

A Meeting of the Care Inspectorate Board is to take place at
1.30 pm on Thursday 12 August 2021.

In light of the guidance about minimising social contact issued by the Scottish Government in relation to Covid-19, the meeting will be held remotely by video-link. Arrangements are in place to enable members of the public to attend the meeting by this method and a public notice has been placed on the Care Inspectorate website.

AGENDA

PUBLIC SESSION

1.	Welcome and Introductions
2.	Apologies
3.	Declarations of Interest
4.	Minute of Board meeting held on 17 June 2021 (paper attached)
5.	Action Record of Board meeting held on 17 June 2021 (paper attached)
6.	Matters Arising
7.	Chief Executive's Report – verbal update
	STRATEGY AND POLICY
8.	Consultation on a new National Care Service: Report and Presentation – Report No: B-28-2021 (<i>late paper, due to timing of consultation launch</i>)
9.	Update on Development of Corporate Plan – Report No: B-29-2021
	STANDING ITEMS
10.	Identification of Risk
11.	Board Schedule of Business 2021/22 (paper attached)
12.	Any Other Competent Business
13.	Close of Public Meeting and Date of Next Meeting: 23 September 2021 at 10.30 am – venue/format to be confirmed.



BOARD ACTION RECORD

Item No	Title	Action	Responsibility	Timescale	Status/Comments
Actions from 25 March 2021					
12.0	Care Inspectorate Corporate Parenting Report and Corporate Parenting Plan – Report No: B-06-2021	<ul style="list-style-type: none"> Look into the involvement of YIVs within recruitment processes. Further discussion on evaluation of age of YIVs Updates to the Board through the CE's quarterly report 	EDCCS CE/EDs/Board CE	In time to inform a BDE later in 2021 – date tbc	Detailed update on progress provided to Board on 17 June. Refer to paper under item 6
13.0	The Equalities Mainstreaming Report 2021 and The Equality, Diversity And Inclusion Strategy 2020-2025 Report No: B-07-2021	<ul style="list-style-type: none"> Progress report to be presented to Board September 2021 meeting. A future Board Development required for further discussion on key areas (<i>outlined in the minutes</i>) 	Senior OD Adviser (Equalities) Chair/CE	For Board on 10.9.21 tbc	Detailed update on progress provided to Board on 17 June. Refer to paper under item 6

Actions from 17 June 2021					
4.0	Minutes of Meeting held 25.3.2021	Minor amendment to be made to "Attendance" section	ECSM	Immediate	Completed
9.0	Chief Nurse Update – Report B-14-2021	Co-ordinate a learning session at a future BDE on social care models that are supported by nursing teams, with case studies. Chief Nurse to meet with Chair of HIS, to discuss clinical and care governance work outlined in CN's update to Board.	Chief Nurse/ ECSM Chief Nurse/HIS Chair	BDE on 18.11.21 Mutually convenient date	September BDE has allocated topic, therefore earliest opportunity is November event. Completed
11.0	Scrutiny and Assurance Plan 2021-22	Correct a typo on page 52, para 2, last sentence to read "It was not safe to do this during the pandemic". Revised format (ie strategy and annual plan) to be considered in developing next plan.	EDSA EDSA/HoCPC	Immediate Within S&A Plan timescales	Completed
13.0	Monitoring Our Performance: Quarter 4 2020/21 – Report No: B-18-2021	Information to be provided to Board about the work that has been done on replacing paper questionnaires with electronic forms (see minutes) Report to add in reference that the decision to temporarily suspend CI inspections was with the agreement of the Scottish Government due to the risk of Covid-19 transmission	I Gilray I Gilray/ A Scougal	By end of June Immediate	Information emailed to members Completed Reference added to report. Completed

14.0	Complaints Activity Annual Report 2021/22 – Report No: B-19-2021	More detail to be provided in next report on the areas outlined in the minutes.	I Gilray/J McGurk	Update for Board in December	
16.0	Counter Fraud, Bribery and Corruption Framework – Report No: B-20-2021	<p>Check to ensure that Whistleblowing Champion is referred to in Section 5.2, as part of reporting routes.</p> <p>Correct typo in section 1.3 of Appendix 2 to read “... conclusion of the disciplinary investigation”.</p> <p>Addition of wording to clarify the Head of the Shared Service in the fraud officer role.</p>	HFCG	Immediate	Completed

CE: Chief Executive
 EDSI-DCE: Executive Director of Strategy and Improvement & Deputy Chief Executive
 EDSA: Executive Director of Scrutiny and Assurance
 EDCCS: Executive Director of Corporate and Customer Services
 iEDITD: Interim Executive Director of IT and Digital Transformation
 HoCPC: Head of Corporate Policy and Communications

HFCG: Head of Finance and Corporate Governance
 ECSM: Executive and Committee Support Manager
 CN: Chief Nurse



Title:	CONSULTATION ON A NATIONAL CARE SERVICE
Author:	<i>Peter Macleod, Chief Executive</i>
Appendices:	1. Consultation on a National Care Service - Briefing
Consultation:	
Resource Implications:	No

EXECUTIVE SUMMARY

In February 2021, the [Review of Adult Social Care in Scotland](#) recommended the establishment of a National Care Service (NCS) and set out 53 recommendations in total.

The Scottish Government launched a [consultation](#) on the proposals on 9 August. The consultation contains 96 questions in total and includes a chapter on regulation, with questions on proposed core principles for regulation and scrutiny, market oversight and enhanced powers for the regulation and scrutiny of care services.

Appendix 1 sets out the key proposals and questions, focusing on issues directly relating to scrutiny as well as the broader scope of the proposed National Care Service and its implications.

The Board is invited to:

- Note the contents of the paper and appendix 1.

