



The Scottish
Government

New Scrutiny Bodies 2011

**A conference for service users and their carers and equality organisations on how services will be inspected from April 2011
26 June 2009, The Trades Hall, Glasgow**

Event summary and conclusions



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An electronic version is available along with our contact details on our website which is
www.scotland.gov.uk/Topics/Health/Scrutiny

Further copies available by contacting the project team by
e-mail – NSB2011@scotland.gsi.gov.uk
Telephone – 0131 244 1707

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Foreword

The Scottish Government is establishing two new improvement and scrutiny bodies for healthcare and for social care and social work. These changes, which are part of a wider simplification of the public sector, should lead to improvements and better checking of health, social care and social work services in Scotland.

An equality impact assessment for the new scrutiny bodies project showed that when they are launched in April 2011, the changes will affect all equality groups. Over 32,000 older people in Scotland reside in care homes and over 22,000 people with learning disabilities depend on health, social care and social work services to support every aspect of their daily lives. This conference was organised to make sure that the views of people who use services and of equality groups could be heard.

The conference had two main purposes:

1. To tell people about the changes; and
2. To hear the views of the people affected.

The conference was set up to ensure that these purposes were fulfilled. The first session, a keynote speech by the Project Director, outlined the changes, why they were happening and how they would come about. During the presentation we involved the attendees by having digital voting on questions related to the changes. The results from some of the questions are illustrated as pie charts in this summary. This was followed by a workshop session that allowed service users, carers, people from equality groups and staff from the current scrutiny organisations to discuss the changes and raise their concerns and issues. The day finished with a question and answer session where the attendees had the opportunity to have their questions about the changes answered by the Chief Executives of the current scrutiny organisations and the Project Director.

Priority to attend was given to service users, their carers and equality organisations which would bring service users along. Demand for places at the event was very strong and the conference was oversubscribed with over 100 people attending on the day.

This summary is intended to ensure that whether you attended the event or not you will have a clear idea of what is happening and what the challenges and issues are. We hope that you find this both informative and enjoyable.

Scottish Government Scrutiny Bodies Project Team

Supported by



Event Programme

- 09:30** **Registration and Refreshments**
- 10:00** **Welcome and Introductions**
- 10:10** **Keynote speech**
New Scrutiny Bodies – What's it all about?
- Shane Rankin**
Project Director,
Scottish Government, Scrutiny Bodies Project Team
- 10:45** **Refreshments**
- 11:00** **Workshops**
- 12:00** **Lunch**
- 13:00** **Questions and Answer session**
- 14:00** **Evaluation and Close**

What's it all about?

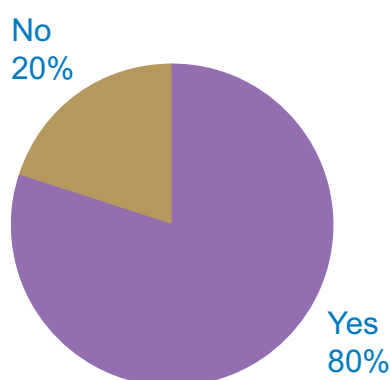
What is 'scrutiny'?

Scrutiny is the checking of services to see if they are up to scratch. This is currently done by inspectors visiting the services and then writing a report that says how good the services are and lists the good and not so good points about the service. The reports are published and sometimes make recommendations about things inspectors need to see improve in the service.

What are the changes?

The Scottish Government is proposing to change the way services are scrutinised by creating a single scrutiny and improvement body for the entire social care and social work sector (combining the functions currently undertaken by the Care Commission and the Social Work Inspection Agency, and HMIE's functions on the inspection of child protection and children's services) and a single scrutiny and improvement body for the entire NHS and independent healthcare sector (combining the functions currently undertaken by NHS QIS and part of the Care Commission).

Are you aware of the changes to the scrutiny of services?

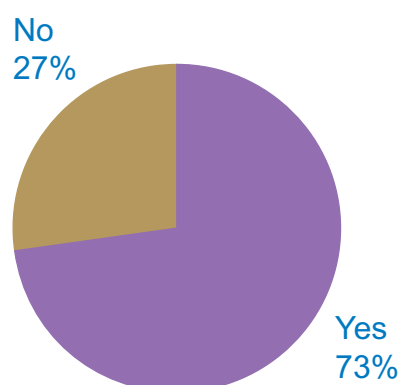


These new bodies will be called - Social Care and Social Work Improvement Scotland (SCSWIS) and Healthcare Improvement Scotland (HIS).

