

SOCIAL WORK SERVICES IN SCOTLAND

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This briefing provides an overview of social work services in Scotland. It provides background information on the legislative framework underpinning social work services, the key policy themes and the organisation and funding of social work services. Details of the 21st Century Review of Social Work are also provided.

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KEY POINTS SUMMARY

- The statutory framework for social work services is contained in a raft of different pieces of legislation. Principal among these is the Social Work (Scotland) Act 1968 which places a duty on all local authorities to “promote social welfare” and governs their duties in this area.
- Local authorities and their partner organisations provide a wide range of social work services. These services include: services to children, young people and families; community care services that allow vulnerable individuals to remain in their own homes; and criminal justice services, including the supervision and rehabilitation of offenders.
- In addition to direct provision of social work services, local authorities commission services from the private and voluntary sectors. Increasingly, services, particularly those for children and vulnerable groups, are being commissioned from the voluntary sector.
- The social work service workforce has been expanding over the past few years. The number of staff employed in the voluntary sector has, in particular, increased.
- Simultaneously, local authority expenditure on social work services has been rising both in absolute terms and as a proportion of all government expenditure. Despite this, social work budgets are still under pressure, for example, in relation to funding for free personal care and children’s services.
- Increasing demands on social work services, and their complexity, led the previous Scottish Executive to instigate a fundamental review of social work in 2004. The results of this review, published in “Changing Lives: the Report of the 21st Century Social Work Review”, identified several serious challenges facing social work services. These included: the need to address unreasonable expectations of what social work can do; the imperative of instilling greater confidence into the profession; and ensuring it can deliver to its full potential.
- The recommendations made in “Changing Lives” focused on increasing the professionalism of the workforce and on a drive towards the personalisation of services. These recommendations are being taken forward by a number of change programmes and are likely to lead to further changes to the way social work services are delivered.
- In addition, there have been several other recent initiatives targeted on: improving the recruitment and retention of social work services staff; increasing professionalism and standards within the workforce, including a requirement for staff to be registered with the Social Services Council and to satisfy the criteria for registration; improving integrated working amongst those bodies involved in the planning and provision of social work services; and on the provision of early intervention and preventative services.

INTRODUCTION

The range of social work services provided by local authorities and their partner organisations is wide. It includes:

- services to children, young people and families
- community care services that allow vulnerable individuals to remain in their own homes
- criminal justice services including the supervision and rehabilitation of offenders

The scale and importance of these services has increased over recent years reflecting demographic and social changes. With this growth in social work services there has been heightened expectation of service performance and a requirement for a more integrated approach amongst those organisations involved in the delivery of services. At the same time there has been increased public and media scrutiny of social work, particularly in light of inquiries into child deaths (e.g. Hammond 2000).

The increasing demands on social work services, and their complexity, led the previous Scottish Executive to instigate a fundamental review of social work in 2004 – the 21st Century Social Work Review. The results of this review, published in *Changing Lives: the Report of the 21st Century Social Work Review* (21st Century Social Work Review Group (21st CSWRG) 2006), identified challenges for social work services. These included unreasonable expectations of what social work can do; that the profession was lacking in confidence and that there was too much bureaucracy. The recommendations made in *Changing Lives* focused on increasing the professionalism of the workforce and the personalisation of services. These recommendations are being taken forward by a number of change programmes and are likely to lead to further changes in the way social work services are delivered in the future.

This briefing provides an overview of the legislative framework underpinning social work services and of its organisational and funding arrangements. It also considers recent policy developments in social work policy, including the review process.

LEGISLATIVE FRAMEWORK

Social work is regulated by a number of disparate statutes. Principal among these is the Social Work (Scotland) Act 1968 (the 1968 Act) which places the duty to provide social work services on local authorities. While most of the duties are given to local authorities there are some specific roles allocated to staff, in particular, mental health officers (social workers who specialise in mental health issues) (21st CSWRG 2005). Table 1 (below) provides an overview of the main legislation.

