



## INDEPENDENT REVIEW OF ADULT SOCIAL CARE IN SCOTLAND SUBMISSION FROM ELCAP

### ABOUT ELCAP

ELCAP is a Scottish charity which provides care and support for individuals who are affected by learning disabilities, physical disabilities and mental health problems.

We are passionate about making a real difference to the individuals we support, by enabling them to live better, more independent lives within our community.

We change lives for the better in 30 towns and villages across East Lothian and Midlothian, delivering more than 10,000 hours of support each week to over 200 individuals. In addition to community-based support, we provide respite care from premises in Dalkeith and Tranent.

We employ over 300 staff, with over 90% working in front-line roles as Support Practitioners.

### WELCOMING THE REVIEW

ELCAP welcomes the Independent Review of Adult Social Care in Scotland and appreciates the opportunity to share our experience and perspectives with the review group.

### THE SCOPE OF OUR RESPONSE

The remit of the review is wide-ranging. Rather than seek to address every aspect of the review, our submission concentrates on the areas where we feel able to make a meaningful contribution.

## AREAS OF CONCERN

While we welcome the review, we wish to highlight two areas of concern:

- As more people live longer with a number of long-term conditions, there is a risk that adult social care is equated with care for older people. We support the rights of older people and recognise the significant role of older people's services in adult social care. But we encourage the review to consider adult social care in its widest sense, taking account also of the rights of individuals affected by learning disabilities, mental health problems and physical disabilities.
- The timing of the review, during the COVID-19 pandemic, makes it difficult for adults who use social care services to share their experience and expertise. There is a risk that our richest body of evidence is diminished as a result.

## OUR RESPONSE

### *The needs, rights and preferences of people who use services, their carers and families*

A refreshed understanding of the purpose of adult social care should provide underpin the review's recommendations.

A traditional view of its purpose is via a needs-based lens. Adult social care may be seen as a series of tasks which address need; or it may be viewed as a setting – for example, a care home – where needs are met.

A better starting point is to consider adult social care as a system of support which enables individuals to be active citizens and lead rich and varied lives. This approach is consistent with the review's aim of improving "the *outcomes* (our emphasis) achieved by and with people who use services" and is reflected in ELCAP's vision:

"ELCAP's vision is that everyone, no matter what their individual support needs, is able to live to their full potential and be an active and valued member of our community."

A focus on needs, at the expense of ambitions, preferences and rights, limits the benefits which can be realised from the partnership between adult social care organisations and the individuals we support. While meeting individuals' needs – for example, in relation to personal care – is an important aspect of adult social care, it is only part of the picture. An asset-based approach broadens the vista and:

- Makes visible and values the experience, knowledge, potential and skills of people who face challenges in their lives.
- Redresses the balance between meeting needs and nurturing people's resources and strengths.
- Helps create a fairer and more equal society.

The principles of self-directed support (SDS) – collaboration, dignity, informed choice, involvement and participation – should drive change in the adult social care system. If applied with pace and purpose, they will give people control over the support they receive and build social capital.

Because of the challenges they face in their lives, some people may find it difficult to manage SDS without assistance. For this reason, we suggest the simplification and streamlining of SDS approaches and improved access to independent advocacy.

A significant side benefit of an "SDS first" approach will be an end to the cycle of commissioning, which encourages competition over collaboration, consumes resources and excludes the individuals who rely on support to lead the lives they choose.

Finally, carers and families are integral aspects of the "system" of adult social care. The review should consider how they are recognised and supported and how they can exert a positive influence on the provision of care for their loved ones.

***The experience of people who work in social care, including their employment arrangements, opportunities for training and progression, and relationships with other professions across health and social care***

ELCAP has caring, motivated and skilled staff who support our mission "to become the recognised gold standard in social care by empowering the individuals we support, our staff and our community to grow and succeed."

In our most recent survey (May 2020), 96% of colleagues said they enjoyed working for ELCAP, while 88% said they would be working for ELCAP in three years' time. We are an accredited Living Wage Employer and have been re-accredited recently as a Platinum Investor in People.

While we can always improve, we believe our staff have a positive experience working for ELCAP. But we recognise that our experience is not universal, for factors including:

- Perceptions that social care work is unskilled and undervalued.
- Lower pay and limited employee benefit packages for work which is viewed as unskilled.
- Limited learning and development opportunities in an operating environment where there are competing demands on tight resources.
- Challenges in recruitment and retention, which place staff under pressure and can damage morale and motivation.

