

The UNISON Scotland response
to the consultation on the
Scottish Social Services Council registration fees



1. Introduction

UNISON is the largest trade union in Scottish public services. Our members deliver services, pay taxes and also have a wider citizenship interest in how services are provided and paid for. Members have a unique perspective on public service delivery meaning they can make a valuable contribution to the policymaking process.

Our members provide a variety of essential roles across social services with an increasing number requiring to register with the SSSC. UNISON Scotland welcomes the opportunity to respond to the consultation on the proposal to increase fees.

A particular priority for UNISON at present is support for social care workers. We support the shared strategic vision for the sector and are committed to improving the collective voice of care workers so that we can tackle the in-work poverty and unfair work that blights our member's lives, drives skills away from the sector and acts as a barrier to sector development. This submission is heavily influenced by the need to give social care workers, childcare workers and other social services staff a coherent message that the sector offers careers that are rewarding and fulfilling.

This paper draws on consultation with UNISON's Social Work Issues Group, email consultation with branches and consultation with activists and staff in our Community and Voluntary Sector service group.

2. Sector Development - A Coherent Approach

There is a risk that a culture of negativity attaches to many of the career paths that fall within the SSSC jurisdiction. At its most stark the barriers to recruitment, retention and sector development include: low pay, low status, insecure or precarious employment, unsafe staffing levels, work related stress, assault and injury, ineffective and arbitrary management practices and poor career development. In our submission the proposed fee increase should be seen in that context.

Within that list of sector problems there is a common perception that, on occasion, SSSC interventions can be intrusive, protracted and triggered unnecessarily. We acknowledge the statutory requirements set down for the agency and the limited scope for influencing the way in which some employers misuse SSSC referrals to short circuit fair work processes. Nevertheless, there is some merit in the concern of registrants that they are more likely to encounter the conduct/practice dimension of the SSSC's work than they are to benefit from career or sector development.

It is UNISON's view that the primary consideration for the Scottish Government and the SSSC is to break the culture of negativity that surrounds employment within regulated care. In short, why tackle in-work poverty through a significant investment in pay and Fair Work on one side of the balance sheet and then take more money off registrants through an increase in fees? Although the cash increase appears small, the terms of the consultation suggest it is the first increase of many. This may have an adverse impact on registrants' perceptions of Government policy for the sector that outweighs the marginal gain on SSSC running costs.

A more coherent and positive message to low paid registrants would be to freeze the fee in specific occupations until such time as the low pay, discrimination and unfair

work that blights the sector has been eradicated. Such an approach would fit more coherently with the wider, shared strategic vision for sector development.

3. Why the proposed increase?

a. Towards a cost neutral registration function

We note the observation that the original intention was that, over time, the income from fees would cover the cost of running the registration function. For reasons we explain in this submission we are not convinced that adherence to the original SSSC strategy is sufficient justification for the proposed increase.

The current cost of the registration function isn't particularly clear from published data. However, information taken from the Strategic Plan and the latest annual report suggest that the running cost for the registration function is around £3m whereas fee income is £1.6m. In our submission the sector faces more important issues than money and sector development requires investment in low paid workers.

However, from a purely financial perspective the key question is the long term impact on the registration function of various factors including:

- the extent to which the recent expansion of the register has temporarily inflated the running cost of the registration function. Presumably registration costs are higher when the register is expanding and registration costs will stabilise as the agency focuses on turnover of an established workforce as compared to accommodation of new occupational groups;
- the increased fee income from the expansion of the register; and,
- efficiency savings from online or self-serve registration and automation of administrative processes linked to registration.

We do not accept that the original plan for a cost neutral registration function provides, of itself, an objective justification for a fee increase. However, it is possible that medium term decline in the cost of expanding the register allied to efficiencies, automation and an increase in the number of fee payers will take the SSSC close to a cost neutral position without significant fee increases.

b. Comparison with other regulators

UNISON does not accept these comparison's as particularly relevant or persuasive that a fee increase is justified. Clearly the fees for medical professionals are significantly higher. However the salaries for these workers are also significantly higher and, crucially, the net disposable incomes of some of these professions are similarly "inflated".

For example, the average earnings of a dentist are £67,000¹. UNISON estimates that 60-70% of social care workers earn around £8.25 per hour. A significant number have yet to receive the Scottish Living Wage. Many work part time or are employed on "notional hours" or zero hours contracts. A registration fee of £25, for example, may appear to be a modest requirement but for workers on the poverty line it is not an insignificant sum of money. The registration fee for dentists therefore tells us little or nothing about the appropriate fee for a low paid care worker.

In addition, the comparison with other professional groups is predicated on an assumption that it is the employee who pays the fee. Although it is not tax efficient for employers to pay registration fees there is no doubt that this practice is used in some occupations as a recruitment and retention incentive. The occupational groups least likely to benefit from the "perk" of financial assistance with fees are the low paid workers who lack the bargaining power to secure such a benefit. The road to sector improvement, particularly in social care and childcare, is to remove care workers from in-work poverty. Any measure that is seen as exacerbating the poverty of care work makes work in social services less attractive.