Links:	Corporate Plan Outcome		Risk Register - Y/N		Equality Impact Assessment - Y/N	
For Noting	X	For Discussion	X	For Assurance		For Decision

If the report is marked Private/Confidential please complete section below to comply with the Data Protection Act 2018 and General Data Protection Regulation 2016/679.

Reason for Confidentiality/Private Report: N/A – this is a public Board report.

Disclosure after: N/A

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Report No: B-28-2021**

Reasons for Exclusion	
a)	Matters relating to named care service providers or local authorities.
b)	Matters relating to named persons which were they to be discussed in public session, may give rise to a breach of the Data Protection Act 2018 or General Data Protection Regulation 2016/679.
c)	Matters relating to terms and conditions of employment; grievance; or disciplinary procedures relating to identified members of staff.
d)	Matters involving commercial confidentiality.
e)	Matters involving issues of financial sensitivity or confidentiality.
f)	Matters relating to policy or the internal business of the Care Inspectorate for discussion with the Scottish Government or other regulatory or public bodies, prior to final approval by the Board.
g)	Issues relating to potential or actual legal or statutory appeal proceedings which have not been finally determined by the courts.

CONSULTATION ON A NATIONAL CARE SERVICE

1.0 INTRODUCTION

The [Review of Adult Social Care in Scotland](#) was announced by the First Minister as part of the Programme for Government on 1 September 2020. It was chaired by Derek Feeley, supported by an Advisory Panel, and [published its report](#) on 3 February 2021.

The Review recommended the establishment of a National Care Service (NCS) and set out 53 recommendations in total, including revisiting the role of bodies such as the Care Inspectorate “to ensure they are fit for purpose in a new system” and for the Care Inspectorate to take on a market oversight role.

The Scottish Government launched a [consultation](#) on the proposals on 9 August 2021. The consultation is wide-ranging and contains 96 questions in total. It includes a chapter on regulation, with questions on proposed core principles for regulation and scrutiny, market oversight and enhanced powers for the regulation and scrutiny of care services. Improvement, the scope of the NCS, commissioning and reformed integration joint boards are among the other topics covered.

2.0 KEY PROPOSALS

The 137-page consultation document is wide-ranging, featuring 96 questions across a range of topics. Appendix 1 sets out the key proposals and questions, focusing on issues directly relating to scrutiny as well as the broader scope of the proposed National Care Service and its implications.

Of particular note:

- The consultation proposes the establishment of a National Care Service (NCS) with a ‘Getting it Right for Everyone’ approach and a scope encompassing children’s social care, social work and other areas.
- Integration Joint Boards (IJBs) will become Community Health and Social Care Boards (CHSCBs), the local delivery body for the NCS.
- The consultation proposes that scrutiny, inspection, and regulation of care services and the workforce should be undertaken independently of the NCS.
- Core principles for regulation are proposed, alongside suggestions to strengthen enforcement powers and questions on a market oversight function.
- There are questions on a potential new system for complaints, while the appointment of a commissioner for social care will also be considered.
- The NCS will take responsibility for improvement across community health and care services under the proposals.
- A National Commissioning and Procurement Structure of Standards and Processes will be developed and managed by the NCS.

3.0 NEXT STEPS

Key dates:

- A series of online stakeholder engagement events are to be held, with a [regulation event](#) taking place on **22 September 2021**.
- The Care Inspectorate will consider the proposals and establish a working group to develop a response and submit ahead of the deadline of **18 October 2021**.
- Following the consultation process, new legislation will be developed and introduced in the Scottish Parliament in **Summer 2022**, with parliamentary scrutiny expected to take at least a year.
- It is intended that the National Care Service will be fully functioning by **the end of the parliamentary term (2026)**.

Consultation on a National Care Service - Briefing

Top Line

- The Scottish Government has launched a consultation on proposals for a National Care Service following Derek Feeley's Review of Adult Social Care.
- A significant portion of the 96-question consultation is dedicated to regulation and related issues.
- This briefing highlights the key proposals and questions set out in the consultation, placing a particular focus on those relating to regulation.

Key Points

- The consultation proposes the establishment of a National Care Service (NCS) with a 'Getting it Right for Everyone' approach and a scope encompassing children's social care, social work and other areas.
- Integration Joint Boards (IJBs) will become Community Health and Social Care Boards (CHSCBs), the local delivery body for the NCS.
- The consultation proposes that scrutiny, inspection, and regulation of care services and the workforce should be undertaken independently of the NCS.
- Core principles for regulation are proposed, alongside suggestions to strengthen enforcement powers and questions on a market oversight function.
- There are questions on a potential new system for complaints, while the appointment of a commissioner for social care will also be considered.
- The NCS will take responsibility for improvement across community health and care services under the proposals.
- A National Commissioning and Procurement Structure of Standards and Processes will be developed and managed by the NSC.

Recommendation

The Care Inspectorate should:

- consider the proposals set out in the consultation and potential implications for regulation and scrutiny, as well as the services we inspect
- establish a working group to develop a response and submit ahead of the deadline of 18 October.

Background

The [Review of Adult Social Care in Scotland](#) was announced by the First Minister as part of the Programme for Government on 1 September 2020. It was chaired by Derek Feeley, supported by an Advisory Panel, and [published its report](#) on 3 February 2021.

The Review recommended the establishment of a National Care Service (NCS), setting out how it could “drive consistent, high quality social care support in partnership with people who have a right to receive that support, unpaid carers and the workforce”. It set out 53 formal recommendations, including:

- 24. The role of existing national care and support bodies – such as the **Care Inspectorate** and Scottish Social Services Council – should be revisited to ensure they are fit for purpose in a new system.
- 36. The care home sector must become an actively managed market with a revised and reformed National Care Home Contract in place, and with the **Care Inspectorate** taking on a market oversight role. Consideration should be given by the NCS to developing national contracts for other aspects of care and support. A ‘new deal’ must form the basis for commissioning and procuring residential care, characterised by transparency, fair work, public good, and the re-investment of public money in the Scottish economy.