ELCAP has sought to address these difficulties by:

- Providing care and support through stable and self-organised teams:
  - Self-organisation allows decisions to be agreed at the closest point to individuals who receive support.
  - It builds the confidence and trust of individuals who receive support, as staff understand their ambitions, needs and preferences.
  - It provides greater job satisfaction for staff, who are encouraged to draw on their creativity, experience, knowledge and skills.
- Committing a high percentage of our expenditure to the front line, enabling us to pay salaries which are competitive and as fair as we can afford.
- Committing resources and time to staff learning and development.
- Encouraging open and honest communication.
- Recognising trade unions.
  - In 2019/20, 57% of ELCAP staff were union members.

We are happy to provide the review with further details of ELCAP's approach.

Finally, the review should consider the Fair Work Convention's 2019 report on *Fair Work in Scotland's Social Care Sector*, particularly recommendations two and four:

#### **Recommendation two**

- "Key stakeholders should develop and agree appropriate minimum contract standards for the provision of publicly-funded social care services, consistent with the Fair Work Framework and the Scottish Government's Fair Work First initiative. This should provide not only for terms such as pay and hours/income stability, but also for appropriate supervision, training and development."

In ELCAP's view, providers of adult social care services must be resourced at a level which allows them to meet minimum contract standards. In addition, third sector providers should be resourced at a level which enables them to employ staff on the pay, terms and conditions enjoyed by their public sector counterparts.

#### **Recommendation four**

- "Key stakeholders in the social care sector - funders, purchasers, providers (employers) and those with regulatory duties (e.g. Care Commission and HSE) - should apply the Fair Work Framework and commit to improving pay, conditions and opportunities for progression for directly employed care workers and for Personal Assistants. Stakeholder Fair Work action plans should be developed to underpin this commitment."

As noted above, this recommendation requires providers to be resourced at a level which allows them to meet this commitment.

## ***Arrangements for funding, governance, ownership, administration and delivery of social care services***

Commissioning and procurement drive many of the arrangements for funding, governance, administration and delivery of social care services. Many of the consequences are negative.

Our colleagues at the Coalition of Care and Support Providers in Scotland (CCPS) capture succinctly the key challenges:

“Most of the approaches to procurement, as currently conducted, are antithetical to the principles of self-directed support, since they position care services primarily as opportunities for providers, not as a means to good lives for people; and they place decision-making capability squarely in the hands of public authorities, not the people we support.”

The review is encouraged to consider the wealth of resources which CCPS has shared on the consequences of current approaches to procurement.

## ***Arrangements for meaningfully involving users in the assessment of need and in co-design and co-production (including self-directed support)***

Our views on this matter are summarised above, in our comments on self-directed support.

Individuals who receive adult social care support are best placed to advise how they would wish to be involved in the assessment of need and in co-design and co-production.

## ***Social care and health care service models and their interaction with other services, such as housing, education and employment***

The right home provides the foundations on which people who receive support can build good lives and be active and valued members of their community. Improved connections between social care and housing should enable a shared understanding of people’s needs, rights and preferences and provide housing options fit for people who need support.

Similar principles apply in education and employment. Adult social care can support people to enter and sustain educational and employment opportunities. While there are examples of good practice, we would encourage more person-led and systematic interaction between social care and these services.

While health and social integration has helped to enable collaborative practice, there are further opportunities which deserve investigation. Two examples from our own experience illustrate the potential for greater collaboration between adult social care and NHS staff.

The majority of people supported by ELCAP have learning disabilities. As a consequence, many require help to maintain good health or identify changes in their health which require attention.

People with learning disabilities often experience communication difficulties, while some are non-verbal. The experience of our staff enables them to identify health issues which the individuals they support are unable to express. They assist them to engage with primary and secondary care services, enabling early intervention and prevention.

The benefits at personal and system levels are clear. The individuals we support can live in good health for longer, while the need for expensive NHS interventions is reduced.

In recognition of the communication challenges outlined above, ELCAP and NHS Lothian have developed as partnership to deliver *Our Voice, Our Choice*. The initiative involves ELCAP funding additional Speech and Language Therapy capacity, enabling the individuals we support to access expert support which helps them to express what matters to them. As a result of the partnership, everyone ELCAP supports will, over time, have a personal Communication Passport and access to a wider range of Alternative Augmentative Communication (AAC) tools. Thanks to our NHS Lothian colleagues, our staff will be equipped to meet The Five Good Communication Standards.