Table 1: Overview of Main Social Work Legislation

Act	Key Points
Social Work (Scotland) Act 1968 (c.49)	Placed the organisation and provision of welfare services for 'persons in need' with local authorities. Introduced local authority duty to 'promote social welfare'. Provided the basic structure for contemporary social work in Scotland. Made provision for the establishment of the Children's Hearing system in 1971. Required the local authority to appoint chief social work officers. The chief social work officer has several key statutory functions which involve overseeing the provision and purchase of social work services.
NHS and Community Care Act 1990 (c.19)	Introduced a specific statutory framework for community care which forms the cornerstone of community care law. It aimed to oversee the policy aim of shifting the balance of care from

	hospitals and institutions to community based settings. It placed a duty on local authorities to assess the need for 'community care services' and enhanced their duty to secure the provision of welfare services. It applied to the elderly, disabled people and those suffering from mental/physical health problems.
The Children Scotland Act 1995 (c. 36)	The key Act in relation to children's services. It defined parental responsibilities and rights in relation to children and set out decisions about family matters, for example, where children should live when parents separate. Placed a responsibility on local authorities to protect and promote children's welfare and to prepare children's services plans. Gave local authorities additional duties and powers to respond to the requirements of children 'in need' and 'looked after' by them. The Act also set the framework for the current Children's Hearing system and measures for children requiring compulsory care and supervision. Made amendments to the Adoption (Scotland) Act 1978.
The Criminal Procedure (Scotland) Act 1995 (ch. 20)	Gave local authorities duties in relation to offenders. They have a duty, in certain circumstances, to provide social enquiry reports to assist courts in the disposal of cases. They also have to supervise certain non-custodial sentences. There are specific provisions in relation to child offenders and those suffering from mental health problems.
Adults with Incapacity (Scotland) Act 2000 (asp 4)	Provided for decisions to be made on behalf of adults who lack legal capacity to do so themselves because of mental disorder or inability to communicate. The decisions concerned may be about the adult's property or financial affairs, or about their personal welfare, including medical treatment. Gave Mental Health Officers specific duties.
The Regulation of Care (Scotland) Act 2001 (asp 8)	Overhauled the registration and inspection of social and independent health care services together with the social care and childcare workforce. Established the Scottish Commission for the Regulation of Care (the Care Commission) and the Scottish Social Services Council. Gave Ministers the power to produce National Care Standards for care services.
Community Care and Health (Scotland) Act 2002 (asp 5)	Introduced changes to the delivery of residential and non-residential care services in Scotland. Provided for the introduction of free personal care for the elderly and the regulation of charging for home care services. The Act also enabled a number of schemes to promote choice in care provision, included measures to enable greater joint working between NHS and local authorities and contained measures to increase the rights of carers.
Mental Health (Care and Treatment) Scotland Act 2003 (asp 13)	This Act allowed people to receive care and treatment for their mental disorder when they are, or have been, involved in criminal proceedings, and provided for a number of different court orders. Mental health officers (a social worker who deals specifically with people with mental disorder) have particular duties under the Act.
Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)	Regulated the making of antisocial behaviour orders, parenting orders and other related orders. It also required local authorities to prepare an antisocial behaviour strategy.
The Management of Offenders Act (2005) (asp 14)	Promoted the integrated planning and provision of the management of offenders services. Established new community justice authorities to facilitate the co-ordinated delivery of community justice services. Required the police, local authorities and the Scottish Prison Service to establish joint arrangements

	for assessing and managing the risk posed by sexual and violent offenders.
The Joint Inspections of Children's Services and Inspection of Social Work Services (Scotland) Act 2006 (asp 3)	Introduced new provisions for the carrying out of joint inspections of children's services by HMIE, NHS-QIS (NHS Quality Improvement Scotland), HMIC (Her Majesty's Inspectorate of Constabulary), SWIA (Social Work Inspection Agency) and access to information for those involved in inspecting children's services. Provided for the Social Work Inspection Agency to carry out inspections of all social work services, not just those set out in the 1968 Act.
Adoption (Scotland) Act 1978 Adoption (Inter-Country Aspects) Act 1999 (c.18)	Regulated the systems of adoptions. Gave duties to local authorities to provide and maintain a service for parties to adoption. Made provision for adoption orders and freeing orders for adoption.
Adoption and Children (Scotland) Act 2007 (asp 4)	Modernised the provisions of the Adoption Act 1978. It introduced permanence orders for long term fostering arrangements, extended the adoption support services framework, and allowed for the introduction of a national system of care allowances. Not yet in force.
Adult Support and Protection (Scotland) Act 2007 (asp 10)	Introduced new provisions for the protection of adults at risk of abuse, including inspection and investigation powers for local authorities and a range of interventions.
Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14)	Amended the system for vetting and barring those working with children and vulnerable adults. Not yet in force.

