

## SCMA Response to Scottish Government Consultation: National Care Service

### INTRODUCTION

The Scottish Childminding Association (SCMA) is the only organisation in Scotland dedicated to and specialising in supporting all aspects of childminding practice. In addition to representing the views of our members (approximately 83% of childminders in Scotland are members) and providing a professional voice for the childminding workforce, SCMA is a national Third Sector organisation and works very closely with the Scottish Government, Care Inspectorate and other stakeholders to influence and inform national policy and standards as they impact on childminding and we are also contracted by local authorities around Scotland to deliver a range of services aimed at widening access to childminding and supporting vulnerable children and families.

In general terms, SCMA is supportive in principle of many of the aspirations behind the consultation including – applying learning from the perspective of those with lived experience of care; applying a rights-based approach to care; the desire to improve access to and the experience of those requiring care, including when transitioning from children's to adult services; increasing the value attached to social care; and shifting the emphasis from crisis to early intervention, from burden to investment, from competition to collaboration, and from variation to equity.

**However, we do have serious concerns about some of the detail within the proposals and how this could adversely impact upon early learning and childcare, the childminding workforce and on children and families supported by childminders.**

Recognising that the consultation is very lengthy (96 questions with a fairly rigid format which would not be conducive to making comment on areas particularly relevant to childminding), and also that many of the areas on which feedback has been sought are on areas beyond the scope of childminding, we have instead produced a more focussed response on the issues raised by the consultation as they relate to childminding.

### DETAILED COMMENTS

#### National Care Service

The concept of a National Care Service (NCS), and its over-arching aspirations, are welcome. However, the branding of an NCS comparable to the NHS does create some potential for confusion. While the NHS in Scotland is comprised mainly of public sector staff directly employed by NHS Boards with some private and Third Sector involvement in delivery, the social care sector in Scotland is quite different. The consultation document and the Independent Review of Adult Social Care (IRASC) recognise that a high level of social care provision in Scotland is provided outwith the public sector, there is no intent to take social care into public ownership, this would be enormously expensive, expenditure could be better used to improve care and also that the quality of care can often be higher in non-public sector provider services. As a national Third Sector organisation and service provider SCMA welcomes this recognition of the third sector and of private providers – childminders are private small businesses (the vast majority sole workers) and consistently achieve higher ratings across all quality criteria, through independent inspection by the Care Inspectorate, than Daycare of Children's Services (local authority and private nurseries)<sup>i</sup>.

#### Children's Social Care

As a pre-cursor to this consultation, the IRASC recommended the establishment of a NCS to oversee adult social care, but did not recommend including children's social work services and social care within the NCS. The Scottish Government's proposals have gone further and include children's social work and social care within the NCS recognising children's and adults' social work and social care needs can be inextricably linked, to improve cohesive support and to address the "unintended consequences" of health and social care integration which had left children's

social work support fragmented across a range of public bodies. Much is also made of the success of Getting It Right For Every Child (GIRFEC), to the extent that it is proposed to apply this model and create a new Getting it Right For Everyone (GIRFE) framework for social care. While GIRFEC is highly regarded and its systems and health and wellbeing indicators are deeply embedded within the children's sector and current practice, we are uncertain if there is sufficient evidence of consistency of implementation to support its wider translation and application to adult social care at this time, when the inclusion of children's social work and social care within the NCS was also not recommended by the IRASC.

### **Early Learning & Childcare (ELC)**

We recognise that there may also have been a preference to avoid a two-tier social work and social care system for adults and children by combining these services within the NCS. However, the consultation document does not appear to explore the adverse impact this could have in creating a two-tier system between children's social work and social care services (within the NCS) and the range of children's services under the responsibility of Education (outwith the NCS). In particular, little reference is made to the significant area of Early Learning & Childcare (ELC) which itself already straddles social care and education and needs to be overseen holistically for its equally important caring and learning aspects. Logically, if including children's social care within the NCS, it might have been expected that childcare would similarly be integrated within the NCS given the strong care emphasis within ELC provision. By not including ELC within the NCS this risks creating two-tiers within children's social care and the further dilution of the importance of childcare. **Clarity is in particular requested as to where the responsibility for ELC will sit going forward, after the establishment of the NCS and in light of the ongoing Education Reform review activity, as we would be concerned if ELC was subsumed into Education where we believe the importance of nurture and care could be diluted, potentially lost and dominated by education interests.**

Linked to this we recognise that by creating an NCS the intent would be to attach an equal value to social care as is already experienced by the NHS and health. Much as social care has historically been overshadowed by health there is a resulting risk that by establishing an NCS to address one problem, we simply create another – the new NCS, in turn, dominating services not included within it and diluting the value attached to children's services and childcare. The consultation document makes reference to the “unintended consequences” of earlier health and social care integration (fragmented social work services). Within the context of ELC implementation to support the delivery of 1140 funded hours of ELC by 2020 (then 2021), the rapid national recruitment drive to support nursery expansion had the effect of de-stabilising the childminding workforce (which has declined by 22% in the last five years, accelerating in parallel to ELC expansion<sup>ii</sup>) and the wider social care workforce<sup>iii,iv,v</sup>. This has also been described by the Scottish Government as an “unintended consequence”. While any action could have an unintended consequence, it is of concern if this becomes a recurring pattern with major, far-reaching, policies developed at pace without consideration or understanding of the wider impact such developments could have on existing services and future delivery.

