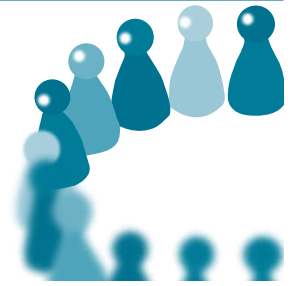


Social work in Scotland



ACCOUNTS COMMISSION

Detailed audit methodology

Council fieldwork

1. We visited six councils (Midlothian, East Renfrewshire, Comhairle nan Eilean Siar, Glasgow City, Perth and Kinross and West Lothian). In each council we interviewed:

- Council leader
- Elected members with responsibility for scrutiny, social work strategy and policy
- Council chief executive
- Director of finance
- Social work executive director
- Head of social work/Chief social work officer
- Social work service heads/managers with responsibilities for adult services, children's services and criminal justice
- Social work commissioning and procurement manager(s)
- Social workers (usually a focus group of 6-10 social workers covering all service areas).

2. We also reviewed documentation at each fieldwork site including:

- eligibility criteria for social care and details of any changes over the past five years
- strategy and/or guidance for managing commissioning, procurement and contracts
- outcome measures if not set out in the social work strategy or service plan
- information to show how the council assesses the quality of care achieved by service providers.

Service provider focus groups

3. We conducted focus groups with service providers in the private sector and third sector. Around 35 third sector providers participated in three focus groups, while seven private sector providers participated in a further group. We followed these up with individual meetings with a selection of providers. Providers also provided written feedback highlighting what they felt councils do well and how they could improve to support providers.

4. The participants represented organisations that provided services for a wide range of user groups, including children and families, residential services for children, adults and children with learning disabilities, people with mental health issues, housing for elderly people, services for homeless people, children and families affected by alcohol and drug misuse and adult social care.

User views

5. We contracted consultants, Research Scotland, to undertake a survey of service users and carers. They focused on five local authority areas, (East Renfrewshire, Glasgow, Midlothian, West Lothian and Comhairle nan Eilean Siar) selected to ensure a mix of geographies and to include both urban and rural areas. They targeted the following key groups in each area:

- older people
- people with physical disabilities or sensory impairments
- people with learning disabilities
- young people with disabilities
- carers.

6. The consultants took a flexible approach, aiming to speak with 5-6 people in each of these broad groups, in each area. They completed 33 focus groups (including mini groups) and 12 individual interviews (three telephone and nine face to face), with 165 participants, involved in the research.

Other stakeholders

7. We met with other social work stakeholders including:

- The Scottish Government
- COSLA
- Social Work Scotland
- The Scottish Social Services Council (SSSC)
- The Care Inspectorate
- Scotland Excel
- Carers Scotland
- Carers Trust Scotland
- Scottish Care
- Independent Living in Scotland
- Lothian Centre for Inclusive Living
- Scottish Association of Social Workers
- We also attended the Coalition of Carers in Scotland Annual General Meeting.

Desk research

8. We also undertook desk research, including analysis of the impact of legislation and policy, and analysis of financial and demographic data, including council budgets and audit reports.

The key stakeholders for the audit

Social work bodies in Scotland

- **Social Work Scotland** (formerly the Association of Directors of Social Work Scotland) – the professional leadership body for the social work and social care professions. A membership organisation representing social workers and other professionals who lead and support social work across all sectors.
- **The Scottish Association of Social Work (SASW)** – the professional association for social work in Scotland. Its role is to promote the best possible social work services for all people who may need them, while also securing the wellbeing of social workers. It has also set up the arm's-length union **The Social Workers Union (SWU)**, a trade union dedicated to social work professionals.
- **The Scottish Social Services Council (SSSC)** – the regulator for the social service workforce in Scotland. It is responsible for protecting the public by registering people working in social work and social care, setting standards for their practice, conduct, training and education and by supporting their professional development. Where people fall below the standards of practice and conduct it can investigate and take action. It also produces statistical workforce information.
- **The Coalition of Care and Support Providers in Scotland (CCPS)** – represents, promotes and safeguards the interests of third sector and not-for-profit providers of social care. Its members provide support in the areas of delivering community care for adults with disabilities and for older people, youth and criminal justice, addictions, homelessness, and children's services and family support in Scotland.
- **Scottish Care** – the representative body for independent social care providers in Scotland. It represents organisations delivering residential care, nursing care, day care, care at home and housing support services.
- **Carers Scotland** – provides advice, information and support to carers across Scotland. They campaign on behalf of carers and provide advocacy services, information leaflets and newsletters. They also provide training for carers and for people working in health and care services.
- **Carers Trust Scotland** – provides support services for carers through a network of independent carers' centres and young carers services throughout Scotland to improve support, services and recognition for carers.
- **Coalition of Carers in Scotland** – gives carers a voice by facilitating carer engagement and bringing carers and local carer organisations together with decision-makers at a national and local level.
- **Inclusion Scotland** – a consortium of organisations of disabled people and disabled individuals. It aims to draw attention to the physical, social, economic, cultural and attitudinal barriers that affect the everyday lives of disabled people in Scotland and to reverse the current social exclusion they experience. They host **Independent Living in Scotland** – a Scottish Government funded project set up to support the progression of disabled people's human rights, and in particular those rights in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

