

Delivering quality social care procurement

Introduction

Improving the quality of social care procurement in Scotland is crucial to tackling the current problems in care delivery. Most providers are struggling to recruit and retain quality staff and therefore councils are finding it difficult to help move patients out of expensive hospital care and into community settings.

The Scottish Government has provided additional resources this year, via the NHS and Integrated Joint Boards, to help ensure that every worker in adult social care receives at least the Scottish Living Wage. They have also published new procurement guidance that enables councils to evaluate contract bids on workforce issues.

In this briefing we publish the findings of 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 in this guidance 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

The good news is that all councils believe that most, if not all, of their contractors are now paying the Scottish Living Wage (as at 1 October 2016) of £8.25. That rate has now been increased to £8.45 and resources have been allocated in the Scottish Government budget towards that uplift in the new financial year.

Some councils are planning to undertake a monitoring exercise to ensure that contractors are meeting this requirement, others are somewhat vaguer. The City of Glasgow persists with an outdated interpretation of the legal position, but is still largely delivering the SLW through procurement.

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

KEY POINTS:

- **New guidance has been published on social care procurement and fair work practices.**
- **The Scottish Living Wage is largely being paid to staff contracted to deliver adult care.**
- **Contract monitoring is limited and very few visits are made to check service users are receiving contracted levels of care.**
- **The weighting given to fair work matters in contract evaluation is low and inconsistent with the people centred nature of this work.**



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monitoring can take place e.g. large number of complaints or a negative Care Inspectorate report.

We specifically asked councils to identify the staffing resources they have allocated to contract monitoring. It is notable that a number of authorities avoided answering this question and others describe fairly small teams. This reflects our member surveys in which staff describe the very limited time they have to undertake these duties.

We then asked what percentage of clients are visited by council staff for monitoring purposes. Most councils have been unable (or unwilling) to answer this question despite chasing them several times. Some confirm that they undertake no client monitoring at all. Some councils use electronic monitoring systems such as 'Callconfirmlive', a telephone logging system. While these systems confirm that a visit has taken place, they don't monitor the quality of the work undertaken. Councils who use this system do not generally undertake monitoring visits.

Overall, the responses indicate that contract monitoring is limited to returns from the contractor and review meetings with them. There is very little monitoring of the actual service delivery.

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 did not answer this question because they haven't evaluated a contract under the new rules or gave a very general response. This in itself speaks volumes for their approach. Those who did respond properly include:

Aberdeenshire	40%
Inverclyde	25%
Midlothian	20-30%
Edinburgh	15%
Clackmannanshire	10%
Orkney	10%
Perth	10%
South Lanarkshire	10%
Borders	5%
North Ayrshire	5%
Glasgow	5%
Highland	5% (min)
East Lothian	5%
Renfrewshire	5% (min)
Dundee	4%

For a service that is almost entirely dependent on people for quality delivery, a weighting of less than 20% is unacceptable. 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.

We will also be calling on the Scottish Government to review the social care procurement guidance.

Further information

Statutory Guidance on fair work matters

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

UNISON Briefing 75 on procurement guidance

http://www.unison-scotland.org/library/b075_PolicyBrief_ProcStatGuidance.pdf

Scottish Living Wage

<http://scottishlivingwage.org/>

