



# **Response to the Health and Sport Committee's inquiry into regulation of care for older people**

**August 2011**

# About Consumer Focus Scotland

---

Consumer Focus Scotland is the independent consumer champion for Scotland. We are rooted in over 30 years of work promoting the interests of consumers, particularly those who experience disadvantage in society.

Part of Consumer Focus, our structure reflects the devolved nature of the UK. Consumer Focus Scotland works on issues that affect consumers in Scotland, while at the same time feeding into and drawing on work done at a GB, UK and European level.

We work to secure a fair deal for consumers in different aspects of their lives by promoting fairer markets, greater value for money, improved customer service and more responsive public services. We represent consumers of all kinds: tenants, householders, patients, parents, energy users, solicitors' clients, postal service users or shoppers.

We aim to influence change and shape policy to reflect the needs of consumers. We do this in an informed way based on the evidence we gather through research and our unique knowledge of consumer issues.

## Introduction

---

Consumer Focus Scotland welcomes the opportunity to submit evidence to the Health and Sport Committee inquiry into the regulation of care for older people. Our evidence is focused on the key question for the inquiry: 'Does the regulatory system ensure care services for older people are providing good quality and appropriate care?' and one of the further questions: 'Does the system adequately take into account the views of service users?' We wish to comment on these two questions from the perspective of both current and future users of care services, who include carers and families, as well as direct service users.

### **Does the regulatory system ensure care services for older people are providing good quality and appropriate care?**

The protection of service users should be paramount in any care system. Scrutiny bodies often have a particularly important role in areas of public service provision where consumers are vulnerable, for example in the regulation and inspection of care homes.

Providers of care services must respect the independence of service users, and afford them choice in the way in which those services are provided to them. A significant number of older people choose to receive home care services provided by their local authority to help them live independently at home. Choice is important both in enabling older people to choose forms of support which reflect their lifestyles and in securing a range of different services. There is a growing recognition of the value of preventative support services, and an awareness that care in the community requires an increasingly integrated approach.

There are currently a number of national programmes and strategies aimed at improving care and support for people in Scotland as they get older. They tend to focus on:

- an aspiration to provide personalised care services;
- the need to make better use of restricted financial resources;
- the need to shift resources from institutional to community settings;
- more early intervention and support in community settings;
- more integrated working between health and social care services; and
- a move towards more co-production of services, in which people take greater responsibility for planning and directing their own care.

Services are regulated under the Regulation of Care (Scotland) Act 2001 and its associated regulations, taking account of the relevant National Care Standards. Together, these requirements and standards outline the quality of service that users have a right to expect, and are designed to ensure that all care services are measured against the same set of principles regardless of the setting in which care is provided. These include, for example, the provision of information to the public about the availability and quality of services and inspection. However, support available to those over 65 years old varies quite widely across Scotland and older consumers with comparable needs are not treated equally in different

local authority areas. This is explored below using the example of food services for older people living at home.

### Services that enable older people to remain at home

Good nutrition and access to affordable healthy food plays a vital role in the wellbeing and health of older people. Consumer Focus Scotland and Community Food and Health (Scotland) recently published research into the availability of food services for older people living at home<sup>1</sup>. We found significant inconsistency between local authorities in relation to the provision of, access to, information about and price of food services offered to older people. Local authorities appear not to have a clear overview of the food services available in their area, and without this information it is impossible to ascertain whether services are providing value for money or achieving the desired outcomes for consumers. Such non-statutory services currently provided by local authorities can contribute significantly to the level of support available in local communities, but may be at risk of being cut back in times of financial constraint. Our research found that for those who use the services, they are welcomed, valued and relied upon. Due to the importance of these services our report recommended that, working with other key partners, the Scottish Government should:

- Ensure higher priority for funding for voluntary and community organisations providing food services for older people living at home in Scotland.
- Support the development of an evidence base and sharing of good practice among key agencies, to help establish and implement a baseline range of food services for older people living at home across all local authority areas in Scotland.
- Such an evidence base should be included when developing and taking forward plans for an online portal for Scottish public information, as identified in the Scottish Government's recently published digital strategy.

Ensuring that communities have the capacity to provide care and support for people as they get older will be central to achieving the Scottish Government's stated desire to shift resources from institutional to community settings. Preventative and anticipatory support to support health within the community can reduce isolation and loneliness, support participation, improve independence and wellbeing and delay the stage of dependency and need for more complex care and support

### Attitudes to care

Research which we will publish soon<sup>2</sup> looked at what the baby boomer generation will want when they are older and if they are in need of care. It considered what kind of services would help them avoid needing some of the more intensive interventions which are likely to become less affordable in the future, and which are less compatible with independent living. The main things which worry this

---

<sup>1</sup> Consumer Focus Scotland and Community Food and Health (Scotland). 2011. *Meals and Messages: a focus on food services for older people living in the community in Scotland*. <http://www.consumerfocus.org.uk/scotland/publications/meals-and-messages>

<sup>2</sup> Consumer Focus Scotland forthcoming publication. *Life after work: what Scotland's baby boomers want as they grow older*.

group about older age relate to loss of control and choice, in particular in relation to their living environment – with a common fear being that they would ‘end up’ in a care home. A clear preference emerged for community-based services which support people to remain in their own homes and communities, suggesting that there is a need for good information about the kind of services which are available in particular communities and how to access these.