National bodies with a key role in social work in Scotland

- **The Scottish Government** – The Scottish Government Health and Social Care Directorate is responsible for the development and implementation of health and social care policy. It works in partnership with service users, carers, local authorities, NHS Boards, the Care Inspectorate, Healthcare Improvement Scotland and the voluntary and independent sectors to improve community care services across Scotland. Its responsibilities include:
 - leading the integration of health and social care into wider Government policy, working with the wider public sector and third and private sector on issues relating to health and social care
 - ensuring the highest standards of health and social care and finding the best way to develop, support and mobilise the health and social care system in Scotland to deliver improvements for patients and the public
 - delivering the highest quality of health and social care services to people in Scotland and working towards a shared vision of world-leading safe, effective and person-centred healthcare.
- **The Care Inspectorate** – regulates and inspects care services in Scotland to make sure that they meet appropriate standards. Inspectors seek views from people using the service, staff and managers and assess the quality of care people receive. They inspect higher risk services more often.
- **Scotland Excel** – the centre of procurement expertise for the local government sector. Collaborative procurement can help to increase efficiency and ensure that councils save money and protect front line services, while service quality is maintained.
- **The Convention of Scottish Local Authorities (COSLA)** – is the representative voice of Scottish local government and acts as the employers' association on behalf of 28 Scottish Councils. It's Health and Well-being Executive Group has four main priority areas:
 - To form enduring partnerships in the design of a sustainable health and social care system that improves the health and well-being of individuals and communities
 - To promote the need for councils to be properly resourced to deliver health and social care services
 - To protect and enhance local democratic governance of health and social care services
 - To seek out and share evidence of best practice, efficiency and innovation in the delivery of health and social care services.

COSLA's Health and Social Care Team provide policy development and political lobbying support to the Health and Well-being Executive Group, to Council Leaders and to the COSLA Convention.

- **Scottish Local Government Partnership** – a membership organisation that formed in April 2015 when four councils left COSLA. Comprising Aberdeen City, Glasgow City, Renfrewshire and South Lanarkshire Councils, the partnership was set up to allow councils to lobby collectively or individually as their individual needs require.
- **The Improvement Service** – the national improvement organisation for local government and community planning in Scotland. Its purpose is to help councils and their partners to improve the health, quality of life and opportunities of all people in Scotland through community leadership, strong local governance and the delivery of high quality, efficient local services. It does this by providing a range of products, advisory services including consultation and facilitation, learning and skills, performance management and improvement, and research.

Legislation governing social work in Scotland

This list illustrates the extensive and complex legislative and regulatory landscape that underpins decision-making in social work.

Primary legislation – Adults

- National Assistance Act 1948
- Adults with Incapacity (Scotland) Act 2000 <http://www.legislation.gov.uk/asp/2000/4/contents>
- Adult Support and Protection (Scotland) Act 2007 <http://www.legislation.gov.uk/asp/2007/10/contents>
- Social Care (Self-directed Support) (Scotland) Act 2013 <http://www.legislation.gov.uk/asp/2013/1/contents>