The Scottish Government launched a [consultation](#) on the proposals on 9 August. The consultation is wide-ranging and contains 96 questions in total. It includes a chapter on regulation, with questions on proposed core principles for regulation and scrutiny, market oversight and enhanced powers for the regulation and scrutiny of care services. Improvement, the scope of the NCS, commissioning and reformed integration joint boards are among the other topics covered.

A series of [online engagement events](#) will also be held to enable stakeholders, individuals and communities to come together to share their views on the NCS. The [regulation event](#) will be held on Wednesday 22 September between 2pm and 4pm.

Timeline:

- The deadline for responses to the consultation is **18 October 2021**.
- Following the consultation process, new legislation will be developed and introduced in the Scottish Parliament in Summer 2022.
- It is expected that parliamentary scrutiny will take at least a year.
- It is intended that the National Care Service will be fully functioning by the end of the parliamentary term (2026).

Issues for the Care Inspectorate

Core principles for regulation and scrutiny

The consultation stresses the “important role” of the regulators in ensuring consistent and high standards of care and proposes that “scrutiny, inspection, and regulation of care services and the workforce should be undertaken independently of the NCS”.

The consultation proposes the following core principles for regulation and scrutiny:

1. Scrutiny and assurance should support human rights-based care, focus on outcomes for people, and the positive impact community health and social care services are making to their lives, including the relationships staff have with them.
2. Activity should be targeted, proportionate, intelligence-led, and risk-based. This approach will allow the regulator to choose different types of scrutiny, assurance, or quality improvement intervention relative to the individual service and how it is performing.
3. The NCS should generally seek to review, update, and improve standards and practices as an organisation and across the care sector on a regular and ongoing basis (this is a separate role and process from any improvements which those who have responsibility for delivering social care services (or overseeing those) may be required to make arising from enforcement or other action by the regulator).
4. There should be a strong link between the regulation of the workforce and their professional standards and the inspection and scrutiny of the services they work in.
5. Overall national scrutiny should involve the regulator working collaboratively, where possible, with other professions and agencies and continue to be informed by lessons learnt and good practice arising from the experience of the pandemic.
6. Regulation is fundamental to ensure a qualified and skilled social care workforce which enables employers to deliver high quality, responsive care and support.
7. Regulation is a key element in ensuring the safety of vulnerable people, ensuring high standards for practice, conduct, training and education across the workforce.
8. Scrutiny and assurance should aim to reduce inequalities with an emphasis on people, prevention, partnership and performance.
9. Where possible, regulators should involve people in the development and delivery of scrutiny approaches and amplify the voice of people experiencing care.

10. Where appropriate, scrutiny and assurance should take account of legislative requirements, Scottish Government policy, national standards, and codes of practice.

Questions:

- Is there anything you would add to the proposed core principles for regulation and scrutiny?
- Are there any principles you would remove?
- Are there any other changes you would make to these principles?

Strengthening regulation and scrutiny of care services

The consultation sets out a number of proposed options to strengthen the enforcement powers of the Care Inspectorate, including:

- **(a) Condition notices under section 66 of the 2010 Act (this process is too slow)** - The test could be made less stringent, or an “intermediate” category could be added.
- **(b) Improvement notices under section 62 of the 2010 Act (this process is too weak)** - Changes to require sustained improvement would strengthen this provision. One possibility is that even if improvements are made, the notice could remain “on the service’s record” for a set period, and further action provided for, if the same issue arose while the notice remained extant.
- **(c) Cancellation of a service under section 64 of the 2010 Act (this process is too slow)** - The statutory process is fair and reasonable and allows the opportunity for representations by services affected but appeals in the Sheriff court are likely to be protracted. One possible solution is to review court processes to govern the conduct of proceedings, as is the case with other types of court actions. Such a review could provide for clear timetabling of action with a view to avoiding the lengthy appeals currently experienced.
- **(d) Emergency cancellation of a service under section 65 of the 2010 Act (the legal bar is too high)** - The Sheriff considering an application for cancellation of registration under this provision has a wide discretion. They “may” (and therefore may not) make the order, even if satisfied that there will be serious risk unless the order is made. We would also highlight that in a number of cases there may be issues relating to the length of the process in which applications for emergency cancellations are heard by the court.

Questions:

- Do you agree with the proposals outlined for additional powers for the regulator in respect of condition notices, improvement notices and cancellation of social care services?



- Are there any additional enforcement powers that the regulator requires to effectively enforce standards in social care?

Market oversight function

The consultation suggests that the development of an effective market oversight capability could potentially contribute to the following:

- **Identifying financial risk** - The regulator could gather intelligence on financial risks at a strategic level in the sector through the collection of financial data, comparators and trend analysis. The regulator could determine the level of scrutiny and/or improvement support required using detailed financial metrics to assess the level of risk associated with a provider. This could support an anticipatory approach and determine the interventions required. Further, this information could be used to inform commissioning discussions and support HSCPs in the planning and provision of care.
- **Scrutiny, assurance, and quality improvement** - The regulator could build on information gathered through scrutiny and other means to assess financial and operational threat at the registration, service, provider, and strategic levels to target improvement at appropriate levels. This could increase the ability to identify potential issues associated with providers and help the regulator to focus their resources effectively in providing scrutiny, assurance, and support where it is needed most. There is potential for the regulator to be provided with a statutory power to further enable scrutiny of providers as a whole, in addition to inspection of discrete care services.
- **Collaboration and market insight** - Working across the sector, the regulator could capture, evaluate, and consolidate its knowledge, expertise, experience, and information from dialogue and engagement with others, potentially through an extended relationship-manager role, and use that information to build a wider intelligence picture. This could enable them to assess the market's utility and capacity to provide for the population's needs in order to inform government, and to influence, target, and evidence quality improvement at a strategic level. Working with local and national teams, the information can be shared with commissioners and procurement professionals to support ethical commissioning, decision making on procurement routes, and processes and contract management to minimise the risk of supplier failure.
- **Contingency planning** - The regulator could inform contingency planning arrangements to achieve a risk-based focus on intervention to establish facts and support improvement or manage closure, as appropriate.