Improved communication will enable the individuals ELCAP supports to have more choice and control – key components of good health – in their lives.

### ***Regulation, scrutiny, quality assessment and quality improvement capacity and capability***

Adult social care organisations are subject to a high level of regulation and scrutiny. As well as our accountability to our Executive Board and our partners at East Lothian Health and Social Care Partnership and Midlothian Council:

- ELCAP is registered with the Care Inspectorate
- Most of our staff are registered with the Scottish Social Services Council (SSSC)
- Most of our staff are members of Protecting Vulnerable Groups (PVG) scheme
- As a charity and a company limited by guarantee, ELCAP is registered with the Office of the Scottish Charity Regulator (OSCR) and Companies House.

We use the EFQM Model as our management framework and have developed an in-house quality framework.

We welcome regulation and scrutiny – it helps to keep people safe, improves quality and raises standards – but we also welcome the Care Inspectorate’s shift towards self-evaluation and improvement. The SSSC’s new approach to continuous professional learning, while at a very early stage, should empower staff to take control of their learning and development.

At a wider level, the regulation, scrutiny and improvement of adult social care should consider individuals’ experiences and outcomes more and pay less attention to procedural and process matters.

Finally, while quality varies within sectors, it is worth noting that third sector care and support organisations consistently receives higher grades from the Care Inspectorate than our private and public sector counterparts. The review is invited to consider the factors behind the third sector’s success and the opportunities for cross-sectoral learning.

### ***The role of local communities in providing capacity and assets to support people to live as well and as independently as possible and to enjoy the same facilities, universal services and opportunities as other citizens***

Our community is at the heart of everything ELCAP does. We support individuals in 30 towns and villages across East Lothian and Midlothian, while around 80% of our staff live and work in the same community. We seek to be a “good neighbour” to citizens and to private, public and voluntary organisations in our area.

We encourage the review to consider the extent to which “kind” communities can support people to enjoy good lives. By recognising the challenges individuals face and making adjustments to accommodate them, our communities can become more caring and collaborative.

Finally, the extent to which adult social care connects people with their communities should feature more prominently in care inspections.

## NATIONAL CARE SERVICE AND OUR VISION FOR ADULT SOCIAL CARE

### National Care Service

The establishment of a National Care Service has been mooted, gaining additional traction in the context of the COVID-19 pandemic. However there is little detail on the case for change or the benefits of such a service. The review is encouraged to consider the “problem” such a proposal is intended to solve and to scrutinise the evidence which is used in support of the case for change.

In considering this issue, we ask the review to:

- Consider the extent to which adult social care providers deliver a good experience and positive outcomes for the individuals they support.
- Examine variations in experiences and outcomes within and across sectors.
- Identify the barriers to high performance and the enablers of improvement.
- Note the national enablers of quality care and support which are already in place.
- Recognise the high quality, localised support that individuals want and need to live good lives.
- Value the choice which a mixed economy provides.
- Build on “what works”.

Finally, the COVID-19 crisis has increased the profile of adult social care staff and their essential role in the system of support for people who face challenges in their lives. Rather than identifying a need for a National Care Service, the public’s support highlighted the need for national recognition and positive promotion of the adult social care workforce.

Our sector needs to be seen as a great place to work, where staff enjoy good careers and are valued by society. Young people aspire to be doctors and nurses. In addition to these vital roles, young people might aspire to a life-changing career in adult social care.

### Our vision for high quality adult social care

ELCAP is a member of the Coalition of Care and Support Providers in Scotland (CCPS), the umbrella body for third sector and not-for-profit social care and support providers. We endorse the dimensions of good care and support which CCPS has developed with its members. We want:

- “Care” as a supportive relationship and vehicle to live good lives, full citizenship and the exercise of human rights; not as a series of pre-determined tasks or setting based services.
- Real choice and control for people in how their needs are met and how their support is delivered.
- A rich diversity of support providers and approaches.
- Robust and critical challenge applied to the whole system, not just to “services”.
- Fair Work, and real professional autonomy, for people employed in care and support, whoever their employer.
- Collaboration between agencies, not competition: partnership of equals, sharing of risk, transparency of financial arrangements.
- Investment in care and support as a public good.

## THANK YOU

Thank you for considering ELCAP's submission to the Independent Review of Adult Social Care in Scotland.

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