THE ORGANISATION AND FUNDING OF SOCIAL WORK SERVICES

The Scottish Government is responsible for setting the general direction of social work policy and for national funding mechanisms. Local authorities plan, provide or commission the majority of social work services and vary in the ways they organise and deliver their services. For example, in some local authorities social work departments remain as separate departments, while in others organisational change has resulted in the merging of social work with other service departments such as housing or education. Social work services are provided by local authorities, either directly or, increasingly, by commissioning services from the private or voluntary sectors.

INSPECTION AND REGULATION

A number of bodies are involved in the inspection and regulation of services relating to social work activities. These are discussed below.

The Scottish Social Services Council (SSSC)

The SSSC was created by the Regulation of Care (Scotland) Act 2001 with the aims of strengthening and supporting the professionalism of the workforce and raising standards of practice. The SSSC publishes codes of practice for social service workers and their employers and undertakes quality assurance of education and training across the sector. The SSSC also maintains a register of the social care workforce. Registration of the workforce is being undertaken on a phased basis.

The SSSC also has responsibilities for workforce planning and development. The SSSC is part of the Sector Skills Council for Care & Development which was licensed in February 2005. Sector Skills Councils are independent, UK-wide organisations, which are employer-led and actively involve trade unions, professional bodies and other stakeholders in the sector to tackle the skills and productivity needs of their sector throughout the UK.

Social Work Inspection Agency

Under the 1968 Act, Scottish Ministers have powers to inspect social work services. These powers are carried out by the Social Work Inspection Agency (SWIA) which was created in 2005 as an independent Government agency. The duties were previously undertaken by the Social Work Services Inspectorate which was a department in the Scottish Executive.

SWIA inspects all social work services in Scotland including all duties and functions of local authorities and other bodies under the 1968 Act and related legislation. With the move to an integrated inspection framework, SWIA also works closely with other bodies. Integrated inspection activity to date has included a multi-agency inspection of learning disability services, a multi-agency inspection of substance misuse services, and multi-agency inspections of services for older people.

Other Bodies

The Joint Inspections of Children's Services and Inspection of Social Work Services (Scotland) Act 2006 introduced new provisions for the carrying out of joint inspections of children's services by the following bodies:

- Her Majesty's Inspectorate of Education (HMIE): inspects pre-schools, schools, community learning services, colleges and education authorities
- NHS Quality Improvement Scotland: produces health care standards and monitors against these standards. Also produces best practice information
- Her Majesty's Inspectorate of Constabulary (HMIC): inspects police forces and the organisations which make up the Scottish Police Services Authority and carries out thematic inspections
- The Care Commission: regulates all adult, child and independent health care services. It ensures that care service providers meet the Scottish Government's National Care Standards.

FUNDING AND SPENDING

Total funding for social work services is difficult to ascertain given its cross sector nature. The vast majority of local authority funding is distributed through a block grant and it is for local authorities to determine their own budgets in line with local priorities and the national priorities as set out in the Concordat between central and local government. Similarly, funding for NHS Boards is largely in the form of a block grant. NHS Boards have to work towards HEAT (Health, Efficiency, Access and Treatment) targets, which are a core set of Ministerial objectives, targets and measures for the NHS.

The funding of criminal justice social work services, such as: provision for community based court disposals, for example, community service; court reports and the supervision of prisoners following their release, are all funded directly by the Scottish Government.

Data on social work spending by local authorities is given in Table 2 below.

Table 2: Local authority social work expenditure 2002-03 to 2006-07.