Primary legislation – Children and Young People

- Adoption (Scotland) Act 1978 <http://www.legislation.gov.uk/ukpga/1978/28/contents>
- Foster Children (Scotland) Act 1984 <http://www.legislation.gov.uk/ukpga/1984/56/contents>
- Children (Scotland) Act 1995 <http://www.legislation.gov.uk/ukpga/1995/36/contents>
- Protection of Children (Scotland) Act 2003 <http://www.legislation.gov.uk/asp/2003/5/contents>
- Education (Additional Support for Learning) (Scotland) Act 2004 <http://www.legislation.gov.uk/asp/2004/4/contents>
- Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 <http://www.legislation.gov.uk/asp/2005/9/contents>
- Adoption and Children (Scotland) Act 2007 <http://www.legislation.gov.uk/asp/2007/4/contents>
- Education (Additional Support for Learning)(Scotland) Act 2004 <http://www.legislation.gov.uk/asp/2004/4/contents>
- Education (Additional Support for Learning) (Scotland) Act 2009 <http://www.legislation.gov.uk/asp/2009/7/contents>
- Children’s Hearings (Scotland) Act 2011 <http://www.legislation.gov.uk/asp/2011/1/contents>
- Children and Young People (Scotland) Act 2014 <http://www.legislation.gov.uk/asp/2014/8/contents/enacted>

Primary legislation – Criminal Justice

- Criminal Procedure (Scotland) Act 1995 <http://www.legislation.gov.uk/ukpga/1995/46/contents>
- Criminal Justice (Scotland) Act 2003 <http://www.legislation.gov.uk/asp/2003/7/contents>

Primary legislation – Social Care/Health Care

- Medicines Act 1968 <http://www.legislation.gov.uk/ukpga/1968/67>

- Chronically Sick and Disabled Persons (Scotland) Act 1970 <http://www.legislation.gov.uk/ukpga/1970/44/contents>
- Chronically Sick and Disabled Persons (Scotland) Act 1972 <http://www.legislation.gov.uk/ukpga/1972/51/contents>
- National Health Service and Community Care Act 1990 <http://www.legislation.gov.uk/ukpga/1990/19/contents>
- Carers (Recognition and Services) Act 1995 <http://www.legislation.gov.uk/ukpga/1995/12/contents>
- Community Care (Direct Payments) Act 1996 <http://www.legislation.gov.uk/ukpga/1996/30/contents>
- Community Care and Health (Scotland) Act 2002 <http://www.legislation.gov.uk/asp/2002/5/contents>
- Mental Health (Care and Treatment) (Scotland) Act 2003 <http://www.legislation.gov.uk/asp/2003/13/contents>
- Public Health etc (Scotland) Act 2008 <http://www.legislation.gov.uk/asp/2008/5/contents>
- Patients Rights (Scotland) Act 2011 <http://www.legislation.gov.uk/asp/2011/5/contents>
- Public Bodies (Joint Working) (Scotland) Act 2014 <http://www.legislation.gov.uk/asp/2014/9/contents/enacted>

Primary legislation – Other

- Social Work (Scotland) Act 1968 <http://www.legislation.gov.uk/ukpga/1968/49/contents>
- National Health Service and Community Care Act 1990
- Human Rights Act 1998 <http://www.legislation.gov.uk/ukpga/1998/42/contents>
- Data Protection Act 1998
- Regulation of Care (Scotland) Act 2001
- Protection of Vulnerable Groups (Scotland) Act 2007 <http://www.legislation.gov.uk/asp/2007/14/contents>
- Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>
- Housing (Scotland) Act 2006 <http://www.legislation.gov.uk/asp/2001/10/contents>
- Housing (Scotland) Act 2010 <http://www.legislation.gov.uk/asp/2010/17/contents>
- Regulatory Reform (Scotland) Act 2014 <http://www.legislation.gov.uk/asp/2014/3/contents/enacted>

Secondary legislation – Children and Young People

- Residential Establishments – Child Care (Scotland) Regulations 1996 <http://www.legislation.gov.uk/uksi/1996/3256/contents/made>
- Secure Accommodation (Scotland) Regulations 2013 <http://www.legislation.gov.uk/ssi/2013/205/contents/made>

- Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003 <http://www.legislation.gov.uk/ssi/2003/608/contents/made>

Secondary legislation – Social Care/Health Care

- Misuse of Drugs (Safe Custody) Regulations 1973 <http://www.legislation.gov.uk/uksi/1973/798/contents/made>
- Misuse of Drugs Regulations 2001 <http://www.legislation.gov.uk/uksi/2001/3998/contents/made>
- Community Care (Assessment of Needs) (Scotland) Regulations 2002
- Community Care (Direct Payments) (Scotland) Regulations 2003, as amended
- Misuse of Drugs and Misuse of Drugs (Safe Custody) (Amendment) Regulations 2007 <http://www.legislation.gov.uk/uksi/2007/2154/contents/made>
- Human Medicine Regulations 2012 <http://www.legislation.gov.uk/uksi/2012/1916/contents/made>
- Controlled Drugs (Supervision of Management and Use) Regulations 2013 <http://www.legislation.gov.uk/uksi/2013/373/contents/made>