Finally, we note the reference to the option of seeking a tax rebate on the registration fee but we question whether, as a practical reality, low paid workers will gain any real benefit.

c. Pressure on public spending

This has to be the underlying rationale for the increase. UNISON understands that this is a common problem across all public services. However, there are very particular reasons why it is inconsistent and counter-productive to offset pressures on government funding by increasing registration fees. Sector development and the transformation of health and social care is where real value lies and sector development requires money in the pockets of care workers.

d. Expansion of the register to include care at home

Although the expanding register "cuts both ways" from a financial perspective, there is no doubt that every expansion of the register will generate a "spike" in registration costs. Again, UNISON does not accept this as a justification for increasing fees. We would go further and say that a fee increase undermines the long term vision of the SSSC, particularly as regards social care, child care and residential care.

As we understand it, the rationale behind registering, regulating and developing the social care workforce includes the aim of growing quality and capacity in the care sector so the cost of care starts to shift from expensive acute services to primary and social care. The rationale behind the drive for Fair Work and Living Wages in social care is to tackle in-work poverty, reduce labour turnover and build capacity in the sector to ease cost and care pressure in acute services.

¹ <http://content.digital.nhs.uk/catalogue/PUB21315/dent-earn-expe-2014-15-init-rep.pdf>

While in-work poverty still blights the sector it undermines the drive for improvements in social care if the cost of registration is significantly increased. Low paid workers should therefore be exempt until such time as in-work poverty has been addressed.

2. Equality - Disparate Impact

The data on disability and ethnic origin is very poor. However, it is clear that the agency sector has a significant proportion of BME staff compared to the population as a whole, as do residential care homes.

Although disability data is poor UNISON asserts that care services in general, and social care in particular, have an acknowledged track record for employing people with disabilities particularly where staff have progressed to employment through specific programmes targeted at disabled people.

By contrast, the data on gender is perfectly clear. The SSSC regulates a number of heavily gender segregated occupations, many of which are very low paid.

In terms of equality it is clear that any fee increase will have a disproportionate adverse effect on women. It is likely that there will be a similar effect on grounds of race. Similar assertions can be made for disability.

The question is whether the proposed changes are justified.

Equality & Human Rights - Justification

Given that the workforce data is published by the SSSC, and disparate impact is fairly obvious, it is surprising that the SSSC has not specifically addressed the justification question prior to the consultation. It is unfortunate that people responding to the consultation are left to interpret the likely justification for the fee before critiquing the adverse equality impact. Does the SSSC propose to have a subsequent consultation on equality issues or simply publish the justification when the consultation is closed and the increase is in danger of being seen as a fait accompli?

A public body proposing a specific fee increase should publish the equality impact and set out the justification so that respondents can address that as part of any submission. There is a statement of "principles" attached to the consultation, however justification requires more detail. The following questions must be addressed:

- What is the aim of the fee increase?
- Is the measure an effective, necessary and proportionate means of achieving that goal?

From the principles listed it appears that the aim is that the registrants should finance their own registration system on a full cost recovery basis thereby reducing pressure on government expenditure.

The stated "principles" appear to include a hybrid proportionality argument including the following components:

- regulation is a key element of the improvement of care services
- the fees are less than better paid professions;
- the proposed fees are broadly comparable to Ireland and Wales;
- The sliding scale creates an "internal fairness" loosely based on the variations in the income of registrants.
- The revised fee increases the sense of professional ownership of regulation

UNISON accepts that regulation is essential to the promotion of higher care standards. But that is not the question at issue. The question is whether charging for registration helps or hinders the goal of sector improvement. The case for fees is not convincing in that regard.

We see no evidence among our members that paying for SSSC registration creates a positive sense of professional ownership. In our submission "ownership" of registration requires a sense of identification with a rewarding profession that is afforded status and respect. That is a prescription for a sector that might evolve; it is not an accurate description of the sector as experienced by low paid workers in 2016.

Social care is the sector where this issue is most acute. As we have emphasised, low pay, low morale and high turnover are the major barriers to improvements in social care standards. Significant investments are planned to tackle poverty and promote the sector as a secure, rewarding and fulfilling career choice. The additional cost of improving working conditions in social care is several hundred million pounds per annum.

Viewed in that context, the cash saving from fees is dwarfed by the very real cost of tackling inadequate care standards and promoting social care as a professional career choice. If anything, the increase in fees (as opposed to registration per se) runs directly contrary to the wider vision of improvement and development.

To put it in very colloquial terms, why endure the low pay, unfair working practices and job insecurity of employment in social care and pay for the privilege of being policed by the SSSC in a sector where many employers make inappropriate conduct referrals? That may appear to be an exaggerated negative portrayal of low paid care work, but it reflects the view of a significant proportion of UNISON members.

Conclusion

The fee increase impacts at the margins of the negativity surrounding employment in social services but an increase in fees does tend to run in direct contradiction to the wider policy goal of promoting social services as a rewarding place to work. Given that the financial benefit is insignificant when viewed against the total spend on sector improvement, UNISON questions whether an increase in the fee does

anything other than perpetuate negative perceptions of employment in social services. We ask SSSC and Scottish Government to recognise that low paid care staff are underpaid for the work they do and to reflect that by freezing the registration fee for low paid workers.

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