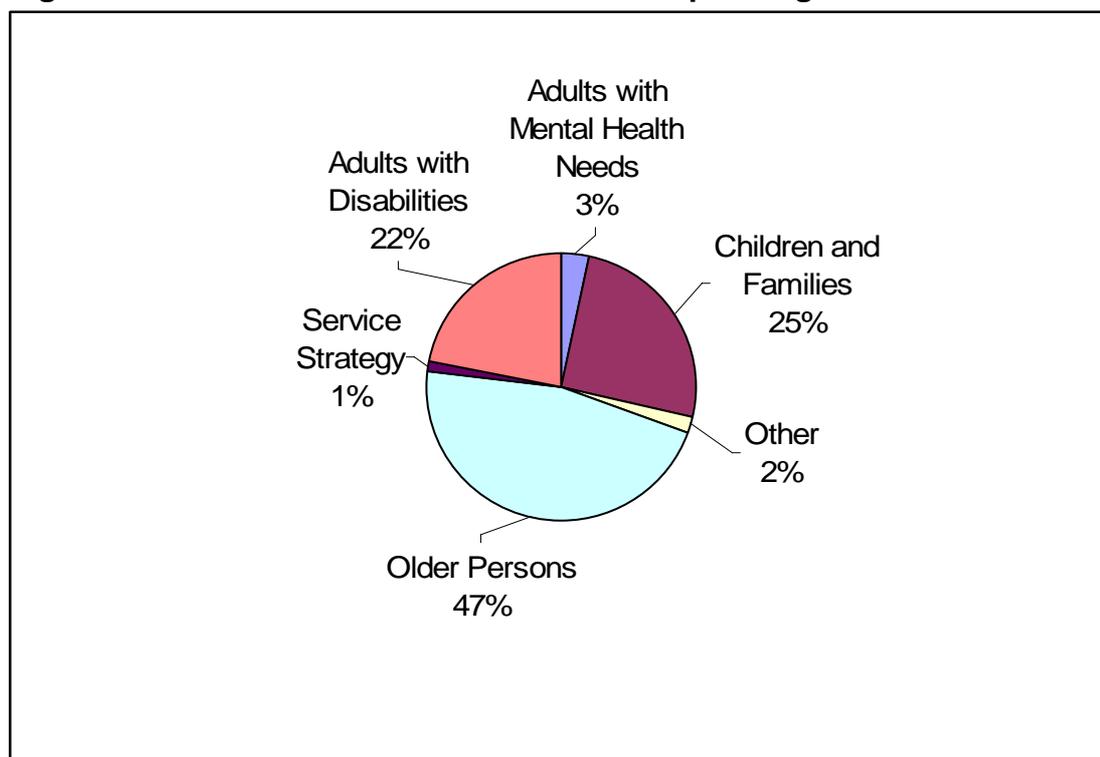
	2002-03 £m	2003-04 £m	2004-05 £m	2005-06 £m	2006-07 £m
Total social work expenditure	1,611	1,766	1,915	2,054	3,211
% of total expenditure	18.7%	18.9%	19.5%	19.4%	20.7%

Source: Scottish Parliament (2008)

Table 2 (above) shows that local authority expenditure on social work services has risen over the last few years both in absolute terms and as a proportion of all government expenditure. In 2006-07 social work expenditure, at £3.2bn, accounted for just over a fifth of all local government expenditure.

Figure 1 (below) provides a percentage breakdown of spending by local authorities on social work services. This shows that the largest proportion of expenditure is on older persons with just under a half of all expenditure.

Figure 1: Breakdown of Local Government Spending on Social Work Services 2006-07



Source: CIPFA (2007)

Despite increasing expenditure on social work services there have been reports that social work budgets are still under pressure, for example, in relation to a shortfall in funding to implement free personal care (Sutherland 2008) and children services (BBC 2008).

SOCIAL WORK SERVICES WORKFORCE

The term “social service workforce” is usually taken to refer to the whole workforce of people engaged in the delivery of social work services, whoever their employer may be.

The social service workforce is growing. In the decade to 2004, the workforce grew by 44%, compared to a Scotland-wide increase in the workforce of 7%. The composition of the workforce has also been changing. The voluntary sector has grown most rapidly. The private sector has also grown, but at a slower rate than the voluntary sector, and the local authority workforce is at a similar level to that of ten years ago (Scottish Government 2006a).

In 2004 there were around 104,000 people working in the social services workforce across the public, private and voluntary sectors (excluding early education and child care workers and occupational therapists). Of the total workforce:

- 45% worked for a local authority
- 30% worked for a private sector provider
- 25% worked for a voluntary sector provider (21st CSWRG 2006)

Considering local authority employees alone, the latest available statistics (at October 2007) show that there were 44,243 whole time equivalent (WTE) staff employed by local authority social work services. Just over 30% of these staff were domiciliary staff (mainly home carers) and 27.3% were fieldwork staff. A further 11.3% were qualified social workers. There were 3,037 WTE vacancies in Scottish local authority social work services, representing a vacancy rate of 8.5%. Of the 3,037 vacancies, 399 were for qualified social workers which represents a vacancy rate of 7.4% for this group (Scottish Government 2008).