Questions:

- Do you agree that the regulator should develop a market oversight function?

- Should a market oversight function apply only to large providers of care, or to all?
- Should social care service providers have a legal duty to provide certain information to the regulator to support the market oversight function?
- If the regulator were to have a market oversight function, should it have formal enforcement powers associated with this?
- Should the regulator be empowered to inspect providers of social care as a whole, as well as specific social care services?

Enhanced powers for regulating care workers and professional standards

The consultation sets out the role of the Scottish Social Services Council and a number of issues relating to regulation of the workforce.

Questions:

- Would the regulator's role be improved by strengthening the codes of practice to compel employers to adhere to the codes of practice, and to implement sanctions resulting from fitness to practise hearings?
- Do you agree that stakeholders should legally be required to provide information to the regulator to support their fitness to practise investigations?
- How could regulatory bodies work better together to share information and work jointly to raise standards in services and the workforce?
- What other groups of care worker should be considered to register with the regulator to widen the public protection of vulnerable groups?

A later chapter also proposes that processes be put in place to require personal assistants (PAs) in Scotland to register centrally and poses questions on the additional support that might be helpful for PAs or those employing PAs.

Improvement

The consultation states that improvement methodology and implementation science is being widely used in social care but "we have yet to see the impact of large-scale evidence based improvement work in the integrated world of health and social care".

The paper suggests that improvement must be a key focus of the NCS, with a national view and "clear lines of accountability" to ministers ensuring that learning is shared across the country.

Intelligence gained from inspection and scrutiny will be used to identify where improvement is needed, with themes fed back into commissioning and procurement.

Questions:

- What would be the benefits of the NCS taking responsibility for improvement across community health and care services? (“Intelligence from regulatory work fed back into a cycle of continuous improvement” listed as an option among multiple choice)
- Are there any risks from the NCS taking responsibility for improvement across community health and care services?

Complaints and putting things right

The consultation highlights the “complex” nature of the current complaints landscape and proposes “a national single point of access for information on making a complaint or giving feedback about social care, providing links where necessary to relevant organisations”.

According to the consultation, providers will be required to demonstrate they have taken feedback and complaints on board when they are inspected, and this will be used as a key outcome measure.

A charter for rights and responsibilities would outline clearly the process for feedback and complaints, while the appointment of a commissioner for social care will also be considered.

Questions:

- What elements would be most important in a new system for complaints about social care services? (Multiple choice)
- Should a model of complaints handling be underpinned by a commissioner for community health and care?
- Should the NCS use a measure of experience of those receiving care and support, their families and carers as a key outcome measure?

Commissioning

The consultation sets out some of the issues around commissioning and proposes 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 supports.

It is noted that the NCS will also be responsible for market research and analysis, and that the NCS will “work with the national regulatory and market oversight body to share information and use shared data to support ethical commissioning, decisions making on procurement routes and processes and contract management to minimise the risk of supplier failure”.

Questions:

- Do you agree that the NCS should be responsible for market research and analysis?
- If no, who should be responsible for this? (Care Inspectorate listed as an option among multiple choices)

The NCS will also establish a national commissioning and procurement team to commission and procure national contracts and framework agreements where it is deemed that individuals' needs and outcomes will be better met through national service provision.

The National Care Service

The consultation proposes the establishment of a National Care Service (NCS), accountable to ministers, to:

- achieve consistency across the country, and drive national improvements,
- ensure strategic level integration with the NHS that promotes preventative care and reduces the need for hospital stays,
- sets clear national standards and terms and conditions for the commissioning and delivery of services
- bring national oversight and accountability to ensure that all individuals universally have access to the services needed.

Key points:

- The NCS will have a focus on 'Getting it Right for Everyone', working in parallel and in partnership with (and yet independent of) the NHS.
- IJBs will be reformed and will become Community Health and Social Care Boards (CHSCBs) and will be the local delivery body for the NCS.
- The NCS will lead on aspects of community health and social care improvement and support that are best managed on a "once for Scotland basis".
- It will deliver community health and social care provision at a national level for people whose needs are very complex or highly specialist, and the planning and delivery of care in custodial settings, including prisons.
- The NCS will be responsible for national workforce planning and development, data to support planning, commissioning and procurement, research to support improvement, digital enablement, and national and regional service planning.

- The creation of a NCS does not mean that the Scottish Government would run all care homes or other services directly. While some services may be provided directly, it is expected that the NCS and CHSCBs will continue to commission and procure services from a range of providers, as at present.

Questions:

- Do you agree that Scottish Ministers should be accountable for the delivery of social care, through the NCS?
- Are there any other services or functions the NCS should be responsible for, in addition to those set out in the chapter?
- Are there any services or functions listed in the chapter that the NCS should not be responsible for?

Scope of the National Care Service

The consultation goes into further detail on the potential scope of the NCS.