Why change?

The changes to the scrutiny of healthcare, social care and social work services are part of the Scottish Government's wider drive to simplify public services. This will mean good services will be checked less and poor services could be checked more. The changes should also mean that service providers will check their own services more (self-evaluation) allowing them to spend less time dealing with inspectors. This means service providers will have more time to help service users and carers.

Are you concerned about the changes to the scrutiny of services?



The changes will also mean that in the future checking of services will provide better value for money as the scrutiny bodies will be encouraged to work together more. For example, HIS and SCSWIS will be able to work together to inspect services that the local authority provides.

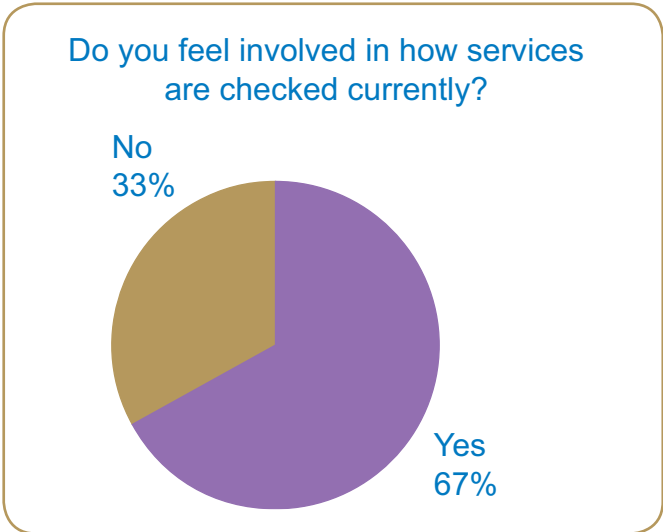
How will these changes happen?

This is all being brought about through the Public Services Reform Bill which was presented to the Scottish Parliament in May 2009. The Parliament will consider and decide on this legislation up to next year.

The Bill will now go through the various stages of the legislative process and this is outlined under the 'bills' section on the Scottish Parliament's website (www.scottish.parliament.uk/business/bills).

The Bill is expected to complete all the stages of the legislative process and become an Act of the Scottish Parliament in April 2010. The progress of the Bill can be followed on the Scottish Parliament's website under the 'current bills' section (www.scottish.parliament.uk/business/bills/billsInProgress).

The shadow board for HIS and SCSWIS will start work in 2010. New Chief Executives will start then to prepare for the new bodies' launch in April 2011.



Workshops and table comments

The workshop sessions were extremely successful and useful with everyone making their feelings known and raising lots of issues and comments. They were the most popular part of the event and almost 9 out of 10 people found them good or excellent.

The attendees were allocated to tables based on their area of interest (for healthcare or for social care and social work or both). Each table had at least one facilitator from one of the existing scrutiny bodies (HMIE, SWIA, NHS QIS or the Care Commission). The aim of the workshops was to make sure all delegates understood the changes and to allow us to record the issues which were important to them and their organisations. At the end of the workshops each table agreed the three or four main issues that were most important and these were written onto post-it notes and displayed on a “gallery wall”.

In addition to the “gallery wall” all attendees were encouraged to write on the paper table cloths to set their ideas out and illustrate their points. Some of the issues raised on the “gallery wall” and the tablecloths are shown on this and the next page.

A cartoonist joined us for the day and worked with all the tables to illustrate the ideas which were also displayed on the “gallery wall”. The delegates each voted on the cartoons which they felt raised the issues most important to them. The top 20 cartoons are set out in the centre pages.

Selection of Issues noted on table cloths



- People who use care services/carers need to be involved in the process.
- Consultation should be at a local level – not just in the cities – ask everyone (people who use the services).
- We are just getting used to the existing bodies now – there needs to be lots of publicity and marketing to let everyone know about the changes.
- There is a need to maintain close contact and good working relationships.
- No “ifs, buts or maybes” - poor services must be checked.
- Do more unannounced inspections to keep standards high.
- There is a need for better integration of joint HMIE/CC inspections (eg special residential schools).
- Is there a difference between the level of scrutiny of the voluntary sector and social work run services?
- How will self assessments be checked to ensure accuracy?
- How will the new body make sure all inspectors “sing from the same hymn sheet”.
- Don’t regulate for regulation sake – cut down on policy, procedures and paperwork where possible.
- Service users need to know who to complain to.
- Make sure there will be clarity about “who does what” and plenty of information and communication to service users/carers. Often staff are even confused about who does what and who is responsible for what.
- Focus on outcomes for people that are positive and take account of their views.

