out that students must evidence that they can support people to access choice and, where appropriate, take control over their support arrangements through a process of co-production. Furthermore, the updated Self-directed Support

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			Statutory Guidance (published in 2022) and SDS Framework of Standards are being used by Social Work Scotland to work with Local Authorities and social work practitioners to embed good practice and learning.
	4	The Committee calls on the Scottish Government and the Scottish Social Services Council to ensure this is an integral part of the NQSW Supported Year in Scotland. (para 7, page 3)	The Scottish Government is committed to supporting national implementation of a new mandatory supported first year in practice for newly qualified social workers (NQSWs) This Supported Year is underpinned by changes to SSSC Codes of Practice and Continuous Professional Learning for all social services workers to enhance the learning and professional development opportunities available. Employers are also required to ensure r NQSWs are supported to embed SDS principles in their practice, and to support individuals to have choice and control over their social care support to enable independent living. Furthermore, the NQSW pathway set out the mandatory learning activity to complete to meet their CPL requirement.
	5	The Committee calls on local authorities to set out what actions they will take to facilitate a shift in social work practice in their areas towards a relationship-based model. The Committee calls on the Scottish Government to set out how it will ensure national oversight of this process. (para 8, page 3)	The Scottish Government is committed to establishing a National Social Work Agency. The NSWA will seek to address current recruitment and retention issues, improve leadership and professional development opportunities, improve consistency in service delivery and crucially, enable social workers to work more effectively with people to transform their lives and implement and rights-based practice. By working with COSLA and local authorities the Agency will ensure oversight of social work practice and support the workforce through the development of practice standards and support with local implementation to ensure our social workers are supported to deliver relationship based social work to enable better life outcomes.
	6	The Committee further asks the Scottish Government to set out to what extent, and how, it intends to exercise national oversight to ensure social workers are permitted the necessary time to be able to undertake	The proposed National Social Work Agency will provide the national oversight to ensure that relationship-based practice is at the forefront of providing assessments to those people who have requested a SDS package. In preparation for this we are currently funding Social Work Scotland to look at ways of moving from care management to relationship-based practice, focusing on what matters to the supported person and planning for good person-centred outcomes.

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		assessments using relationship-based practice as a mechanism for ensuring the principles of the Act are consistently delivered across the country. (para 9, page 3)	
	7	The Committee calls on the Scottish Government to provide an update on its plans to apply fair work practices to the social work profession, alongside detail of specific mechanisms it has introduced or plans to introduce to listen to and support social work staff. (para 12, page 3)	The Scottish Government has a long-standing commitment to the principles of the Fair Work Convention's framework for the social care sector. Since 2016, we have provided funding to ensure that adult social care workers delivering direct care in commissioned services are paid at least the Real Living Wage. In respect of listening to and supporting social work staff, the Fair Work in Social Care Group (FWiSC) has developed an Effective Voice (EV) Framework to promote and enhance employee engagement ? in workplaces. The Scottish Government also welcomes the UK Government's commitment to delivering a Plan to 'Make Work Pay' and the introduction of the Employment Rights Bill. Our initial evaluation of the Bill suggest that it aligns with our commitment to Fair Work and will enhance the experience of Scotland's social care workforce.
	8	The Committee believes the Scottish Government should consider the application of fair work practices to social work as a high priority and calls on the Scottish Government to set out a plan and associated timetable for achieving this. (para 12, page 4)	The majority of social workers are employed by local authorities and therefore terms and conditions and fair work practices will be the responsibility of employers. The National Social Work Agency (NSWA) will play a key role in the development of a national approach to workforce planning by working collectively with key partners to determine the numbers of social workers required including assessing future demand to alleviate workforce pressures. This will make a major contribution to fulfilling the elements of fair work for the social work profession.
	9	The Committee believes that commissioning and strategic planning processes need to	Further detail will be provided in due course.