Questions are posed in relation to proposals for:

- the inclusion of children's social work and social care services within the NCS
- the NCS and CHSCBs to commission, procure and manage community health care services currently delegated to IJBs and provided through health boards
- duties and responsibilities for social work and adult and children and families' social care services to be located within the NCS
- the role of the Executive Directors of Nursing, Midwifery and AHPs to be maintained and to potentially have their advisory role extended beyond care homes to other social care environments (as well as potentially overseeing access to education and professional development of social care nursing staff, standards of care and governance of nursing)
- the inclusion of justice social work services within the NCS alongside suggested alternative reforms
- the NCS to oversee social care provision for people in prison and be responsible for the planning and delivery of care in prisons
- improving the effectiveness of alcohol and drug partnerships, including through national commissioning
- appropriate elements of mental health services to be consistently delegated to the NCS
- the establishment of a National Social Work Agency and a centre of excellence for applied research for social work, both sitting within the NCS.

Other issues

Other proposals the consultation questions focus on include:

- removing eligibility criteria in their current form to focus on enabling people to access the care and support that they need to lead a full life
- a single approach to care and support services covering all types of care and support from early intervention to specialist intervention
- use of the Getting It Right for Everyone National Practice model as a single planning process
- a right to breaks and entitlement to a standard support package for carers
- a nationally-consistent, integrated and accessible electronic social care and health record to focus on people and outcomes, rather than service provision
- legislation to require primary and community health and social care services to provide data to the NCS, and to address social care information gaps along with a requirement to meet common data standards and definitions
- increasing the sums paid for Free Personal and Nursing Care for self-funded care home residents to the levels included in the National Care Home Contract or consider alternatives, such as revising means testing
- the NCS taking the lead in the development, administration, and assessment of national workforce quality standards (which could take the form of a Fair Work Accreditation Scheme) that support the delivery of Fair Work principles
- the development of a consistent approach to integrated workforce planning with health, supported by a national tools/framework and an agreed data set
- the NCS to set training and development requirements that support entry to the workforce and continuous professional development, as well as providing and/or securing the provision of training and development for the workforce.



Title:	CORPORATE PLAN 2022-2025
Author:	Lisa Rooke, Head of Corporate Policy and Communications
Appendices:	None
Consultation:	
Resource Implications:	None

EXECUTIVE SUMMARY

Our current corporate plan sets out our vision, purpose, and values for the 2019–2022 period. It also set out our business model, three strategic outcomes and the key principles we would follow to help us achieve these.

Since early 2020, the world has been significantly impacted as a result of the Covid-19 pandemic, and we have had to significantly adapt our ways of working. Despite the pandemic, much of our corporate plan remains relevant but there is a need to consider our learnings from Covid-19 and the significant policy and legislative changes that are underway in the Scottish social care environment.

Work began last year to produce a revised corporate plan, but this was put on hold when the second wave of Covid-19 began to develop.

It is now proposed that we develop a new corporate plan – as opposed to revising the existing one. The new corporate plan will cover the three-year period from 2022–2025 setting out our strategic outcomes for this period and providing clarity on how we will deliver these outcomes and how we will measure our performance. It will provide the strategic direction for the forthcoming three years for the Care Inspectorate, the sector, external stakeholders, those experiencing care and the public.

This paper sets out how we will develop and coproduce the new corporate plan, building on the existing plan, factoring in our learnings from the pandemic and taking into account the policy developments that will affect our work and the sector. Comprehensive consultation is proposed to begin in October 2021 with Board members, staff, volunteers, people experiencing care and a range of external stakeholders.

The proposed timescale is to present a first draft of the new corporate plan and performance measures to the Board in December 2021. This will allow for further revision ahead of publication of the final corporate plan in March 2022. This timescale will provide the opportunity to consult in detail to develop an ambitious corporate plan to help contribute to achieving our vision of world-class social care

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and social work in Scotland where every person in every community experiences high-quality care and support, tailored to their rights, needs and wishes.

The Board is invited to:

1. Approve the principles, process and timescales outlined in this paper.
2. Agree that the Board Strategic Event in October 2021 be used for the purpose of co-producing and shaping the new corporate plan.

Links:	Corporate Plan Outcome	All	Risk Register - Y/N	Y	Equality Impact Assessment - Y/N	Y
For Noting		For Discussion		For Assurance		For Decision
						x

If the report is marked Private/Confidential please complete section below to comply with the Data Protection Act 2018 and General Data Protection Regulation 2016/679.

Reason for Confidentiality/Private Report: N/A – this is a public board report.

Disclosure after:

Reasons for Exclusion	
a)	Matters relating to named care service providers or local authorities.
b)	Matters relating to named persons which were they to be discussed in public session, may give rise to a breach of the Data Protection Act 2018 or General Data Protection Regulation 2016/679.
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f)	Matters relating to policy or the internal business of the Care Inspectorate for discussion with the Scottish Government or other regulatory or public bodies, prior to final approval by the Board.
g)	Issues relating to potential or actual legal or statutory appeal proceedings which have not been finally determined by the courts.

CORPORATE PLAN 2022 - 2025

1.0 INTRODUCTION

Our current corporate plan was published in 2019 and set out our vision, purpose, and values for the 2019–2022 period. Our new business model outlined how we would deliver the plan and respond to new ways of working and the emerging policy landscape.

It set out three strategic outcomes and the key principles we would follow to help us achieve these. The three strategic outcomes are:

- People experience high quality care
- People experience high quality outcomes
- People's rights are respected.

Since early 2020, the world has been significantly impacted as a result of the Covid-19 pandemic, and we have had to significantly adapt our ways of working. Despite the pandemic, our clear vision and strong values still underpin the work that we do. Our strategic outcomes also hold true albeit they need to be adapted to consider our learning from Covid-19 and the significant policy and legislative changes that are underway in the Scottish social care environment.

In September 2020, work on producing a revised corporate plan began and sessions were held with the Board, the Strategic Leadership Team (SLT) and the Operational Leadership Team (OLT). Plans were put in place to start further consultation. However, when the second wave of Covid-19 began to develop, the decision was made, in agreement with the Board, to put this work on hold. Given the current timescale, it is now proposed that we develop a new corporate plan – as opposed to revising the existing one. The new corporate plan will cover the three-year period from 2022–2025.