Top 10 Key Issues raised at the workshops

The post-it notes that were attached to the gallery wall were grouped into themes. The following are the top ten themes and a selection of comments relating to those themes.



Self Checking

- Self assessments should be reinforced with dialogue with scrutiny bodies.
- Not all local authorities and health boards do self evaluation well.

Reduce amount of checking

- Will savings from the new arrangements be passed back to service providers?
- Concerned that savings will reduce quality.

Outcomes focus

- Focus of scrutiny must be about the control of the service user view, outcomes achieved, and positive risk taking.
- There needs to be outcome based agenda for new scrutiny bodies based on user/carer outcomes.

Compliance

- How do you recognise good practice and what are the “teeth” to tackle non compliance?
- Will local authorities and their partners be required to carry out recommendations made by the new bodies?

Method of operating, size, keeping it simple

- How can scrutiny bodies adequately prepare service users/carers for their inspection role in their local area?
- How do we make the inspection process a more holistic process?
- Scrutiny process issues are: costs; relevance of what is measured; and consistency in evaluation.

Size – is bigger better?

- Keep the process and procedures for scrutiny simple.
- It is important that there is an equal emphasis on improvement as well as scrutiny.



Existing organisations

- Will the existing organisations continue to support services during transition?

Complaints

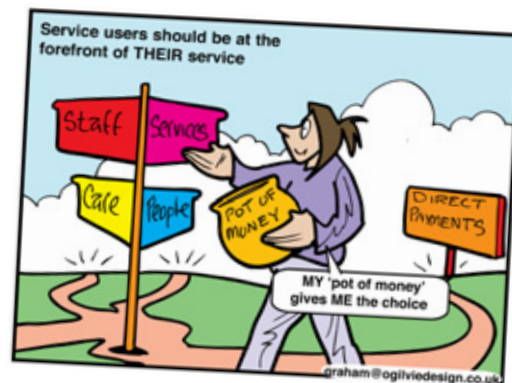
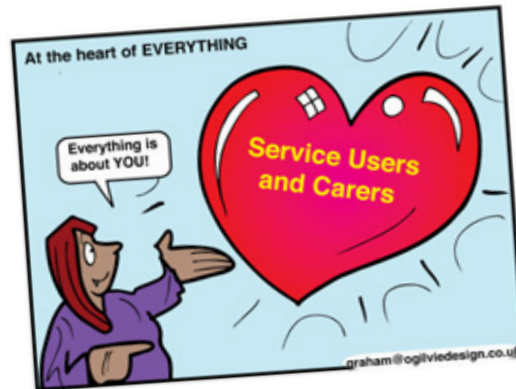
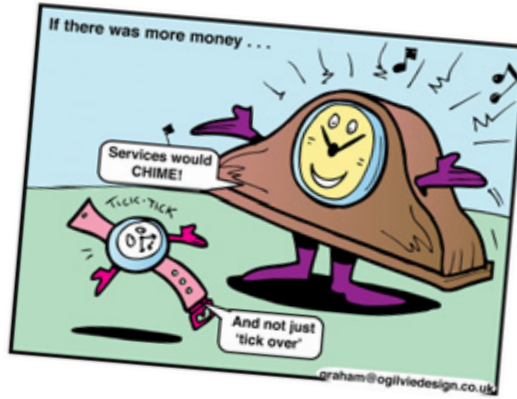
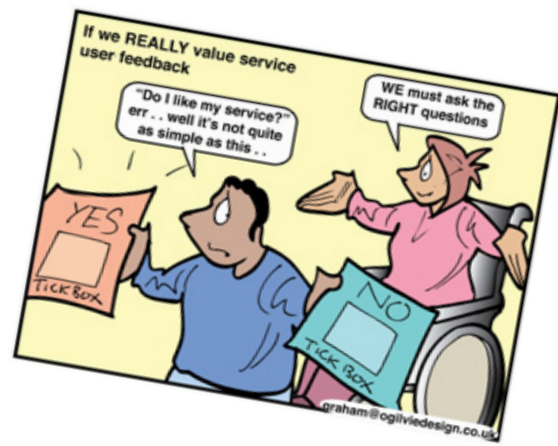
- The complaints systems for the new bodies need to be consistent and clear across all areas.

