



## **Independent review of adult social care**

### **Background paper**

#### **Care Inspectorate - who we are and what we do**

The Care Inspectorate was established under the Public Services Reform (Scotland) Act 2010 as Social Care and Social Work Improvement Scotland (SCSWIS). We are the only independent scrutiny, assurance and improvement support public body for social care and social work in Scotland.

Every person in Scotland has the right to high-quality, safe and compassionate social care services that make a real and positive difference to their lives. The Care Inspectorate is here to help make sure that happens. We promote rights, independence and choice, alongside safety and protection, for people experiencing care. We are a scrutiny body that supports and drives improvement. We provide public assurance and where we find care is not good enough, we will act.

We are fully committed to our vision for world-class social care and social work where every person, in every community, experiences high-quality care and support tailored to their rights, needs and wishes. We have developed [inspection frameworks](#) aligned to the [health and social care standards](#), which puts people and human rights at the heart of everything that we do.

We employ 614 staff across Scotland, around half of whom work within our inspection teams specialising in health and social care, early learning and childcare, social work, children's services, and community justice. Within this group, 147 staff directly support our scrutiny and improvement support work in adult social care.

#### **Regulation**

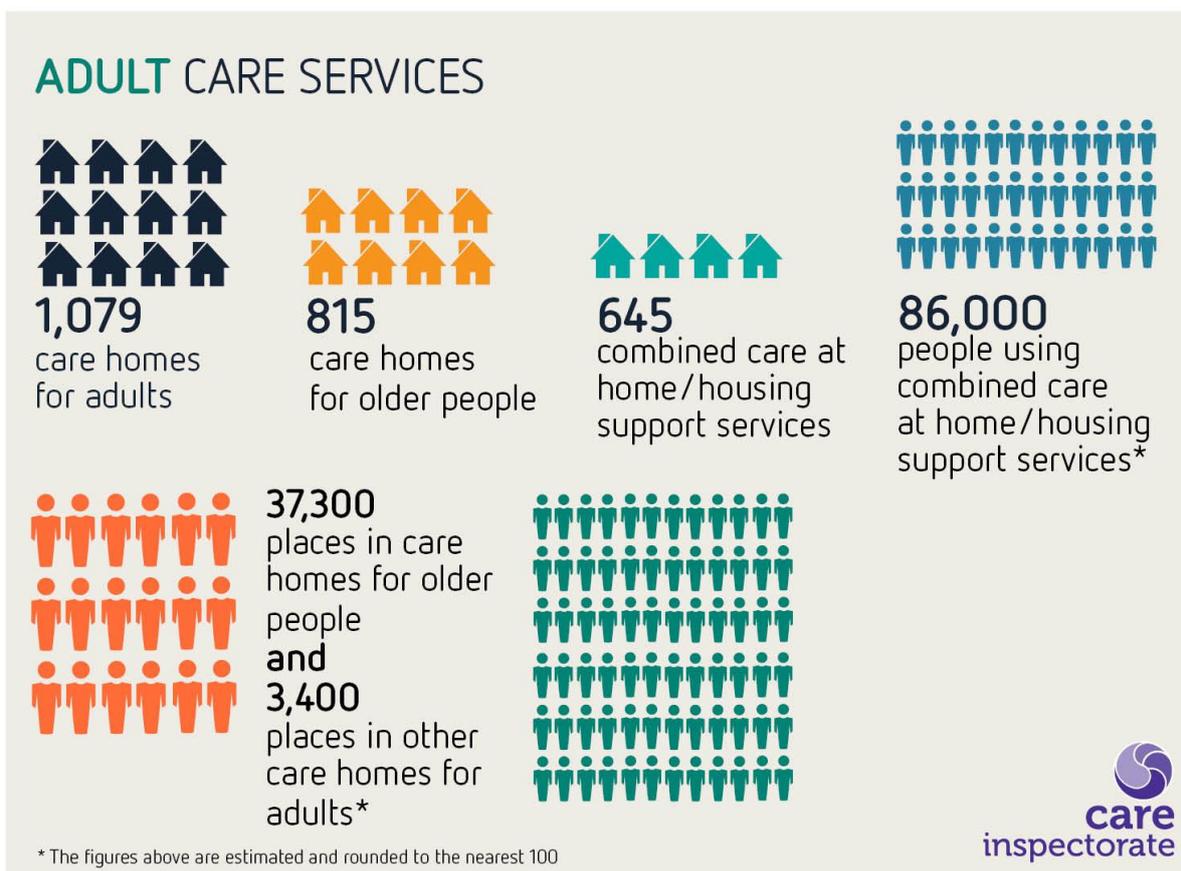
The Care Inspectorate has a statutory regulatory role under Public Services Reform (Scotland) Act 2010 and the Public Bodies (Joint Working) (Scotland Act) 2014 to provide scrutiny, assurance and support improvement in care. We provide this for all adult social care and children's services, integrated health and social care, early learning and childcare, justice and adult support and protection. Our focus is always the safety and wellbeing of people experiencing care.