However, where there is information available, as with the quality ratings of care services provided by Social Care and Social Work Improvement Scotland (SCSWIS), our research<sup>3</sup> showed that there was low public awareness of this. We are also aware that reports, once published, do not always tell consumers what they want to know in a way that they find accessible<sup>4</sup>. With regards to information on national eligibility and criteria for receiving free personal care, each local authority has confirmed that their local arrangements for access are consistent with the guidance on national eligibility criteria and waiting times for the personal and nursing care of older people. However, it is a matter for local authorities to decide how best to inform service users of locally delivered services<sup>5</sup>.

Our report will therefore recommend that the Scottish Government:

- Ensures that older people are fully informed about their entitlements to care and support services.
- Ensures that this information is included when developing and taking forward plans for an online portal for Scottish public services information.
- Works with Age Scotland, and others, to further promote and extend existing national telephone helplines and good quality local information.

We are also recommending that SCSWIS should:

- Consider how it can raise awareness with members of the public about the information it holds on the quality of care services.

While we have argued that more information to support choice and independence should be made available, this information must be presented in a way which communicates effectively with people and enables them to change their behaviour, understand their situation better, or take appropriate action in response.

## Does the system adequately take into account the views of service users?

Those who use services are experts in their own needs but also experts in how services function, where the problems are and what could be improved. The impact of not engaging consumers in the provision of services can lead to more problems and more resources being expended in the long run. We believe that

---

<sup>3</sup> Consumer Focus Scotland forthcoming publication. *Life after work: what Scotland's baby boomers want as they grow older.*

<sup>4</sup> See, for example, Consumer Focus Scotland. 2010. *Best Value in Scottish Local Government: Consumer views on reporting mechanisms.*

<sup>5</sup> <http://www.scottish.parliament.uk/Apps2/MAQASearch/QAndMSearch.aspx?referencenumber=S4W-01765&isinanything=true&resultsperpage=10>

high quality consumer engagement can improve the quality of decision-making, make services more efficient and increase trust in public services. This is set out in our recent report<sup>6</sup> which uses examples of best practice, discussions with staff, and the research literature, to explore the principles and practice of high quality consumer engagement. The seven principles identified, which we think care providers should adopt, are:

- Engagement should aim to make a difference.
- Organisations should know who their consumers are.
- Methods of engagement should be appropriate.
- Methods of engagement should be accessible.
- Engagement should make a difference to the outcome.
- Consumers should be kept informed.
- Organisations should continually improve their engagement practice.

It is also important that the regulator focuses on the interests of users. In April 2009, we published a short paper which outlined seven tests that we think scrutiny bodies should be able to meet in terms of user focus<sup>7</sup>. These are:

1. An organisational commitment to user involvement.
2. User involvement in the governance structures.
3. User involvement in the design of scrutiny.
4. User involvement during scrutiny.
5. User involvement as members of scrutiny teams.
6. Accessibility of scrutiny reports.
7. User involvement in improvement action.

The Public Services Reform (Scotland) Act 2010 places SCSWIS under a number of duties; including duties to make arrangements which will secure continuous improvement in user focus and which demonstrate that improvement. The duty to secure continuous improvement in user focus will help to focus scrutiny activity on the outcomes for users and in turn lead to service improvements. Consumer Focus Scotland will continue contributing to implementing user focus and will monitor how well scrutiny bodies are adhering to their new statutory duties on user focus.

Consumer Focus Scotland welcomes the current review of involvement activities being undertaken within SCSWIS, which is looking for views on how SCSWIS should engage with people, what will work and any experiences of good practice in involvement. We look forward to the report that will be produced to inform the new SCSWIS Involvement Strategy, once the review is complete in September 2011<sup>8</sup>.

We also welcome the work that Audit Scotland is undertaking to consider how councils and their partners work with service users and carers to identify what social care services are required, and to hear the views of people who use social care services and their carers.

---

<sup>6</sup> Consumer Focus Scotland. 2011. *Consumer Engagement in Decision Making: Best Practice from Scottish Public Services*

<sup>7</sup> <http://www.consumerfocus.org.uk/scotland/publications/user-focus-in-the-scrutiny-of-public-services>

<sup>8</sup> [http://www.scswis.com/index.php?option=com\\_content&task=view&id=7572&Itemid=372](http://www.scswis.com/index.php?option=com_content&task=view&id=7572&Itemid=372)