What our consultation to date has demonstrated is that we have an opportunity to build on our current plan and develop it further to ensure it shapes what our future could and will look like. Comprehensive consultation will restart to ensure that we coproduce and develop the plan with Board members and involving a wide range of people experiencing care and other key stakeholders. The new plan will also reflect our learnings and ensure we work towards achieving our vision in this changing landscape.

2.0 FEEDBACK TO DATE

From the development sessions that took place in late 2020 and early 2021, it was clear that the vision, purpose and values set out in the 2019–2022 plan remain relevant today.

The feedback from the initial development sessions highlighted our wish to be known as the organisation of choice for knowledge, expertise and experience of

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care and the care sector. We want to be respected, trusted and able to respond quickly. We want to listen to and champion the experiences of those who experience care. We want to be an authoritative voice of the sector influencing policy and continually driving quality improvement.

The feedback also largely supported the three strategic outcomes remaining a relevant focus for our future work with some minor changes.

Other factors to be taken into account include balancing rights and choice with safety and positive risk taking, which has been reinforced throughout the pandemic.

It is also proposed to introduce a fourth strategic outcome to focus on our ambition to be recognised as a values-driven employer committed to our employees and offering support and development opportunities to our workforce. The proposed strategic outcomes that we will further consult on, which include the suggested changes from the development session with the Board, SLT and OLT, are:

- **People experience high-quality care:** People experience high quality services and support where needed that balances rights, choice, positive risk taking and safety.
- **People experience positive outcomes:** The care sector is innovative, carries out high-quality self-evaluation, drives forward improvement based on people's experiences and outcomes.
- **People's rights are respected:** People experience person-led, outcome-focused care and support which reflects the Health and Social Care standards and the changing landscape we operate in.
- **Our people are skilled, confident and well supported:** Colleagues working and volunteering with us have opportunities, are invested in, and are valued and listened to.

For each Strategic Outcome we will outline clearly what we will do to achieve these outcomes and how we will measure our success.

In order to simplify our corporate plan and ensure it is accessible and easily understood, it is proposed that the previous strategic objectives will be removed and replaced with clear activities to achieve our outcomes and measures of our performance.

3.0 CONSULTATION PROCESS

A consultation plan is being developed to outline the activities that we will undertake as we develop the new corporate plan. Extensive consultation will help us make the right adjustments and recognise the influencers and drivers that will inform our future.

We recently launched a new consultation platform, through Citizen Lab, and this will provide the central point for undertaking consultation. Our primary focus will be to gather views through a survey and facilitated discussion and workshops with our extensive stakeholder groups.

We will ensure our consultation is open, accessible and inclusive through the use of the Citizen Lab platform and in our promotion and communications relating to the consultation.

We will consult with:

- our own staff and volunteers
- Chair and Board members
- people experiencing care
- care providers
- care staff
- partnerships
- commissioners
- the public
- representative bodies and partner bodies

We will also liaise with Scottish Government sponsor branch throughout the consultation process.

Our consultation via Citizen Lab will be supported by internal events, external stakeholder events and focus groups. The purpose will be to understand what we are doing well and what can be improved from all those connected with – or impacted by – our work. We will look at how we can further involve people in all our work, what the future model of social care should look like, and how we apply our learnings from the pandemic. The feedback received will be used to shape the new corporate plan.

4.0 PERFORMANCE MEASURES

The strategic outcomes will be aligned to performance measures, which will be monitored and reported through quarterly reports to the Board. The performance measures will be developed and aligned with the new corporate plan through a consultative group which Board members will be invited to join as the corporate plan begins to evolve.

5.0 BUSINESS MODEL

The pandemic has meant a shift in our focus. We have adapted the way that we work to carry out scrutiny, assurance and quality improvement support, and focused on the areas of highest risk. This has meant that we have been able to implement aspects of our business model outlined in the 2019-22 corporate plan and test at pace several different approaches that are bringing tangible benefits and improving people's lives.

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These include, but are not limited to:

- planning and delivering intelligence-led and risk-based scrutiny and quality improvement support
- better use of data and information used as intelligence and evidence to target resources
- hybrid scrutiny (short on-site visits supported by virtual inspections)
- virtual/remote scrutiny
- self-evaluation
- continued focus on inspection frameworks that are outcomes and experience-led
- greater focus on intelligence at community level
- wider collaboration in care, knowledge exchange and improvement support
- business and digital solutions
- our registration processes supporting different models of care
- our role in driving national policy.

These approaches reflect the finding and recommendations of the Adult Social Care Review (Feeley, 2021). In developing our new corporate plan, the learning from these findings will be reviewed and the business model adapted accordingly as required based on our evidence. The way that we monitor, manage and respond to risks has also been developed and will be reflected in our business model.

6.0 PROPOSED TIMESCALES

Action	Who	Timescale
Prepare consultation based on feedback to date	Lisa Rooke (LR) / Policy and Comms	Mid-August – September 2021
Set up consultative group with members from the Board, SLT, OLT, a representative from Partnership Forum, Ingrid Gilray	LR	September
Launch consultation (internally and externally) including development sessions with the Board, Senior Leadership Team (SLT) and Operational Leadership Team (OLT)	LR / External facilitator for development sessions	October

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Analyse findings and draw up overall framework and content	LR / Policy and Comms	November – December
Begin development of performance measures for CP (working group with Board members)	Ingrid Gilray	November - December
Present initial findings to consultative group	LR	Late November
Draft CP and Performance Measures to Board (including mock-up of design)	LR/EM/IG/Comms/Policy	December Board Meeting
Revise following Board feedback	LR/EM/IG/Comms/Policy	December/January 2022
Final CP and Performance Measures to Board for approval	LR/EM/IG/Comms/Policy	February Board Meeting
Publish and promote new CP	LR / Comms	End March 2022
Develop Directorate Business Plans aligned to CP	Executive Directors	March
Develop Team business plans aligned to CP and Directorate Plans	EDs with Heads	April 2022

7.0 IMPLICATIONS AND/OR DIRECT BENEFITS**7.1 Resources**

There are no resource implications currently.

