

## **“Social care: Independent Review of Inspection, Scrutiny and Regulation- call for evidence”**

### **SOSCN Response**

**December 2022**

#### **Theme 1 - A person centred approach**

##### **1. How can we ensure that people with lived and living experience of care and support services are able/supported to contribute to inspection, scrutiny and regulation processes?**

Currently the c.1,000 school age childcare services which provided places for over 50,000 children and employed over 5,000 Scottish Social Services Council-registered workers pre COVID, are inspected and regulated by the Care Inspectorate, the same as Early Learning and Childcare settings.

The United Nations Convention on the Rights of the Child (UNCRC) and Getting It Right For Every Child (GIRFEC) alongside the SHANARRI wellbeing outcomes are embedded in not only day-to-day practice but also the inspection regime. This means, that, as per article 12 of the UNCRC, children are not only regularly consulted but their opinions shape delivery of the services. The Care Inspectorate’s document “A quality framework for daycare of children, childminding and school-aged childcare” (February 2022) supports services’ self-assessment and also sets out the inspection regime for services, and a main thread throughout this document looks at how children and parents/carers are consulted and engaged in all aspects of the service.

Eg, “Quality indicator 1.4: Family engagement

This includes the extent to which children’s rights are respected and promoted through the following key areas:

- high-quality engagement facilitates a partnership approach to care, play and learning outcomes
- staff recognise the importance of engaging families in understanding how to support learning in the child’s home environment
- where needed, well planned early intervention supports and strengthens children’s and families’ overall health, wellbeing, and resilience
- children’s and families’ rights are respected and promoted. “

This is a clear and useful document, which we believe works and could be similarly replicated for other regulated services.

## **Theme 2 - What needs to be inspected, scrutinised and regulated**

### **2. Do you feel there are services that are not currently subject to inspection, scrutiny and regulation that should be?**

Yes

#### **2b. Why do you think they should be inspected/scrutinised/regulated?**

Currently “activity” services such as drama camps, football camps, activity services provided by leisure trusts etc are not regulated or inspected, yet especially during holidays, parents may be using such services like childcare. Although staff within these services should be PVG checked and child protection procedures should be in place, we believe the majority of staff have no training on the UNCRC, GIRFEC, child development or trauma-informed practice. We have real concerns over the quality of experience for the children.

Furthermore, it creates an ‘uneven playfield’- one sector is highly regulated whereas the other is not; this creates unfair competition and often affects the overall sustainability of the regulated services since they have much higher costs due to higher staffing ratios, professional fees, qualification and training requirements etc which have to be met versus the activity services which can operate with fewer/little restrictions.

We have previously submitted to this call for evidence, a discussion paper looking at this very issue of registered vs unregistered services. It can also be found here: <https://soscn.org/downloads/news/background-and-discussion-of-regulated-school-age-childcare-final.pdf>

#### **2c. Who should be responsible for this?**

The same body which regulates school age childcare should also regulate ‘activity’ services which are actually being used by parents for childcare, currently this is the Care Inspectorate. We would however highlight that we think school age childcare needs a more proportionate and appropriate level of scrutiny considering that these are children’s leisure services. Currently, in legislation, school age childcare services are termed- ‘daycare of children services’, the same as early learning and childcare services (ELC), and as such are effectively treated as ‘ELC services for older children’ which is not actually appropriate. We would therefore like to see a lighter touch approach to regulated school age childcare services but then more regulation for the currently unregulated activity services which would better align the two sectors.

## **Theme 3 - How should inspection scrutiny and regulation be carried out**

### **3. Would a system work where the same regulator inspected all services?**

No

#### **3a. If yes, why? And if no, why not?**

There are many different kinds of services which are currently inspected: e.g. child and adult social care, social work services and health services. Whilst there is a commonality in terms of the overarching principles of scrutiny and regulation we believe that specialist knowledge and skills are required when regulating individual services, and we believe this would be harder to achieve through one general regulator. That said, there should be more cross-over with the current different regulators.

School age childcare is a non-statutory service therefore we would have concerns that if there were one overarching regulator, school age childcare would not be seen as a priority and be consistently overlooked for the prioritised larger statutory sectors. As it is, in general school age childcare is often overlooked in favour of Early Learning and Childcare however, with current structures in the Care Inspectorate we are able to have a reasonably strong voice.

### **4. Should there be different regulators for inspection (the organisation that looks at how things are working) and improvement (the organisation that supports things getting better)?**

No

#### **4a. If yes, why? If no, why not?**

Although as a national intermediary organisation supporting school-age childcare services in Scotland, we sometimes see inconsistency in the way that services are inspected and supported in terms of improvement, we think it should be the overall responsibility of the one organisation but perhaps have separate teams for regulation and improvement.