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		ensure that social workers are consistently able to arrange care in accordance with people's choices under the Act. The Committee further calls on the Scottish Government to set out more broadly what it plans to do to improve commissioning, funding and fair work for social work staff to ensure this can happen. (para 13, page 4)	
Consistency	10	The Committee recommends that the Scottish Government issues further guidance to all HSCPs to ensure there is a significantly improved level of consistency in communication of information, definitions and use of language to describe SDS. (para 14, page 4)	<p>The SDS Statutory Guidance, updated in 2022 through a co-design process with the National SDS Collaboration, incorporates learning from the preceding eight years of SDS Legislation implementation. The guidance makes clear that Self-directed Support is for everyone in Scotland who needs social care services or support, and sets out the roles and responsibilities of Local Authorities to ensure supported people and their carers are able to get the support that is right for them. The Guidance aims to help improve how people experience SDS by making it clearer what authorities and workers need to do to ensure that the supported person has as much involvement, control and choice in their care as they wish.</p> <p>As part of their grant funded activities Social Work Scotland regularly engage with Local Authority SDS Leads and have already considered the usefulness of any further practice guidance. This has resulted in revised SDS standards – published in May 2024, which have been coproduced with the group and provides a common agreement about what good looks like and a glossary of terms. SDS stakeholders are building on the SDS standards in the development of further tools and guidance to support practice, including the SDS Practitioner Toolkit for social work practitioners,</p>

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			and the SDS Learning and Improvement Framework for local implementers and leaders.
	11	The Committee agrees with stakeholders that there should be an online one-stop resource for people who may need to access support with SDS and calls on the Scottish Government to establish such a service, accompanied by regular campaigns to promote it. (para 15, page 4)	<p>The Scottish Government has been working closely with NHS24, which is responsible for the Care Information Scotland Service website, to provide a one stop resource for individuals and their carers living in Scotland. The site contains information and advice about their rights to social care support; how to access care and support services and support for carers. This includes explaining how individuals can personalise their care and support through self-directed support. The content has been updated and re-written to ensure individuals have access to information and advice, which is clear, consistent, inclusive and updated regularly.</p> <p>In addition, the Scottish Government funds the Support in The Right Direction programme (SiRD), which provides access to local independent, support, information, advice and advocacy in line with the Scottish Government's vision for Self-directed Support. Currently, there are 33 organisations within SiRD, covering all 32 local authority areas in Scotland, which are signposted from the Care Information Scotland Service website.</p>
	12	The Committee calls on the Scottish Government to ensure resourcing of the relevant activities in the Improvement Plan is suitably prioritised. (para 18, page 5)	The Scottish Government invested over £7.5million in the first year of the SDS Improvement Plan and have committed a further £7.6million to deliver relevant year 2 activities in 2024/25. This comprises of a package of grants, including the relaunch of the Support in the Right Direction programme (SiRD) in April 2024, which will run for three years and be supported by £3.3m per year underlining our commitment to improving access to SDS.
	13	The Committee recognises that the Scottish Government is working with COSLA to review eligibility criteria as part of the National Care Service programme of reforms. The Committee asks the Scottish	Further detail will be provided in due course.

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		Government to provide an update on this work, including setting out the detail of discussions and related decision making, alongside timescales for action. (para 21, page 5)	
	14	The Committee further calls on COSLA and Health and Social Care Scotland to systematically identify areas of best practice and ensure there are opportunities to share these across all HSCPs. The Committee calls on the Scottish Government to set out how it will ensure national oversight of this process. (para 24, page 6)	Further detail will be provided in due course.
	15	The Committee is of the view that, to ensure proper implementation of SDS in accordance with its principles, there needs to be a formal complaints process for social care that is consistent across all HSCPs. This should form part of an iterative process, where decisions around complaints then feed back into the care	Further detail will be provided in due course.

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		review system, following a continuous improvement model. (para 26, page 6)	
	16	The Committee believes that HSCPs should be funded to deliver social care in line with the Act, and the Scottish Government has a responsibility to ensure that HSCPs allocate appropriate budget in order to deliver on social care commitments. The Committee asks the Scottish Government to set out how it intends to address these issues to improve the delivery of SDS. (para 29, page 6)	The Scottish Government provides funding to Health Boards and Local Authorities and it is ultimately for local partners to agree a budget which will enable them to meet the needs of the local people. To support these services, the Scottish Government continues provides record funding of over £19.5 billion for the Health and Social Care portfolio in 2024-25, providing investment of over £2 billion for social care and integration. In addition to this we provide local authorities with £3.696million of Self-directed Support: Transformational Funding annually, to assist with the development and implementation of SDS in their area.
	17	The Committee calls on the Scottish Government to explore how greater flexibility might be promoted, for example, by allowing for greater pooling or annualisation of budgets. (para 31, page 7)	Enabling flexible use of individual budgets in accordance with the supported person's choice, outcomes identified in their support plan and desired degree of control, is a key activity within the Self-Directed Support Improvement Plan 2023–2027, along with supporting local review, good practice and improvement of Resource Allocations Systems(RAS). Social Work Scotland (SWS) are currently being funded to explore local practices and are considering the challenges and opportunities for shifting to outcome-based budgeting for SDS. InControl Scotland are supporting this workstream, alongside undertaking research into the pooling of budgets and plan to publish their findings and share case studies in late 2024. Both SWS and InControl are engaging with the SWS Community of Practice network, which includes local authority social workers and SDS leads, to ensure any proposed model Adults Resource Allocations Systems are tested and fit for

