

About Age Concern and Help the Aged in Scotland:

Age Concern Scotland and Help the Aged in Scotland took an historic decision to join together to create a new charity from April 1st 2009. The new charity will strive to represent all of Scotland's older people and provide a united voice.

The new charity has a new vision:

"A Scotland and a world where older people flourish as valued and equal citizens"
And a new mission:

"To help all older people present a strong and effective voice and to reduce the challenges for those facing serious and multiple disadvantages as they grow older"
The most important of our new values will be:

"We will place older people's wellbeing, voices and experiences at the centre of all we do"

The main priorities for the new charity will be to:

- Provide support, development and engagement opportunities for older people's member groups and potential member groups
- Provide and support opportunities for older people's groups and member groups to participate in the wider work of Age Concern and Help the Aged in Scotland
- Provide relevant high quality information direct to older people and to organisations providing
- Be the knowledge based authoritative source for social and public policy on issues affecting older people and to campaign with and for older people to reduce inequalities and disadvantage in Scotland and internationally.
- Build and sustain research and policy development links with academic institutions, research centres and networks to become a focal point for knowledge transfer on older people's issues and population ageing.
- Support the development of an international dimension to the charity's work in Scotland, including stronger relationships with Help Age International.

Introductory Comments

Age Concern and Help the Aged in Scotland notes that the stated purpose of the Scottish Governments Public Services Reform (Scotland) Bill is to:

- to streamline decision making and improve transparency;
- to bring together bodies with similar skills, expertise and processes;
- to stop activity that no longer contributes to the public purpose; and
- to apply tough tests to the creation of any new bodies.

With regards to the Bill, Age Concern and Help the Aged in Scotland is primarily concerned with those elements that relate to the health and wellbeing of older people. We believe that regulation and inspection are vital to the continued protection and health and wellbeing of Scotland older population.

Any changes to the current regulation and inspection regime must have, at its heart, the ambition to improve the regulation and inspection of services provided to older people. We have therefore limited our response to Parts 4 and 5 of the Bill.

Part 4: Social Care and Social Work: Scrutiny and Improvement

Age Concern and Help the Aged in Scotland agree with the position set out in the independent Crerar Review that stated the five guiding principles for external scrutiny should be public focus, independence, proportionality, transparency and accountability.

The establishment of the Social Care and Social Work Improvement Scotland (SCSWIS) will, if established properly, lead to a more cohesive scrutiny system in Scotland. Amongst older people there is a level of confusion about the current role of The Scottish Commission for the Regulation of Care (Care Commission) compared to that of the Social Work Inspection Agency (SWIA). Older people may feel that they are in receipt of services that are provided by their local authority Social Work department but are in fact delivered by an external agency. Where there are problems with the service being provided older people can become confused as to where to complain. A single body would be less confusing.

We agree that SCSWIS should be a Non-departmental Public Body as the work this body will undertake is important needs to be independent from Government to ensure that it is able to examine all areas of social care being delivered to older people.

With regard to the standards and outcomes (Section 40) for care and social work services we feel it is important that the Bill makes it explicit that Scottish Ministers should consult the users of care and social work services as well as other persons and organisations that they consider appropriate.

Section 40 subsection (7) notes that Scottish Ministers may make different provisions for care services and social work services. We believe that there may be a need for this but that at all times older people in receipt of services, be it from a local authority Social Work department or an external agency, should benefit from the same standards and outcomes regardless of who is providing the service.

We disagree that the Scottish Government be able to delegate the preparation and publication of standards and outcomes to SCSWIS. The standards and outcomes for the care of older people should not be set by the body designed to inspect them. On one level this removes a level of democratic accountability and on another could create a conflict of interest within the new body. For example, it may only set standards to a level it knows it can inspect to.

Section 41 Subsection (3) (b) seems to exclude the users of social services. We strongly oppose this measure and feel that users of social services should be able to receive advice from SCSWIS.

Age Concern and Help the Aged in Scotland are concerned that Scottish Ministers are able to set a timetable for social work services, no such power is outlined for care services. Care services need to be inspected on a regular basis and the timetable for inspections should not be left to the discretion of the SCSWIS.

SCSWIS should also be required publish the professional standards required for a person to become an authorised person.

Age Concern and Help the Aged in Scotland feel that, like standards and outcomes, when regulations are being drafted, older people and service users should be consulted.

Age Concern and Help the Aged in Scotland believes that care services should, like for local authorises in Section 52, there needs to be stated process and timescale for improvement set out it legislation. Current notices for improvement can, in effect, last for periods of over a

year which is unacceptable. Given that one of the objectives of establishing SCSWIS is to improve transparency, it would be counterproductive to have two different Improvement Notice systems.

Part 5: Health Care: Scrutiny and Improvement

The roles of both NHS Quality Improvement Scotland and the role of the Care Commission in regulating independent healthcare are less understood by older people in Scotland so the creation of Health Improvement Scotland (HIS) will have less of a direct and immediate impact than the creation of SCSWIS. However, older people in Scotland will be keen that HIS has a quick and positive impact on the quality of healthcare in Scotland.

Age Concern and Help the Aged in Scotland would have preferred that the inspection function of HIS be more clearly delineated from the other aspects of its duties. As things stand it is possible for HIS to inspect its own activities. For example, Section 90 Subsection (10C) (Part (1) (a) states that HIS has a role in supporting the quality of healthcare provided yet HIS will be responsible for inspecting the effectiveness of that support. It is important that any inspection regime be transparent and free from any potential conflict of interest.

Section 90 Subsection (10C) (Part (3) (e)) seems to exclude the users of health services. We strongly oppose this measure and feel that users of health services should be able to receive advice from HIS.

For the same reasons set out in relation to SCSWIS, we disagree that Scottish Government can delegate its responsibility for setting standards and outcomes for HIS to HIS itself. Again, a potential conflict of interest could arise as could the problem of democratic accountability in relation to the setting of standards and outcomes. HIS should also be required to publish the professional standards required for a person to become an authorised person.

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