Currently, Care Inspectors are there both to regulate and support improvement, and depending on the relationship between inspector and services we see examples where this works well and others where it is less successful. In the instances where the relationship is less successful, it might be preferable for services to be able to access support from an independent quality improvement professional within the Care Inspectorate, separate to the inspector who has regulated.

## **5. How can we ensure that regulation and inspection processes are underpinned by a commitment to improving services?**

In addition to the document highlighted in our answer to question 1, we think that when it comes to the regulation and inspection processes for daycare of children services there is already a clear commitment to improving services through a suite of documents and publications by the Care Inspectorate, e.g. "Guide for providers on personal planning. Early learning and childcare", "Our Creative Journey. Expressive arts in early learning and childcare and other children's services", "My World Outdoors. Sharing good practice in how early years services can provide play and learning wholly or partially outdoors".

## **6. Should regulation, inspection and scrutiny have an emphasis on services continually improving? What might that look like?**

Yes and no. Whilst we firmly believe that there is always room for improvement and development we have to be careful that a regulator's ambition for improvement does not outstrip reality and what is actually practicable. If regulators are constantly raising the bar but this is not backed up with additional resources and with cognisance of what is happening with other regulatory bodies eg. SSSC, and the wider society and economy, eg cost of living crisis, workforce crisis etc then we could be creating unrealistic goals, and perfectly good services could be seen to be 'failing' because they are not reaching the gold standard. We need to make sure that improvements are embedded not only in theory but also reality, and that the majority of services, all things considered, could reach any higher/ improved standard.

## **7. What should happen if something goes wrong in a service?**

We believe there are already adequate processes in place if things go wrong for school age childcare services.

## **8. Who should be responsible for making improvements to services?**

Ultimately it should be the service but with support from the regulator, as currently happens through the Care Inspectorate.

## **9. How do we make sure regulatory bodies are doing a good job?**

Who inspects and scrutinizes the regulatory bodies? Is there not a role for an independent scrutiny body comprised of representation from service users, regulated services and other non-governmental expert stakeholders.

## **Theme 4 - How will we know systems are working**

### **10. How can we ensure that people and their families who require care and support, have the information they need about how providers are performing to support their decisions about care and support?**

This already exists through the care inspection reports.

### **11. What information might that be?**

What currently exists in the care inspection reports.

### **12. How can we make data collection and sharing better?**

It would be useful if the Care Inspectorate, as the regulator of school age childcare services and the Scottish Social Services Council, as the regulator of the school age childcare workforce, seemed to share more information and have a more joined-up approach when it comes to regulation and inspection of services.

### **13. How do we make sure regulation, inspection and scrutiny supports good practice for people accessing care and support?**

It's about providing accessible and sufficient information without overwhelming with detail- i.e. focus on the 'need to know' in the first instance but then provide additional links if people wish to 'dive deeper'. The Care Inspectorate not only files inspection reports under each service's entry, it also publishes graded reports from 'Excellent' to 'unsatisfactory' on their home page- anyone can view these and begin to pull together a picture of what is good (or bad) practice. Again, there are the useful practice documents produced by the Care Inspectorate and previously highlighted in this response.

### **14. How do we make sure regulation, inspection and scrutiny supports good practice for people working in care and support?**

As per question 13.

### **15. How do we make sure regulation, inspection and scrutiny supports good practice for providers delivering care and support?**

As per question 13.

## **Theme 5 - How will systems of inspection scrutiny and regulation support the workforce**

### **16. How do we ensure there is compliance and consistency with workforce registration requirements?**

Different bodies need to talk to one another and develop joint strategies; currently for school age childcare this would be a closer working partnership between the Care Inspectorate and Scottish Social Services Council to ensure that the workforce requirements match-up with ambition for change in practice.

Currently we would argue that ambition for service delivery in childcare has changed e.g. future expansion of school age childcare, outdoor childcare services, more specialist services for children with disabilities and ASN, yet the workforce registration requirements have not been updated to reflect this practice change and ambition. Any major change in practice improvement needs to be assessed against what needs to change for qualifications. For example, in school age childcare we would like to see playwork, outdoor education, forest school, arts, sports, drama etc qualifications be registerable with the SSSC- the ambition and vision for the future of school age childcare is changing and the workforce registration requirements must keep pace with these changes.

### **17. How can we ensure that people who work in care and support services are able to contribute to inspection, scrutiny and regulation processes?**

There should be a formal and documented 'right to reply' process as standard following any inspection. On the macro level, and as per answer to question 9, there should be an independent scrutiny body for regulators comprised of service users, service providers and non-governmental expert stakeholders.