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			purpose.
	18	The Scottish Government to set out what it will do, as part of the proposed National Care Service, to embark on a programme of 'culture change' that enables local authorities to deliver social care consistently in accordance with SDS legislation and principles. (para 34, page 7)	Further detail will be provided in due course.
	19	The Committee has heard evidence that establishing collaborative commissioning models and developing a marketplace of providers could lead to substantial improvements in implementation of the Act. The Committee further calls on the Scottish Government to set out how it will ensure national oversight of this process. (para 38, page 7)	Further detail will be provided in due course.
	20	The Committee has concluded from its scrutiny that, in order to be successful, any reforms to commissioning and procurement brought about	Further detail will be provided in due course.

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		by the proposed National Care Service need to have SDS principles at their core. The Committee therefore calls on the Scottish Government to set out precisely how it will ensure this is the case. (para 39, page 8)	
Monitoring, accountability and transparency	21	The Committee notes the commitment to produce a monitoring and evaluation plan as part of the current SDS improvement plan but regrets that this is still not forthcoming despite previous commitments that it would be "developed later in 2023". The Committee is firmly of the view that, to achieve meaningful improvement in the implementation of SDS going forward, there is a requirement to develop a comprehensive monitoring and evaluation plan for SDS as a whole. The Committee calls on the Scottish Government to develop and roll out such a plan as a matter of urgency. (para 41, page 9)	<p>The SDS Improvement Plan commits the Scottish Government, COSLA and the National Self-directed Support Collaboration to working together to develop a flexible monitoring, evaluation and learning approach that will be used as a framework to measure the progress of the activities within the plan. This framework received sign-off from the National Collaboration in November after a lengthy period of co-design, and will be published on the Scottish Government's website by the end of December..</p> <p>The views of the National Self-Directed Support Collaboration, including through the Monitoring & Evaluation sub-group, have shaped how we plan to monitor, evaluate, learn and build on the key deliverables within the plan, with a focus on a continuous learning approach. The approach adopted allows us to:</p> <ul style="list-style-type: none"> - Identify good practice, challenges and gaps within the Improvement Plan - Track progress towards the 4 key outcome areas of the plan - Continue our collaboration with the voices of lived experience and key partners, with clear ways of communicating, engaging, and enabling participation in our work to track progress.

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	22	<p>The Committee suggests the Scottish Government should include research into:</p> <ul style="list-style-type: none"> • the levels of unmet need in relation to social care across the country, including as this relates to those not receiving care and support as well as those who currently do. • whether people’s outcomes are well defined, whether they have been achieved and the challenges they have faced in accessing social care and support. • Social worker experiences, including any specific challenges in assessing SDS and organising delivery of social care. • Local authority practices and processes surrounding SDS. (para 42, page 9) 	<p>Understanding Unmet Need for adult social care support is a workstream being undertaken by the Social Care Data and Intelligence Programme Board. Within the workstream, there are four main themes of work:</p> <ul style="list-style-type: none"> • Long term trends and projections • Estimating need and unmet need • Linking estimates to resources (i.e., cost and workforce implications) • Prevention and early intervention <p>There are challenges in developing a full understanding of need and unmet need for adult social care support, including limitations with available data and the extent of analytical resource within Scottish Government for this complex research area. As well as continuing to draw on relevant analysis and research by others, Scottish Government analysts are seeking to develop new insights through maximising the relevant insights from available data, such as the Health and Care Experience Survey, and working with stakeholders involved with delivering services to gather wider insights on unmet needs.</p>
	23	<p>The Committee therefore calls on the Scottish Government to develop a proactive plan to identify areas of particularly poor performance and to support these areas to develop their own improvement plans, underpinned by good</p>	<p>Supporting local authority areas to embed SDS within relevant local policies and plans reflecting SDS as the way social care support should be delivered, including access to peer support to share learning is a key activity within the SDS Improvement Plan 2023-27.</p> <p>During year 1 of the plan Social Work Scotland(SWS) have been funded to develop and publish the SDS Learning and Improvement Framework, which promotes a learning-based local process of self-evaluation and improvement. This aligns with the approach that the Scottish Government</p>