The Care Inspectorate inspects services on a risk-based, intelligence-led basis. Adult service inspections include inspections of all care homes for adults and older people, care at home and housing support services and registered day care/support services, with a requirement to inspect all care homes and care at home services annually. The Care Inspectorate has the powers of entry to care services and the powers to require changes in service delivery. The Care Inspectorate can make requirements for areas or improvement and can take enforcement action with care

services where it is identified people are at risk. If we believe there is a serious and immediate risk to life, health or wellbeing, we can apply to the Sheriff court for emergency cancellation of a service’s registration or apply for changes to how they operate. The Care Inspectorate is required to make reports on inspections available to the public.

The registration of social care services is our responsibility, and this defines the landscape of adult social care in Scotland. As well as new applications to register care services, this includes assessing variations to care services. All social care services, including early learning and childcare, must be registered with us. On 31 August 2020, there were 12,421 registered social care services and 3,549 of these were in adult social care. Figure 1 provides further detail.

Figure 1: Adult care services



We also investigate complaints about registered care services, acting on the concerns and complaints people raise.

We work in partnership with other scrutiny and improvement bodies, such as Healthcare Improvement Scotland, HMICS, Education Scotland and Audit Scotland to look at how social work and social care is provided by community planning and health and social care partnerships across local authority areas and support improvement where required.

## Integration of Health and Social Care – joint inspections in adult services

From 2013 to 2017, the Care inspectorate and Healthcare Improvement Scotland (HIS) carried out joint inspections of services for older people and follow-up progress reviews in areas where there were significant concerns about these services. In 2017, the focus of our joint scrutiny activity in adult services changed in line with the requirements of the Public Bodies (Joint working) (Scotland) Act 2014 and from 2017 to 2020, we carried out joint inspections of the effectiveness of strategic planning in eight health and social care partnerships. The focus of these joint inspections has been on three key areas: performance; strategic planning; and commissioning and leadership.

Our inspections identify areas for improvement with follow-up and support where required for partnerships around areas for improvement.

In February 2019, the Ministerial Strategic Group (MSG) chaired by the Cabinet Secretary reported on its review of integration and recommended changing the scope of these joint inspections to focus on what integration arrangements are achieving in terms of outcomes for people, to consider all partners involved in the delivery of health and social care and ensure a balance in the inspections between health and social care.

A new methodology developed by the Care Inspectorate and Healthcare Improvement Scotland joint inspection team builds on the findings of the MSG review of integration, including integration planning and delivery principles, the national health and wellbeing outcomes and the Health and Social Care Standards. In addition, an improvement support approach is embedded in the new methodology developed by the Care Inspectorate improvement support team with the iHub in HIS.

The COVID-19 pandemic has resulted in suspension of the joint inspections and we are currently examining how we can restart scrutiny in this area of adult services.

### Strategic scrutiny and assurance

In addition to the joint inspections carried out with HIS, the Care Inspectorate has carried out a range of other scrutiny activity such as:

- adult support and protection (ASP) joint inspections - with Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) and supported by HIS [adult support and protection \(ASP\) joint inspection - with Her Majesty's Inspectorate of Constabulary in Scotland \(HMICS\) and supported by HIS](#)
- self-directed support (SDS) thematic review [self-directed support \(SDS\) thematic review](#)
- care at home and housing support inquiry [care at home and housing support inquiry](#)

The ASP joint inspections in 2018 led to a joint inspection programme being commissioned by Scottish Government. The current programme is led by the Care Inspectorate in partnership with HIS and HMICS.

In addition to our strategic scrutiny activity the Care Inspectorate has a formal quality assurance role in relation to initial case reviews (ICRs), significant case reviews

(SCRs) and serious incident reviews (SIRs) The Care Inspectorate, on behalf of Scottish Government, acts as a central repository for all ICRs and SCRs as a way of enabling the learning from the reviews to be shared and implemented widely.

### **Improvement support**

In terms of section 44(1)(b) of the Public Services Reform (Scotland) Act 2010 our duty is to drive further improvement in the quality of social services. The approach we take means that we can provide extensive diagnosis and that, along with other intelligence, leads us to identify good practice and where improvements are required providing the appropriate support. We play a unique role in assessing the extent to which improvement has taken place and in taking enforcement action where a failure to do so places people at unacceptable risk. Where improvement is needed, it is the responsibility of the service provider and leaders to ensure it happens.

Through our inspection staff and our improvement support team we provide advice, guidance and signpost to a range of improvement support resources. We play a key role in developing the knowledge and application of improvement science in the social care sector, building capacity and capability for improvement to facilitate changes that lead to sustainable improvement through improvement workshops with providers.