### **Quality Assurance, Scrutiny & Bureaucracy**

Central to the proposals to establish a new NCS is the intent to apply quality improvement to social care, including scrutiny, the development of national standards and seeking opinions on minimum entry qualifications and the setting of training and development requirements. As a professional membership organisation committed to maintaining and increasing standards of practice we are committed to quality improvement and assurance, but we believe this has to be proportionate and joined-up.

**Sadly, the experience during ELC expansion has been that the drive to improve quality has created a series of standards and frameworks which have significantly increased bureaucracy and we believe it is important that lessons are learned from this rather than repeating them in establishing the NCS and developing related scrutiny.**

Linked to our workforce challenges SCMA undertook a large-scale membership survey in spring 2020 which secured a high response from members (1470 responses/38% response level). This explored childminders' reasons for leaving the profession and, importantly, looked ahead and captured data on childminders' future workforce intentions. **This survey found that the level of paperwork and bureaucracy associated with current childminding**

practice was the main reason that childminders had left the workforce (70%) and also were considering doing so within the next five years (59%)<sup>vi</sup>. The survey also found that on top of the significant decline in our workforce within the last five years, 25% of childminders did not believe they will still be childminding in five years and a further 26% didn't know if they would. We believe this data to be deeply worrying and compelling, as when running this data together we have the makings of a potential workforce crisis.

Related to this, an independent review of ELC had previously recommended in 2015 that –

*“in future, either a joint education and care inspection or one inspection conducted by one single inspectorate body for ELC should be standard”<sup>vii</sup>.*

In response to this the Scottish Government charged the Care Inspectorate and Education Scotland with developing a single shared inspection and to engage with a range of stakeholders in its development. This work was very slow and the Care Inspectorate and Education Scotland didn't reach agreement on a single shared inspection, issuing a statement in September 2019 noting that the development of a shared inspection would be deferred until after the expansion of ELC had been completely implemented and that they would instead continue to develop their own separate frameworks.<sup>viii</sup> While we do not under-estimate the challenges (including cultural) involved, this was very disappointing and frustrating as we were aware from supporting childminders around Scotland of the adverse impact this was having on them. **It is now six years since a shared inspection was recommended and the Care Inspectorate and Education Scotland were charged with developing this by the Scottish Government. Consensus was not reached across the involved statutory stakeholders and a single, shared inspection has still not been achieved. During this period childminders have had to absorb the consequences of this – an evolving, detailed quality framework (and inspection) by the Care Inspectorate and a separate detailed learning framework (with possible inspection) by Education Scotland - alongside additional requirements of ELC expansion linked to the National Standard layered on at a national and local level, which we believe has contributed collectively to a significant reduction in our workforce.** And conversely, while it was hoped that this would increase quality across the wider early learning and childcare workforce there is a significant and increasing risk of premature skills loss from the childminding workforce due to the level of accompanying bureaucracy and duplication.

More recently the Scottish Government has decided to replace the SQA and to remove the inspection function from Education Scotland, establishing an Independent Expert Group on Education Reform. SCMA believes this is an important opportunity to review the wider scrutiny landscape, to reduce the level of bureaucracy and we made a submission to the Expert Group in September 2021 about this which provides more detail about these issues<sup>ix</sup>.

**If the Scottish Government's proposals were to change as a result of responses to this consultation, and early learning and childcare were to be included within the NCS, it would be essential that this would not result in any additional and duplicative scrutiny, standards and bureaucracy given the experience to date.**

### **Childminders Delivering Social Care to Adults and Children (within the scope of the NCS)**

Our concerns regarding the need to avoid increasing bureaucracy further are of particular concern in relation to our Community Childminding Services in which Community Childminders deliver services which we believe would be within the scope of the new NCS. Community Childminding takes the form of early intervention support which is provided to families who may be one step away from crisis and whatever is happening at a parental level (mental health, addiction, terminal illness, bereavement etc) is impacting on young children's social, emotional or cognitive development. Referrals are received from a range of professionals such as health visitors, social workers or family support workers as well as education and early years staff. Community childminders are highly experienced childminders who have undertaken additional training and we are contracted to deliver and oversee these services in four local authority areas (Aberdeen, Fife, Glasgow and Scottish Borders). Our services have supported over 900 vulnerable families within recent years, demand (heightened by the pandemic) exceeds our ability to supply and work is underway to develop these services further.

During COVID-19 it was interesting in that when vaccines were first prioritised for key workers, some of our Community Childminders were included in the local authority vaccination programme alongside other adult social care staff, despite childminders more generally not being included in vaccination.