POLICY DEVELOPMENT

Numerous policy developments have shaped the delivery of social work services over recent years. There have been initiatives to improve the recruitment and retention of social work services staff and to increase professionalism and standards within the workforce. There has also been a policy drive to improve integrated working amongst those bodies involved in the planning and provision of social work services. More recently, the outcomes of the 21st Century Review of Social Work has added impetus to these policy developments.

21ST CENTURY REVIEW OF SOCIAL WORK

This review was initiated by Scottish Ministers in June 2004, in light of the increasing complexity and demand for social work services. The report of the review, published in *Changing Lives: the Report of the 21st Century Social Work Review*, set out 13 recommendations for a new direction for social work services in Scotland. These were based around three over-riding conclusions:

“Doing more of the same won’t work. Increasing demand, greater complexity and rising expectations mean that the current situation is not sustainable.

Social work services don’t have all the answers. They need to work closely with other universal providers in all sectors to find new ways to design and deliver services across the public sector.

Social workers' skills are highly valued and increasingly relevant to the changing needs of society. Yet we are far from making the best use of these skills." (21st CSWRG 2006)

The *Changing Lives Implementation Plan* (Scottish Executive 2006c) set out a broad framework for change over a five year period. Five change programmes have been set up to take forward the implementation plan. The current work of the five change programmes focussed on delivering a series of core 'products' designed to contribute to the delivery of two key outcomes:

- building the capacity to deliver personalised services
- developing a confident, competent, valued workforce

Further detail on the change programmes is available on the Social Work Scotland website at: <http://www.socialworkscotland.org.uk/index.php>

KEY POLICY THEMES

The following provides an overview of the main policy themes in social work services.

Workforce

To address problems of recruiting and retaining social care workers (including social workers) the Scottish Executive launched an *Action Plan for the Social Services Workforce* (Scottish Executive 2002). Stemming from this, *Care in Scotland*, a national recruitment and awareness campaign, was established to attract more people into the social care workforce. In addition, measures were put in place to fast-track graduates with relevant degrees to allow them to retrain as social workers. An honours degree in social work was also introduced in 2003. Such initiatives have contributed to an increase in the number of social services staff, alongside a reduction in vacancy rates.

There have also been moves to increase the professionalism and standards within the workforce. The Regulation of Care Act 2001 introduced new regulation and registration requirements for those working in the social care sector. To register with the Social Services Council a worker must satisfy the criteria for registration. These include holding, or working towards, the appropriate qualifications for the job they do. Registration is being implemented on a phased basis. Registration of the first group of workers - all social workers, i.e. those with a Diploma in Social Work (DipSW), or an equivalent qualification, began on 1 April 2003. The last group, housing support workers, are expected to begin registering in autumn 2009.

These developments preceded the *National Strategy for the Development of the Social Services Workforce in Scotland: A Plan for Action 2005-2010* (Scottish Executive 2005) which proposed increased learning opportunities in the workplace, better recognition of prior learning, improved partnership working between universities, training providers and service providers/employers.

Changing Lives concluded that full use was not being made of the skills of the social service workforce and that skills levels required to be increased. The review team envisaged a system whereby front line workers become more skilled at helping people to take more control over their own lives. The review team also suggested the development of new roles, such as a para-professional social worker. A major theme was the need to create a framework that would allow professionals to practice autonomously, yet safely. The workforce change programme that has been established under the *Changing Lives* implementation plan is taking forward the recommendations in the *Changing Lives* report.

Integration

One of the main themes of policy has been the drive to improve integrated working amongst all those bodies involved in the planning and provision of social work services. In relation to children's services, for example, *For Scotland's Children* (Scottish Executive 2001) proposed a single service system with joint workforce planning, joint service planning and a multi-disciplinary, preventative approach to assessment and intervention. Much of what was recommended in *For Scotland's Children* has been reflected in subsequent policy.

More recently, *Getting it Right for Every Child: Proposals for Action 2005* (Scottish Executive 2005) proposed an integrated assessment planning and recording framework for all children. SPICE briefing *Children's Services* (Kidner 2007) provides a more detailed overview of children's services policies. The promotion of integrated working is similarly apparent in the criminal justice area with, for example, the establishment of eight Community Justice Authorities. Community Justice Authorities aim to provide a co-ordinated approach to planning and monitoring offender services. Membership of Community Justice Authorities includes police forces, NHS Boards, the Scottish Prison Service and Victim Support Scotland.