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		practice in better performing areas. (para 44, page 9)	would like to see local areas adopt to self-evaluate their practice, policy, procedures, leadership and culture, and set their improvement journey. SWS already hosts a dedicated community of practice network for local areas using the SDS Learning and Improvement Framework. The Scottish Government is considering how future funding can be used to support further local SDS improvement using this mechanism. In addition, we are considering how local SDS improvement can be aligned with other national learning-based evaluation frameworks, such as, Scottish Learning and Improvement Framework and SDS Improvement Plan Monitoring, Learning and Evaluation Framework, which are both in development.
	24	The Committee firmly believes that, to ensure proper implementation of SDS going forward, there is an urgent need to establish a process of national oversight and clear lines of accountability as part of a significantly improved approach to monitoring and evaluation of SDS. The Committee calls on the Scottish Government to set out how it will achieve this. (para 45, page 9)	The Scottish Government is keen to build upon the experiences of Collaborative Response and Assurance Group(CRAG), which has developed a set of weekly management information data about delayed discharge at a local partnership level, to apply this approach to other elements of integrated health and social care delivery. This data forms the basis for targeted engagement and offers of support to those partnerships facing the biggest challenges, leveraging in peer support, practical help to look at processes and practice and work to augment improvement plans. Sitting alongside this are local improvement plans set by partnerships, and our self-assessment tool which provides quarterly data around key good practice. At present this approach is focussed on delayed discharge. However, this collaborative approach offers the opportunity for shared accountability underpinned by data and practice evidence, and we are considering how this approach can be utilised to cover wider performance and SDS improvement activity.
Alignment of policy and legislation	25	The Committee calls on the Scottish Government to ensure that the principles of SDS are placed at the heart of all social care delivery in Scotland, whether that is through the National Care	Further detail will be provided in due course.

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		Service or other ongoing integration. (para 46, page 10)	
	26	The Committee calls on the Scottish Government to set out how it will ensure SDS is properly integrated and understood within other related policy areas. (para 47, page 10)	The SDS Improvement Plan 2023-27 acknowledge the wide array of national policy areas and national issues that affect the delivery of SDS, and we continue to work together to ensure SDS is understood and considered in relation to wider policy developments.
Conclusions	27	The Committee recommends the Scottish Government produces updated guidance on the implementation of SDS to provide a framework that focuses on creative and flexible ways of achieving positive outcomes for individuals, informed by good practice and which is not solely focused on the original four options. (para 49, page 10)	<p>The foundations of achieving choice and control for supported people is the forging of a successful and trust-based relationship between the person and their social worker. In order to move away from an options based, financial transaction style of practice currently observed in some areas of Scotland we are focussing on building resources and education on relationship based practice for social workers.</p> <p>The 2022 SDS Guidance for local authorities states that “Trust-based relationships and good conversations between practitioners and people are at the heart of assessment, support planning and review practice and processes.” This was an area highlighted for improvement within the Improvement Plan and we have therefore grant-funded Social Work Scotland to begin a workstream focusing on relationship-based practice and SDS.</p> <p>This research is currently underway and will report by the end of 2024. This report is likely to cover the lived experience of relationship-based practice, the conditions needed to practice, and the rationale for practising. In order to support local areas, Social Work Scotland (SWS) will develop an approach to relationship-based practice and outcome-based budgeting that will support the principles of SDS, and that will include the organisational</p>

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			<p>change and workforce development necessary to shift to a relational practice model.</p> <p>SWS will then support local areas to implement this approach through engagement with the SDS Learning and Improvement Framework. We believe that this work will take the emphasis away from an options-based focus, moving assessments towards a choice, control and outcomes based process that seeks to put the supported person and their chosen outcomes at the forefront of all decision making.</p>
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