

# Social care procurement

## Delivering quality services

### Introduction

In Briefing 85 (March 2017), we highlighted new guidance on social care procurement and the progress on implementation. A year on many providers are still struggling to recruit and retain quality staff and delayed discharges continue to increase operational and financial pressure onto NHS Scotland.

In this briefing we publish the findings of updated FoI requests to councils that sought to identify how councils are managing contract evaluation in this new environment.

### Fair work guidance

In Briefing 69, we outlined the range of legislation and guidance that should ensure fair work practices are a key element of relevant contracts.

Bidders are expected to describe the package of measures which demonstrate their positive approach to fair work practices in delivering the public contract. This includes training, insecure work, trade union recognition and much more. The Scottish Government has made it clear that they regard a commitment to the Living Wage as one of the clearest ways in which a bidder can demonstrate this positive approach.

### Paying the Scottish Living Wage

All councils believe that contractors are now paying the Scottish Living Wage. This is the real living wage as distinct from the UK governments 'living wage', which is an extension of the statutory National Minimum Wage. The Scottish Living Wage has now been increased to £8.75 and resources have been allocated in the Scottish Government budget towards that uplift and to cover sleeping in hours.

### Contract Monitoring

All councils have contract monitoring policies. These typically include a monitoring form that requires contractors to provide a range of data on the services they have delivered under the contract. Councils then claim to engage with contractors on a risk management basis, focusing on those whose returns identify risk factors such as incidents. These tend to be planned regular discussions with contractors, although unplanned monitoring can take place e.g. large number of complaints or a negative Care Inspectorate report.

This year we focused on what percentage of clients are visited by council staff for monitoring purposes. Last year most councils were unable (or unwilling) to answer this question despite chasing them several times. This year the responses were clearer although a number confused monitoring visits to the contractor with actual monitoring of the service in a service users home. Others like Shetland, Glasgow, North Lanarkshire, South Lanarkshire, Aberdeen and Renfrewshire appear not to collate this data, so don't know.

### KEY POINTS:

- We continue to monitor how councils are implementing statutory guidance on fair work practices in social care procurement.
- The Scottish Living Wage is being paid to staff contracted to deliver adult care.
- Contract monitoring is improving, but most councils undertake limited visits to check service users are receiving contracted levels of care.
- The weighting given to fair work matters in contract evaluation remains low and inconsistent with the people centred nature of this work.



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Councils including Angus, Edinburgh, Clackmannanshire and Fife, largely rely on a client review or re-assessment due to a change in need.

Several councils continue to rely on electronic monitoring including Dumfries and Galloway, Dundee, East Renfrewshire and North Ayrshire. This is simply a quantitative check and does little to assess the quality of services delivered. Aberdeenshire, East Lothian, Moray, Scottish Borders, South Ayrshire and West Lothian do not undertake any direct monitoring.

Of those who do monitoring – Highland does 100% of service users, Perth 5%, Midlothian 30%, Inverclyde 10%, Falkirk 50%, East Ayrshire 40% and Argyll 100%.

Overall, the responses indicate that contract monitoring remains limited. Monitoring of the actual service delivery is improving, but still limited.

### Evaluating fair work matters

The statutory procurement guidance sets out what is covered by fair work and each evaluation should allocate a percentage weighting to this factor. Self-evidently social care is delivered by people, so this weighting should be significant.

A number of councils like Argyll and Clackmannanshire gave evasive responses. Those who did respond properly include:

Aberdeenshire	40%
Midlothian	30%
Dumfries & Galloway	21%
East Renfrewshire	20%
North Ayrshire	15%
Inverclyde	15%
Moray	15%
Edinburgh	10-15%
Fife	10%
North Lanarkshire	10%
Falkirk	10%
Perth	10%
West Lothian	5-10%
Angus	5%
East Ayrshire	5%
East Dunbartonshire	5%
East Lothian	5%
Renfrewshire	5%
Glasgow	5%
Dundee	4%

For a service that is almost entirely dependent on people for quality delivery, these weightings are generally very low, although improving slightly. We are also aware that very little hard evidence is sought from bidders under this heading. Policies and procedures are easier to produce than actual service delivery.

### Action for Branches

Branches should review their council's social care procurement strategy to ensure that a proper weighting is given to fair work matters and ensure that bidders are required to produce real evidence. Monitoring arrangements should be adequately staffed and include site visits to service users.

#### Further information

##### Statutory Guidance on fair work matters

<http://www.gov.scot/Resource/0048/00486741.pdf>

##### Briefing 85 – quality social care procurement

<http://www.unison-scotland.org/2017/03/13/delivering-quality-social-care-procurement/>

##### UNISON Briefing 75 on procurement guidance

[http://www.unison-scotland.org/library/b075\\_PolicyBrief\\_ProcStatGuidance.pdf](http://www.unison-scotland.org/library/b075_PolicyBrief_ProcStatGuidance.pdf)

##### Scottish Living Wage

<http://scottishlivingwage.org/>



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