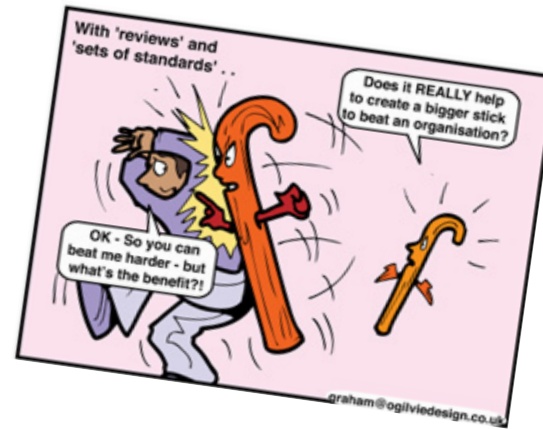
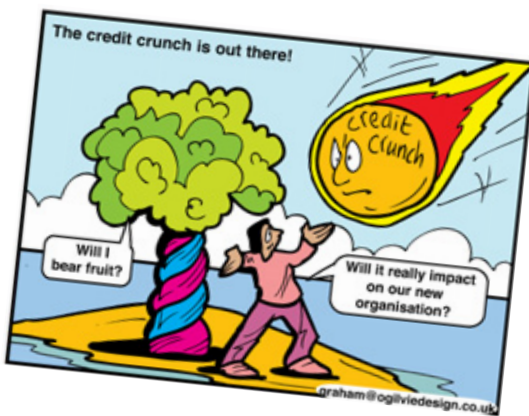
The new bodies have to ensure process does not look like just another inspection

- Improvement has to be the purpose of the new bodies.
- How will scrutiny organisation give advice?
- How will scrutiny improve poorer services?

User involvement

- Service users and carers need to be at the heart of the scrutiny process.
- The bodies should examine and assess the degree of meaningful involvement by users and carers to find out where the good services are.
- Service users want to influence change.





Panel question and answer session

Panel



Alexis Jay,
Chief Executive,
Social Work Inspection
Agency (SWIA)



Jacquie Roberts,
Chief Executive,
Care Commission



Frances Elliot,
Chief Executive,
NHS Quality Improvement
Scotland



Neil McKechnie,
HM Chief Inspector of
Education (HMIE)



Shane Rankin,
Project Director,
Scottish Government,
Scrutiny Bodies Project Team

Q1. What are the panel's views on the need to adopt a flexible approach when dealing with the voluntary sector?

JR – We don't want a one size fits all approach from services as they should be person centred. Good services rely on good workers who are happy in their job as does good scrutiny.

NM – Need to build on current good practice like the current highly proportionate inspection regime that exists in HIME. We need to build on this work in the new bodies.

Q2 – Currently the Care Commission can enforce recommendations whereas SWIA cannot. Will, and should, the new bodies have powers to enforce their recommendations about provision and improvement of services under the new Act?

AJ – SWIA, like many aspects of HMIE, do not have any powers in relation to enforcement. However, when recommendations are made in a report there is a follow up inspection within a year to see if these have been acted upon. In the main it is apparent that most follow the recommendations as it's seen to be the right thing to do and this is an important part of working with councils on improving their services.

FE – QIS reviews are undertaken against standards which contain both essential and desirable criteria. When the report is produced the boards are asked to provide an action plan demonstrating how they will meet any essential criteria that they failed to do at the time of the assessment. A follow up report from the board is then sent to QIS to demonstrate what has happened. These reports are scrutinised by one of the Governance Committees at Health Board level and as such are reported publicly through their Health Board meetings. If there are major issues that are not being resolved over time then QIS has the opportunity to discuss these with the Health Directorates within the Scottish Government. Through this mechanism Health Boards can be held to account through their annual review that they have with the Cabinet Secretary.

Q3 – The new bodies will be subject to statutory duties on race, gender and disability rights. What are the panel’s views on how you might develop your own equality practices and enable the bodies that are being scrutinised to deliver improved outcomes for Scotland’s diverse service users?

AJ – We are all trying to achieve equality now for the existing bodies not just for the new ones. There are some areas where, despite our best efforts, we may not be doing as well as we would like. The new bodies will give us opportunities to make more and better efforts in this direction.

