

MINISTERIAL STRATEGIC GROUP FOR HEALTH AND COMMUNITY CARE

Paper no: MSGHCC/124/2019
Meeting date: 6 November 2019
Agenda item: 7

Purpose:
FOR ACTION

Title:	Fair Work in Social Care Implementation Group
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Key Issues:	<ul style="list-style-type: none">• New group being proposed to focus on Fair Work in Social Care.• Membership to include SG, COSLA, IJBs, CCPS, Scottish Care and STUC.• This will replace the Living Wage Implementation Group and is a key element of the Reform of Adult Social Care Programme.
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Action Required:	MSG members are asked to: <ul style="list-style-type: none">• agree that the Fair Work Implementation Group (FWIG) is set up to take forward the recommendations of the Fair Work in Social Care Report 2019; and• note the draft terms of reference for the group.
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Background

1. The Fair Work in Scotland's Social Care Sector 2019 report, published by the Fair Work Convention (FWC) in February 2019, suggested that fair work is not being consistently delivered for the 200,000 strong workforce.
2. The report proposed that key stakeholders develop and agree appropriate minimum contract standards for the provision of publicly-funded social care services among other recommendations for improving terms and conditions in the sector.
3. A summary of the findings and recommendations from the report can be found at **Annex A**.
4. The Cabinet Secretary for Health and Sport met with members of the Fair Work Convention in March 2019 and agreed that a partnership approach would be required to consider and respond to the report recommendations.
5. Subsequently, at the meeting of the Social Care Living Wage Implementation Group on 21 August 2019, it was agreed that this group, which comprises of representatives from Scottish Government, COSLA, Integration Authorities, Third and Independent Sector Providers and the Scottish Trade Union Congress would take on a more strategic function in relation to workforce issues with a particular focus on fair work and the Fair Work Convention report recommendations in addition to a continuing role in relation to the living wage.
6. Members proposed that the group would be re-named the Fair Work in Social Care Implementation Group (FWIG) with an expanded membership, scope and remit.
7. This development has been welcomed by Scottish Government Fair Work Policy colleagues and we have committed through the publication of the Programme for Government 2019/2020 to work with national and local partners to take forward the recommendations set out within the report, to improve fair work practices across the social care workforce.

Terms of reference for the Fair Work in Social Care Implementation Group (FWIG)

8. A terms of reference for the FWIG is being developed and will be agreed by members as it progresses. The terms of reference will set out:
9. **Purpose** - The primary purpose of the FWIG will be to take on a more strategic function in relation to workforce issues but with a particular focus on fair work.
10. One of the initial priorities for the group will be to examine ways to enhance fair work for the social care workforce, using the recommendations of the Fair Work Convention (FWC) report on social care as a starting point.

11. **Remit** - The Group will provide advice on taking forward FWC recommendations including:

- Review of commissioning practices (linking in with existing workstream on commissioning and procurement, Scotland Excel work etc.);
- The development of minimum fair work procurement standards for social care (as above);
- The establishment of a new sector-level body responsible for ensuring that social care workers have effective voice (whilst taking account of the existing Scottish Joint Council for local government employees);
- Development of a collective bargaining role in the sector; and
- Application of the Fair Work Framework in social care.

In developing this advice, the Group will engage a wider range of stakeholders and existing networks.

12. **Scope** – The breadth of social care services to be considered by the FWIG will be clarified as soon as possible. COSLA is exploring the potential to include public sector social care workforces (both adult social care and children's social care) in scope. Reports will be taken forward at the earliest opportunity to a meeting of COSLA Leaders and to relevant Boards.

13. **Structure and Process** - The work will be part of the adult social care reform programme, workforce workstream and will report to the ASC reform Leadership Alliance and the Ministerial Strategic Group (MSG) for health and community care. Reporting to COSLA's governance structures will also take place as appropriate.

14. Arrangements will also be put in place to ensure that the Minister for Children and Young People, Ms Todd is fully sighted on this work. This will be done through the Social Work Scotland Strategic Forum, chaired by the Minister for Children and Young People, Ms Todd.