Our inspectors have relationship manager roles with provider organisations, local authorities and health and social care partnerships. In these roles, our inspectors link with providers in an assurance role but also with a key focus on development and improvement activity in relation to care services. Our strategic inspectors link with local authorities and health and social care partnerships in link inspector roles to seek assurance and support improvement in social work practice in services for adults and children and justice services. The relationship manager and link inspector roles provide the opportunity to monitor progress in improvement plans and inform development plans at service, provider and partnership levels. Relationship managers and link inspectors collaborate to work effectively with providers, local authorities and health and social care partnerships. Both have a key role in assurance regarding protection issues in adult services, particularly regarding adult support and protection practice and governance.

We design, lead and deliver impactful national improvement programmes commissioned through specific funding streams, most recently to support the expansion of ELC and the now completed Care About Physical Activity (CAPA) programme, [Care About Physical Activity \(CAPA\) programme](#) which has become a movement for change in adult social care.

A key element of what we do is to champion high-quality care wherever we encounter it, through the many inspections we do each year and through the improvement support work we do. This good practice is shared widely to support improvement and innovation. We have developed a wide range of improvement resources and guidance to support health and social care partnerships, providers, services and local communities to make the changes they need to improve.

## **Our improvement support team**

As well as our inspection staff (including relationship managers and link inspector roles) identifying where improvement is required and supporting improvement daily, the Care Inspectorate also has an improvement support team of qualified and experienced improvement advisors.

Our improvement advisors lead and support local and national programmes of improvement focusing on specific topics, based on information from our data and intelligence and national policy. They achieve this through developing guidance and improvement support resources, providing advice, building capacity and capability within the Care Inspectorate and within the sector.

Our improvement support team also works with other national improvement organisations to support improvement within social care and contributes to national programmes led by others such as medicines administration and the winter flu programme. Details can be found in our [improvement strategy](#)

## **Intelligence**

The Care Inspectorate has an intelligence-led, risk-based and targeted approach to scrutiny, assurance, and improvement support, using the evidence from scrutiny and other data and intelligence we gather to use our resources effectively and efficiently. We rigorously monitor services, gathering and analysing intelligence, including currently, COVID-19 case notifications, which services are required to submit.

The information and intelligence we gather helps to shape and influence local and national policy and practice, directly supporting services and communities to be safe places for people to live and flourish, considering their needs and choices. We also share intelligence and information where appropriate and agreed with partners to support the care sector to meet the needs of those they support. This has been critically important during the pandemic. We are working to further develop our intelligence-led approach by expanding our digital solutions.

## **Involving people in what we do**

In terms of Section 112 of the Public Services Reform (Scotland) act, 2010, we have a duty to involve people who experience care in the design and delivery of our scrutiny and improvement support functions. We do that through our inspection volunteers and our involving people group. We believe that involving people who experience care in our work is essential to influence and improve what we do, and we have a number of innovative ways that people can get [involved](#).

## **COVID-19 - different approaches to scrutiny, assurance and improvement support**

Our approaches to scrutiny and improvement support need to continue to evolve as services start to return to a degree of normality while still amid a pandemic. We are very aware that providers will be considering how they balance the needs, choices and rights of people they support with infection prevention and control measures and we must also find this balance.

Every fortnight, under the emergency coronavirus legislation, we are required to lay a report before Parliament that sets out which care home services we have inspected and our inspection findings.

To meet the duties introduced by the [Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Regulations 2020](#) and to comply with associated guidance, our inspections focus and report on infection prevention and control, personal protective equipment (PPE) and staffing. There is also a specific focus on health and wellbeing. Consequently, we have augmented our [quality framework](#) for care homes and developed associated tools to reflect this. Going forward, this will continue to be a focus for our [inspections](#).

### **Publication on Care Inspectorate response to pandemic**

We recently published [The Care Inspectorate's role, purpose and learning during the Coronavirus pandemic](#), which sets out how we responded as the pandemic took hold in Scotland. It reflects our emergency response to provide significant scrutiny, oversight, and support to the social care sector during a very challenging time. The publication provides some reflections and next steps in terms of our immediate strategic priorities and moving forward.

While restricting our physical presence in services and in our offices to limit the spread of the virus, we quickly adapted our way of working and intensified our oversight of services to provide continued scrutiny, assurance and improvement support. To achieve this, our staff made a swift and effective transition to work at home and we operated seven days a week.

### **Care Inspectorate knowledge website The Hub**

The Care Inspectorate's knowledge website The Hub is an extensive, curated resource that supports improvement and promotes innovation in care. It brings together key resources for managers to plan and improve service delivery and support staff development and training. As a result of COVID-19, we have expanded the site's content to include all the national guidance from Health Protection Scotland and the Scottish Government.