JR – We will continue pursuing our public duties with regards to equality and diversity. Not only as a scrutiny body but also as an employer. Events like this show we’re making a good start but nobody is there yet when it comes to these duties.

NM – All HMIE’s improvement frameworks and inspection processes go through an Equality Impact Assessment which is standard practice within the organisation and will continue in the new bodies.

SR – The bodies won’t be doing what they are set out to do if they don’t respond to this agenda. Therefore, it’s not about compliance with a piece of legislation but ensuring we provide the right services and scrutinise the right aspects of those services.

Q4 – Will the new bodies look at the tendering process? Are there more consultations planned on the Public Services Reform Bill and will these be able to change anything considering the Bill is already in Parliament? Can we have more events like this?

SR – I can see considerable merit in more events like this both for getting information and ensuring we reach the equality groups.

Although the Public Services Reform Bill has been introduced to Parliament it will be scrutinised by the parliamentary committees from September. These committees have called for evidence so there is an opportunity for anyone to comment on the Bill (information can be found by clicking on the relevant links in the committees pages on the Scottish Parliament website – all the relevant committees are listed on the Public Services Reform Bill page on the Parliament website <http://www.scottish.parliament.uk/s3/bills/26-PubSerRef/index.htm>).

AJ – Currently neither SWIA nor the Care Commission look at individual tenders. We have identified a lot of concern from people about the re-tendering process. I am confident that when the Public Services Reform Bill gets to the parliamentary debate stage somebody will propose that the new bodies should have such powers.

JR – There is a gap and what we do know is that there is an impact on outcomes for service users about the way services are tendered.

Whenever I come to an event like today I always learn and can see opportunities about how we can improve so I do hope that this event is not a one off. Events like this should be influencing not just the parliamentary process but also the planning for the new scrutiny bodies.

Q5 – How can the new bodies give the public and taxpayer reassurance that good quality services are being provided with information readily available to the public?

NM – The new bodies will, as the current bodies do, publish reports which contain the main points for action and are publicly available. The bodies identify not just where improvement is required but also where good practice exists. We need to think through very carefully how we share all this information to ensure that people can learn from it and use it in their own self-evaluation. This means we have to look wider than printing reports and consider areas like the web, the media and good practice conferences. We also need to look at how we make sure that when people attend workshops and discussions the learning they take away with them is then embedded in their practices.

FE – It would be very valuable from QIS's perspective to seek out users views about the value of the reports that we provide.

JR – Keeping communications simple is an important point. Grades have had a major impact on helping people understand the quality of services that are provided.

Q6 – Will stakeholders be involved in the formation of the new bodies?

AJ – There is no doubt that the Scottish Government's intention is for people to be involved throughout the process. Once the new bodies appoint their Chairs some of these important questions can be answered more fully. However, everything that has been stated about how this process will work should give reassurance that people will be involved.

Q7 – If money is to be saved by the creation of these new bodies, how can the support that people receive not be compromised?

SR – The consistency of the scrutiny is the heart of the challenge. The Government believes that scrutiny can be scaled back and become more proportionate. This discussion today is part of the process of figuring out what are the issues we need to resolve, and how we make things more proportionate and use our resources effectively. As such there isn't a simple answer at this point.

JR – In this time of a difficult financial climate any additional money should go into the delivery of services and not in scrutiny. Therefore, it's up to us to look very carefully at everything we do to reduce any unnecessary bureaucracy and processes.

FE – We should be able to work together to minimise the input that is required to deliver the scrutiny function. This is a chance for us to start thinking about much more integrated working across the two new bodies.

NM – The Care Commission and HMIE already work together in terms of delivering integrated inspections relating to young people in residential school accommodation and we need to build upon that.

Q8 – Will the new scrutiny bodies align their benchmarking for quality with the benchmarks for quality that the local authorities use?

AJ – No. The benchmarking for quality used by local authorities varies due to a number of factors. I would expect the new scrutiny bodies to set standards and quality indicators themselves.

Q9 – What is happening with the Mental Welfare Commission?