So, while childminders would not be within the scope of the NCS for delivering ELC, we believe that the same childminders who may also practice as Community Childminders (as part of their service) could be within the scope of the NCS due to their provision of family support through local authority social care contracts with SCMA. **As such, it would be extremely important to clarify if these experienced childminders would be subjected to separate/additional scrutiny and required to follow separate/additional frameworks with related qualification requirements for ELC and Community Childminding. Given the workforce issues highlighted earlier and the adverse impact existing bureaucracy is having on the childminding workforce, we believe that further bureaucracy linked to the NCS would be too much for Community Childminders to absorb and that this would have a significant adverse effect on our ability to deliver these vital services to vulnerable children and families.**

### **Commissioning & Procurement**

We note it is proposed that the NCS will develop and manage a National Commissioning and Procurement Structure of Standards and Processes for ethical commissioning and procuring of social care services and that largely the new Community Health and Social Care Boards will follow these and provide assurance against them to the NCS. This will define national and local ethical procurement, provide standard templates, be driven by national minimum quality outcome standards, define core criteria and embed standard terms and conditions.

We would qualify our comments by noting that we are not experts in procurement. In general terms we are very supportive of national efforts to standardise local procurement and remove variation. Our experience of commissioning and procurement at a local level during the last 5 years of ELC expansion has been very variable. Where it has worked well has been where local Early Years and Procurement staff have recognised the distinct nature of childminding, that it is not appropriate to apply a local authority nursery standard to individual sole providers and work has been undertaken to streamline the procurement process. Conversely, where it has not worked well has been where tensions emerged between Early Years and Procurement and the application of an excessive and disproportionate level of documentation led to childminders choosing not to progress to delivering funded hours. In parallel, one of the founding principles of ELC is Provider Neutrality which creates a conflict of interest for local authorities – being responsible for commissioning and procuring ELC services and also as direct service providers in their own right. Some local authorities have managed this conflict well and have overseen this in a balanced and objective manner, but others have struggled much more with repeated examples of local authorities prioritising their own provision. While we hope the national procurement structure proposed will improve this situation in the context of the NCS it still risks creating a two-tier structure within the NCS – with one part commissioning and procuring from another part. This could still prove challenging.

**We also recognise that there is a lot of regulation around procurement and we understand why this is required in terms of public accountability. However, it is essential that standards developed and applied are flexible and proportionate recognising the differentials in scale between different types of provider – one size does not fit all, particularly when the aspirations behind the establishment of the NCS are so firmly rooted in providing high-quality person-centred care. There will be times when this would most appropriately be delivered by a smaller provider who may lack the administrative resources and capacity of larger providers to participate equitably in increasingly detailed procurement exercises.**

### **Fair Work**

Linked to the above, SCMA is supportive of the Fair Work agenda and believes that individuals should be paid fairly and valued. However, in a pragmatic sense we also recognise that many childminding businesses and School Aged Childcare settings continue to be very vulnerable financially as a result of the pandemic and are concerned about their financial viability and business sustainability. This has been linked to the prolonged reduction in demand for childcare driven by the official guidance requiring parents/carers to work from home and by furlough. Childminding is not a high-income profession and we believe that many self-employed sole worker childminders are unable to pay

themselves the real Living Wage. COVID-19 has made things harder and it is unlikely that many childminders could risk increasing their charges to parents/carers at this time or in the foreseeable future. As such, we would express a note of caution that in seeking to promote Fair Work, low-income workers are not further disadvantaged and prevented from participating in future procurement exercises due to their financial position. If this were to happen this could widen inequalities rather than narrow them. Childminders operate a wide range of business models including private arrangements, before and/or after school, funded ELC and Community Childminding with some settings based on a mixed economy. As such, it could be difficult to meet real Living Wage criteria from what may be only part of their business.

Graeme McAlister  
Chief Executive

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<sup>i</sup> Early Learning & Childcare Statistics, care Inspectorate.

<sup>ii</sup> Early Learning & Childcare Statistics 2019, Care Inspectorate, January 2021

<sup>iii</sup> Early Learning & Childcare Audit 2019, SCMA, October 2019

<sup>iv</sup> National Day Nurseries Association 18/19 Workforce Survey Scotland, NDNA, August 2019

<sup>v</sup> Implications of Labour Markets for the Social Care Workforce, Ekosgen, Scottish Government, 2019

<sup>vi</sup> #TellSCMA: Childminding & You Survey 2020, SCMA, May 2020 (unpublished)

<sup>vii</sup> Independent Review of Scotland's Early Learning and Out of School Care Workforces, Scottish Government, 1 June 2015

<sup>viii</sup> Update on the Shared Inspection Framework, Care Inspectorate and Education Scotland, 11 September 2019

<sup>ix</sup> SCMA Response to Scottish Government Consultation – Reform of the SQA and Education Scotland: Expert Panel and Advisory Group Draft Terms of Reference [SCMA response to SG consultation on Reform of SQA and Education Scotland Expert Panel and Advisory Group Draft Terms of Reference FINAL\\_66cd5b.pdf \(childminding.org\)](#)

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