15. In addition, the ASC reform team and COSLA will work closely with the Children's and Families Directorate to ensure links are established in relation to Children's Social Care Workforce and any associated work that they are taking forward. The ASC reform team and COSLA will also provide regular updates on progress to the Health and Social Care Workforce Planning Programme Board.

16. Governance for this group may need to change if public sector staff are also included.

17. **Engagement/Frequency of meetings** - the group will meet quarterly and will engage with a number of other groups whose remit and interest link with the FWC recommendations. This will include:

- Scotland excel work on a framework for care services;
- IJB Chief Officer network;
- IJB Chair and Vice Chair Network;
- SOLACE;
- Social Work Services Strategic Forum;
- National Workforce plan programme board;
- Fair Work; and
- Other groups as required

18. The work of the group is likely to be structured around a number of workstreams relating to the FWC recommendations. This will be agreed once the group is established.

19. **Membership** - Membership is still to be fully established and this will be discussed at a transitional meeting on the 7th November, however members could include:

- Scottish Trade Union Congress (STUC)
- Provider representatives groups: CCPS and Scottish Care
- Employers: care at home, care homes, Scottish Personal Assistant Employers Network (SPAEN)
- Society of Personnel and Development Scotland (SPDS):
- IJB Chief Officer, and Chief Executive representation;
- Chief Social Work Officers
- Commissioning and Finance representation from Local Authorities (and potentially their HR representatives); Employees
- Personal Assistants Network
- Regulators: Care Inspectorate and SSSC, HIS
- Social Work Scotland
- Scotland Excel
- COSLA
- Scottish Government: Social Care Support Division, Office of the Chief Social Work Adviser, Fair Work policy Division
- Academic
- FWC representative

20. **Chair** – once membership has been established, the group will appoint a chairperson. In order to bring a neutral perspective to the group, it has been suggested that an independent chair person is appointed.

21. **Secretariat** - This will be provided by Social Care Support Division.

Timescales/Key milestones

22. A provisional timeline is presented for information purposes only at this early stage in the process; it will be subject to amendment as the work progresses.

Key milestones	Provisional timescales
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Verbal update to the MSG	6 November 2019
Transitional meeting of Living Wage Implementation Group/Fair Work Implementation Group	7 November 2019
Joint SG / COSLA statement on next steps	End November 2019
Report to COSLA Leaders Meeting	End November 2019
Stakeholder roundtable – focus to be determined	December 2019
2 nd meeting of Group	Mid-February 2020
3 rd meeting of Group	End April 2020
Interim report	End May 2020
Present interim report to MSG	Spring/Summer 2020
4 th meeting of Group	End of July 2020
Follow-up roundtable	Summer 2020
5 th meeting of Group	End October 2020
Report from group	November 2020
Review of the Group and recommendations on its long term role in relation to SC workforce issues including terms and conditions	Autumn 2020

Annex 1

Fair Work Convention Report on Social Care: Summary of findings and recommendations

The report details a number of issues that impact on fair work in the sector, including:

- The undervaluing of social care work
- The workforce's lack of effective voice
- Given the predominance of women workers, issues such as lack of voice and undervaluation contribute to Scotland's gender pay gap
- Health and social care disparities: difference in treatment between social care and health workforce
- Personalisation, SDS and the balance between rights of people using services and rights of workers
- Accessing training in an increasingly professionalised service
- Challenges in funding and budgets
- Recruitment and retention challenges
- Low pay in the sector and issues in implementing the Living Wage
- Commissioning practices

Recommendations include:

- Setting up a new sector-level body responsible for ensuring that social care workers have effective voice in the design, development and delivery of social care services.
- Overhaul of commissioning practices to end non-committal hourly rate based competitive tenders and framework agreements.
- The development of minimum fair work procurement standards for social care set by the new body which could, in future, also develop a bargaining role in the sector.
- Key stakeholders in the social care sector should apply the Fair Work Framework and commit to improving pay, conditions and opportunities.
- Setting up a central unit in Scottish Government, Health and Social Care Directorate to coordinate policy for the social care workforce, integrated with workforce strategies for the health workforce, and to support delivery of these recommendations through its own fair work action plan