SR – The Mental Welfare Commission (MWC) was originally intended to be part of Healthcare Improvement Scotland. Fairly quickly it became quite clear that the MWC was not quite the same type of organisation as the others. It is a body that not only deals with scrutiny and improvement but is also very much preoccupied with the rights of people with mental illness and learning disabilities. Therefore, Ministers decided to step back to think about how it might be re-organised and how it might be part of the new scrutiny bodies. The Government is talking to the MWC and relevant stakeholders so that it is in a position to make a decision by the end of the summer as to what will happen.

Q10 – Why the name SCSWIS?

SR – The name attempts to capture the care and social work interests. The name should be thought of as a work in progress as it needs to survive the parliamentary scrutiny process. Even if it survives that it may still change, the Care Commission changed its name after about two days of its formation as the Scottish Commission for the Regulation of Care.

Issues raised prior to the event

On the application form people were asked to raise any questions they had about the changes. The following are the main issues that were raised along with our response:

How will the new bodies ensure that the views of interested parties are taken into account?

The Public Services Reform Bill makes it a duty for the new bodies to involve service users in their work. They will be expected to fully involve people who use services, their families and carers in:

- all stages of the regulation process from design to actual inspection; and
- the governance of the body.

We would expect the new bodies to build on the good arrangements that the existing bodies currently have for involving service users and carers in their work.

The Scottish Parliament is seeking views over the summer in its evidence gathering on the Public Services Reform Bill as part of the legislative process.

How will the new scrutiny bodies operate?

HIS will scrutinise all healthcare services (both independent and NHS). SCSWIS will scrutinise all care (independent and local authority) and social work services provided to all services users from children right through to older people.

The particular issues we are looking at now are:

- how the new bodies could work together better;
- how the new bodies can do more to help services improve;
- how the bodies can manage their workloads effectively; and
- what standards and outcomes the new bodies will need to support their regulatory work.

The work is being taken forward by several task teams and details of their work can be found on our website (<http://www.scotland.gov.uk/Topics/Health/Scrutiny/Links>). Progress updates will be also be available in our information bulletin, which you can subscribe to, through the website.

How will the inspection process change under the new bodies?

Vulnerable people who use services must continue to be safeguarded and protected. The widely accepted principles of better regulation and that scrutiny should be targeted and proportionate are increasingly being applied by scrutiny bodies nationally and internationally. This means doing more work with poorer services to help them improve and less with those that consistently deliver good quality service.

The new legislation also helps to remove some of the barriers to joint inspection and working making it easier for all scrutiny bodies to co-operate and work together to inspect integrated services.

How will the new bodies be managed and where will they be based?

When the new bodies are established, one of their first tasks will be to develop their structures, but we can say some things at this stage:

- Each organisation will have one Board led by a Convenor (or Chair) and one Chief Executive.

- Changes to the senior management structure are likely in the new social care and social work body where the functions of two existing bodies are being brought together
- Significant cost savings and efficiencies are expected to arise through new ways of working, better coordination, greater integration between the two new bodies and more flexibility from sharing services.
- Ministers have clearly said there will be no compulsory redundancies for staff arising from the establishment of the new bodies.

The positions of Chief Executive of the bodies will be advertised and filled through open competition. The Boards will be appointed by Ministers, following an appointments process in line with guidance issued by the Office of the Commissioner for Public Appointments in Scotland.

We expect that most functions will remain in their current location. The expectation is that it will be for SCSWIS and HIS to look for opportunities over time to rationalise existing accommodation taking account of the Scottish Government's asset management policy.

How much will this cost to set up and how will the changes affect the costs to the providers?

The Financial Memorandum for the Public Services Reform Bill sets out in detail the estimated costs and savings associated with the establishment of the new bodies. It is estimated that over the first 4 years following implementation, the changes will deliver total savings of over £13m, compared with estimated transition costs of around £10m. The changes will then deliver recurring net annual savings of around £3.5m a year.

The Financial Memorandum sets out how the finances of SCSWIS and HIS could be arranged but it is not a budget or a business plan for the new bodies. The budgets for the new bodies will be agreed during 2010 and will be influenced by the Government's public sector spending review which is likely to commence later this year.

(The Explanatory Notes which contain the Financial Memorandum can be found at the Scottish Parliament website - <http://www.scottish.parliament.uk/s3/bills/26-PubSerRef/b26s3-introd-en.pdf> - The financial information can be found on pages 86-96).

In terms of fees paid by providers, no change is expected to the current model (currently 42 per cent of the Care Commission's income comes from fees charged to service providers) but there may be a review of fee structures before 2011. It is a matter for Scottish Ministers to consider.