Secondary legislation – Other

- National Assistance (Assessment of Resources) Regulations 1992
- Equality Act (Specific duties) (Scotland) Regulations 2012 <http://www.legislation.gov.uk/ssi/2012/162/contents/made>
- Equality Act (Specific Duties) (Scotland) Amendment Regulations 2015 <http://www.legislation.gov.uk/ssi/2015/254/contents/made>

In addition, below is a list of the main legislation governing the carrying out of its functions by the Care Inspectorate

- Public Services Reform (Scotland) Act 2010 <http://www.legislation.gov.uk/asp/2010/8>
- The Social Care and Social Work Improvement Scotland (Fees) Order 2011 – (SSI 2011/27)
- The Social Care and Social Work Improvement Scotland (Registration) Regulations 2011 (SSI 2011/28) <http://www.legislation.gov.uk/ssi/2011/28/made>
- The Social Care and Social Work Improvement Scotland (Applications) Order 2011 (SSI 2011/29) <http://www.legislation.gov.uk/ssi/2011/29/made>
- The Social Care and Social Work Improvement Scotland (Excepted Services) Regulations 2012 (SSI 2012/44) <http://www.legislation.gov.uk/ssi/2012/44/contents/made>
- The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 (SSI 2011/210) <http://www.legislation.gov.uk/ssi/2011/210/made>
- The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Amendment Regulations 2013 (SSI 2013/110) <http://www.legislation.gov.uk/ssi/2013/110/contents/made>
- The Public Services Reform (Social Services Inspections) (Scotland) Regulations 2011 <http://www.legislation.gov.uk/ssi/2011/185/made>

- The Public Services Reform (Social Services Inspections) (Scotland) Amendment Regulations 2012 <http://www.legislation.gov.uk/ssi/2012/45/contents/made>
- The Public Services Reform (Joint Inspections) (Scotland) Regulations 2011 <http://www.legislation.gov.uk/ssi/2011/183/made>
- The Social Care and Social Work Improvement Scotland (Requirements for Reports) Regulations 2011 (SSI 2011/26) <http://www.legislation.gov.uk/ssi/2011/26/made>
- Looked After Children (Scotland) Regulations 2009 (SSI 2009/210) <http://www.legislation.gov.uk/ssi/2009/210/contents/made>
- Looked After Children (Scotland) Amendment Regulations 2013 (SSI 2013/14) <http://www.legislation.gov.uk/ssi/2013/14/contents/made>
- The Public Services Reform (Scotland) Act 2010 (Health and Social Care) Savings and Transitional Provisions Order 2011 <http://www.legislation.gov.uk/ssi/2011/121/made>
- The Public Services Reform (Scotland) Act 2010 (Health and Social Care) Savings and Transitional Provisions (No. 2) Order 2011 <http://www.legislation.gov.uk/ssi/2011/169/made>

The Audit Advisory group

Audit Scotland would like to thank the members of the project advisory group for their input and advice throughout

Name	Job title
Heather Noller	Policy and Parliamentary Officer, Carers Trust
Pam Duncan-Glancy	Independent Living in Scotland (formerly Project Policy Officer)
Robert Emmot	Director, Finance and Corporate Resources, CNES (CIPFA)
Heather Fiskin	Project Manager, Independent Living in Scotland
Laura Friel	Executive Director, North Ayrshire Council (CIPFA)
Annie Gunner-Logan	Director, Coalition of Care and Support Providers, Scotland
Duncan Mackay	Director of Social Work, North Lanarkshire Council
Paula McLeay	Policy Manager, COSLA
Ranald Mair	Chief Executive, Scottish Care
Robert Peat	Director of Inspections, Care Inspectorate
Helen Happer	Chief Inspector of Strategic Scrutiny, Care Inspectorate
Elaine Torrance	Chief Social Work Officer, Scottish Borders Council (Social Work Scotland)

Note: Members of the project advisory group sat in an advisory capacity only. The content and conclusions of this report are the sole responsibility of Audit Scotland.



Audit Scotland, 4th Floor, 102 West Port, Edinburgh EH3 9DN
 T: 0131 625 1500 E: info@audit-scotland.gov.uk
www.audit-scotland.gov.uk

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