7.2 Sustainability

There are no sustainability implications.

7.3 Policy

Pre-pandemic, we had begun making changes to our operating model to further modernise our approach to be risk-based, intelligence-led and targeted in all our work.

As a result of the pandemic there was an immediate need to radically adapt our ways of working, accelerate our learning and respond flexibly. We focused all our work on areas of highest risk and support to those who needed it most. The learning is key in shaping our strategic and operational planning.

As well as drawing on our experiences and learning from operating through the pandemic, there are a range of external influences that will affect our work. We need to ensure that we are engaged in the development of these initiatives and able to shape them to ensure our success in achieving our vision. These external factors, combined with other critical factors, will require us to outline our learning from the pandemic and present a significant opportunity for us to shape our future.

As we begin to look ahead, we need to anticipate how the next set of changes will impact us and ensure that we are ready and able to respond. The new corporate plan for 2022– 2025 will set the framework for addressing these drivers of change.

These include:

Workforce: Covid-19 has shone a light on the care sector, its workforce and the extraordinary efforts of health and social care workers across Scotland in meeting the unprecedented challenges of the pandemic. We have a highly skilled workforce and our strategic workforce plan details how we are supporting colleagues to further develop their skills and expertise. Our strategic workforce plan will be updated alongside the corporate plan to ensure that the two are aligned. Similarly, we will look at how we can support the sector in attracting the skills and resources it needs to operate successfully taking into account the ongoing impact of Brexit on the sector.

Review of Adult Social Care (Feeley): This report recommends improvements to the adult social care system of support in Scotland, in terms of the outcomes achieved by and with people who experience care. The Review recommends the establishment of a National Care Service, setting out how it could “drive consistent, high quality social care support in partnership with people who have a right to receive that support, unpaid carers and the workforce”. It sets out 53 formal recommendations, including revisiting the role of existing national care and support bodies – such as the Care Inspectorate and Scottish Social Services Council - to ensure they are fit for purpose in a new system. This will influence greatly the strategic direction and work of the Care Inspectorate, particularly in the following areas:

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- Market Oversight
- Data sharing
- Quality improvement
- Partnership working
- Involving people
- Rights based care

The detail of the recommendations is yet to be published and, at the time of writing this report, a consultation was due to be published on 9 August 2021. This presents an opportunity to engage in the future of the sector and what the Care Inspectorate's role is within that.

The Promise: The Scottish Government has committed to a review of the 'care system' to meet the needs of children and families and ensure the rights of children must be at the heart of the new framework. The Care Inspectorate is required to demonstrate an understanding of what children and families value, and inform, support, enable and make any changes necessary to ensure the Promise is kept. It will require us to ensure that our inspection and regulation place children's and families' values at its heart.

Early Learning and Childcare (ELC) expansion: We have supported the Scottish Government's expansion of ELC for every three- and four-year-old and eligible two-year-olds by contributing to the national governance of the expansion plan. With the rollout of the statutory requirement to provide 1,140 hours of funded ELC coming into force in August 2021, the next stage is to ensure the implementation of 'Funding Follows the Child' and ensuring providers meet the National Standard. As a result, our scrutiny work is key to monitoring the quality of provision and eligibility to provide funded ELC. We will also need to assess the implementation of the Strategic Framework for school age children and, in particular, the commitment to build a wraparound childcare system providing care before and after school. We will need to consider the impact of these commitments on our role in the scrutiny or improvement support of these services.

The national performance framework (NPF): The NPF is due to be refreshed during the first half of this Parliament.

Corporate parenting role: We will continue to review our progress as a corporate parent and our duties to support care experienced by young people and promote their needs and interests. Our corporate parenting plan will be required to be updated in the lifetime of this new corporate plan to ensure that we are achieving our commitments and remain aligned to The Promise.

United Nations Convention on the Rights of the Child (UNCRC): The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill passed Stage 3 in March 2021 and embeds the UNCRC into domestic law. The Bill is currently the subject of a legal challenge by the UK Government but, if

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enacted as expected, the Care Inspectorate will be required to publish a report highlighting its actions to ensure compliance with the convention. As well as demonstrating compliance, it will be important for us to show how we are living and breathing children's rights across our work and decision making.

Equalities: Our equality outcomes and action plan map out how we plan to meet duties in relation to equalities. This includes how we develop and evaluate rights-based care; how we train our employees and volunteers; and how we procure services and goods from others. We will continue to work towards meeting our equality goals and will publish details as we progress these actions. We are committed to being inclusive and accountable on making equality, diversity and inclusion integral to everything we do.

Reform of Education Scotland / Scottish Qualifications Authority – The Scottish Government announced recently that there will be an overhaul of the system and structures within the education sector. There have been calls to disaggregate the inspectorate and support departments within Education Scotland, which could have an impact on the Care Inspectorate.

Digital transformation: We started a transformation journey over three years ago, implementing a digital system for managing complaints about care services. We then replaced the paper registration form with an online version and streamlined the processing of registration applications onto our main Register. The next stage will support a new business approach to scrutiny, by providing a digital platform to capture and consolidate intelligence so that scrutiny activities can focus on areas of greatest potential risk. This will be underpinned by the creation of a common data hub to gather and share relevant information from stakeholders including public sector partners, providers and those experiencing care. It will provide oversight of care provision from market level down to individual providers and services, which will enable the organisation to be more proactive in identifying improvements, moving from remedial to preventative interventions, and being more flexible in response to changing circumstances and demands. Again, this links in with the recommendations of the Feeley review and will be key to shaping our future role.