How will complaints be handled?

The new bodies will have a complaints procedure for how they handle complaints against their own actions. Effectively the current system will continue for the new bodies.

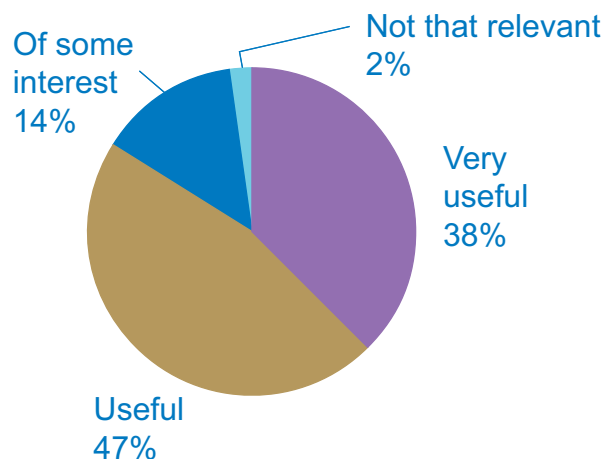
This is a summary of the full list of questions that we received. The full list can be found on our website (<http://www.scotland.gov.uk/Topics/Health/Scrutiny/Links>).

Conclusion

The Scrutiny Bodies Project Team found the event extremely worthwhile for engaging with service users and their carers and equality organisations to listen to their views and get their perspective and will be informed by the issues raised as the project goes forward.

From our evaluation at the event it appeared that the vast majority of attendees also found the conference useful:

Overall, what did you think of the event?



Here are some quotes from people who attended the event:

“Good to be able to ask questions to the heads of the existing scrutiny bodies.”
People First Scotland

“Cartoonist did an amazing job to illustrate what everyone said.”
Caroline Grey, Prestwick

What happens next?

This event summary will now be published on the Scottish Government’s website and sent to all who applied to attend. It will also be sent to the Scottish Parliament for their consideration of the Public Services Reform Bill. The Scrutiny Bodies Team and their stakeholders will also use the information shared at the conference in taking forward these changes with the existing scrutiny bodies.

Sources of Information about the New Scrutiny Bodies Project

Scrutiny Bodies Website – this is updated regularly with new information including links to any relevant sources. The ‘Documents and Links’ section will have all the project papers the teams is currently working on. It also has minutes of relevant meetings and links to important sources of information (eg the Public Services Reform Bill). There is also a Frequently Asked Questions section of the website which will be updated to take into account questions raised as the project progresses.

<http://www.scotland.gov.uk/Topics/Health/Scrutiny>

Public Services Reform Bill – this is the legislation which is being used to establish the new bodies. Parts 4 and 5 of the Bill relate to the two new scrutiny bodies and the Bill is available at the Scottish Parliament website.

<http://www.scottish.parliament.uk/s3/bills/26-PubSerRef/b26s3-introd.pdf>

Public Services Reform Bill (Explanatory Notes) – these notes explain what each section of the Bill does. These notes also contain the Financial Memorandum which set out in some detail the estimated costs and savings of the creation of the new bodies.

<http://www.scottish.parliament.uk/s3/bills/26-PubSerRef/b26s3-introd-en.pdf>

Public Services Reform Bill (Policy Memorandum) – this document sets out the policy objectives for the Bill and is a good starting point for an overview of what is being done and why.

<http://www.scottish.parliament.uk/s3/bills/26-PubSerRef/b26s3-introd-pm.pdf>

Crerar Review – the Report of the Independent Review of Regulation, Audit, Inspection and Complaints Handling of Public Services in Scotland which was one of the main drivers for the changes to the scrutiny bodies.

<http://www.scotland.gov.uk/Topics/Government/PublicServiceReform/IndependentReviewofReg/latest-news/TheCrerarReview>

Self-directed support website - this website provides useful information for services users and professionals on accessing self directed support (direct payments).

<http://www.selfdirectedsupportscotland.org.uk>

Contact Us

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Tel: 0131 244 3842

Visit our website www.scotland.gov.uk/topics/health/scrutiny where you can subscribe to the regular information bulletin on the project to receive updates and see the progress that is being made.

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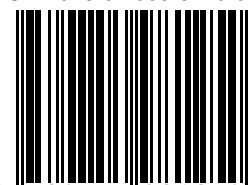
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