Integrated working is particularly important in the community care field. The basis of recent community care policy stems from *Modernising Community Care: an Action Plan* (Scottish Office 1998) which was published in response to concerns about the way services were being managed and delivered. The Action Plan maintained that the successful delivery of community care depended on the ability of the key agencies to work together.

However, the Joint Future Group, established following a post-devolution summit of senior NHS and local authority personnel, found that the vision of joint-working espoused in *Modernising Community Care* had not been fully realised. The *Report of the Joint Future Group* (2000) has encouraged joint working, including developing arrangements for managing and financing joint services, and the introduction of a 'single shared assessment' for clients. It has since published a range of guidance to support the development of the Joint Future agenda. SPICE briefing *Community Care* (Payne 2007) provides further information on community care policy.

Given the range of organisations involved in social work services and the need to fulfil a wide range of legislative and policy requirements, it is not surprising that effective integrated working can be difficult to achieve in practice. The *Changing Lives* report argued that,

"The ability of local authorities and their planning partners to integrate services around the needs of people who use services is constrained by overly complex governance and funding arrangements. In practice, this often means that success is only achieved through compromise and considerable effort and goodwill to negotiate complex systems. If integrated working is to become the norm, then greater clarity and direction on governance and funding arrangements is required at national level." (21st CSWRG 2006)

Personalisation

It has been argued that, "personalisation means that people become more involved in how services are designed and they receive support that is most suited to them" (Scottish Government 2007). Personalisation is an aspect of the wider public service reform agenda and is also reflected in specific policy developments. In community care services the system of Self-Directed Support (previously more commonly known as Direct Payments) allows eligible individuals to purchase their own services, giving them greater choice and control.

A number of challenges to the personalisation agenda have been identified such as: risk management; delegation and decision making; how far personalisation can be extended into particular services; and, investment in preventative work versus crisis management. It has been argued that, "...perhaps the biggest challenge is the funding of parallel investment in a long term and community based and preventative capacity for social care, combined with continued spending on curative and crisis services. Both cannot be funded without more resources" (Demos 2005).

Early Intervention and Prevention

Early intervention and prevention services have been a major driver in policies in education, health and early services. Specific services that focus on early intervention and prevention work are wide ranging and could include, for example, parenting education classes or intensive health visiting for vulnerable babies.

However, a literature review undertaken for the 21st Century Social Work review found that, in relation to early intervention in children's services:

"In the present social and policy context, social work is viewed as a residual service, intervening when universal and first level preventive services have not been effective. Social work is seldom mentioned in the wider literature about prevention and early intervention. Yet a key preventive role for social workers is to enable vulnerable children and families to access and benefit from universal and specialist preventive services. Clarity may therefore be needed about how the social work role fits within wider preventive services. ...Clarity is needed about whether social workers are expected to work within a preventive ethos.

To work in a more proactive way, social workers will require adequate knowledge, skill and time to carry out thorough assessments and ensure that the most appropriate interventions are offered." (University of Stirling Social Work Research Centre 2005)

Changing Lives highlighted the need for a "...joined up approach to prevention, in which social work services better support universal services to pick up and respond to the early signs of problems as well as tackling the complex problems of some individuals and communities" (21st CSWRG 2006).

Mixed Economy of Care

Throughout the range of social work services there is an expectation that services will be provided through a "mixed economy" with local authorities acting as both providers and facilitators of care, maximising the use of private and voluntary provision. The development of the mixed economy of care has been particularly driven by the NHS and Community Care Act 1990.

Increasingly, social work services are being commissioned from the private sector and particularly from the voluntary sector. The private sector is a big provider of care homes for older people, while the voluntary sector plays a bigger role in the provision of services to children and vulnerable adults. Local authorities have different ways of organising and commissioning their services. Tensions have been reported between some local authorities and the organisations they commission services from. The *Changing Lives* report found that there was "...a relationship between voluntary and private sector providers and local authority staff involved in delivering care which is inequitable, inconsistent and lacks a strategic approach." The report stressed the need for new commissioning models and more effective partnership working between commissioners and providers (21st CSWRG 2006).

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