Societal and economic recovery: Covid-19 has exacerbated existing inequalities disproportionately affecting those living in disadvantaged areas and from ethnic minority backgrounds. There is a need to address the deep-rooted inequalities across Scotland and tackle child poverty. There is an opportunity to amplify our role in supporting improvements across public services to help reduce health and social inequalities across the country.

7.4 People Who Experience Care

It is imperative that the Care Inspectorate's core purpose of scrutiny, assurance and improvement support is set out clearly though a Corporate plan which is easily understood and accessible to people experiencing care services, our partners and all who we work with. In developing our new corporate plan,

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particularly in the light of the pandemic, it will ensure our critical work is carried out in a way that focuses on safety and outcomes for people, paying particular attention to overall health and well-being of people experiencing care. It is also essential that we seek the views of those who experience care when we develop the corporate plan to ensure that it is relevant to and understood by this important stakeholder group.

7.5 Customers (Internal and/or External)

The new corporate plan will be developed through a consultative process which will include internal colleagues, external partners and people experiencing care. The feedback will be analysed and will inform and refine the final publication.

8.0 NEXT STEPS

The Board is invited to approve the principles, process and timescales outlined in this paper.

The Board is invited to agree that the Board Strategic Event in October 2021 be used for the purpose of co-producing and shaping the new corporate plan.

If approved, this work will begin immediately with consultation planned for October and a draft of the new corporate plan will be presented to the Board in December. Further revision can then take place prior to final publication in March 2022.



BOARD

Schedule of Business 2021/22

BUSINESS TOPIC	17 June 2021	12 Aug 2021	23 Sept 2021	16 Dec 2021	10 Feb 2022 (if req'd)	31 Mar 2022
Chair's Report	✓	✓ Expanded to cover whole term of office	✓	✓		✓
Chief Executive Report	✓	✓ (Verbal)	✓	✓	✓	✓
STRATEGY AND POLICY ITEMS						
Approval of Care Inspectorate Strategies on a rolling/as required basis <ul style="list-style-type: none"> • Financial Strategy • Customer Service Strategy • Legal Services Strategy • ICT Strategy • Intelligence Strategy • Shared Services Strategy • Information Governance Strategy • Communications Strategy • Improvement Strategy • Health and Safety Strategy • Workforce Strategy 	Financial Strategy					
Corporate Plan		✓ (Update/ Framework)		✓ (first draft and performance measures)	✓ (final)	

BUSINESS TOPIC	17 June 2021	12 Aug 2021	23 Sept 2021	16 Dec 2021	10 Feb 2022 (if req'd)	31 Mar 2022
Financial Strategy	✓ Private item					
Scrutiny and Assurance Plan	Revised 2021-22			✓		
Budget and Indicative Budgets						✓
Strategic Risk Register 2021/22	✓					
Approval of Risk Appetite and Risk Policy	✓					
“The Promise” Scotland Plan 2021-24	✓					
Annual Review of Procurement Strategy			✓			
MONITORING AND GOVERNANCE ITEMS						
Monitoring our Performance Quarterly Report	Q4 ✓		Q1 ✓	Q2 ✓		Q3 ✓
Minute of Audit and Risk Committee	✓		✓	✓		✓
Complaints Activity Report	✓ (annual)			✓ (mid-year)		
Revised Counter Fraud, Bribery and Corruption Framework	✓					
Annual Accounts 2020/21 Progress Report <i>(to 1st Quarter meeting of Board)</i>	✓					
Board Self-Evaluation Action Plan (arising from Board Governance Review)	✓					
Shared Services Update Report	✓					
Annual Report and Accounts - Audit Committee Annual Report to the Board - Draft Annual Report and Accounts 2019/20 - Combined ISA260 Report to those Charged with Governance and Annual Report on the Audit			✓			
Budget Monitoring <i>(Report from MOWG: Budget Development to be presented to December and March Board)</i>			✓	✓ (+ MOWG report)		✓ (+ MOWG report)

BUSINESS TOPIC	17 June 2021	12 Aug 2021	23 Sept 2021	16 Dec 2021	10 Feb 2022 (if req'd)	31 Mar 2022
Health, Safety and Wellbeing Strategy and Action Plan						✓
Health, Safety and Wellbeing Annual Report				✓		
Equality Duty Reporting – Annual Progress Report			Update report			✓
Corporate Parenting Report						✓
Best Value Report 2020/21			✓			
Annual Review of the CI's Financial Regs						✓
Annual Procurement Performance Report			✓			
OPERATIONAL ITEMS						
Digital Programme Update Report	✓ (Appendix to Audit & Risk Committee report)		✓			
Digital Programme Stage 2 Business Case			✓			
Chief Nurse Update	✓			✓		
Remobilisation Update (Future Working Group)	✓					
Shared Service Update	✓					
HR Annual Report			✓			
Board and Committee Cycle 2022/23 – proposed meeting dates			✓			
Approval of Pay Remit for submission to Scottish Government (tbc)						
Update on Significant Organisational Restructures (when required)						
Estates Update (when required)						
Approval of Compensation Payments (when required)						
Identification of Risk	✓		✓	✓	✓	✓
Schedule of Board Business	✓	✓	✓	✓	✓	✓

BUSINESS TOPIC	17 June 2021	12 Aug 2021	23 Sept 2021	16 Dec 2021	10 Feb 2022 (if req'd)	31 Mar 2022
CI Employee Relations Appeals (<i>standing item, but when required</i>)	✓		✓	✓		✓
PRIVATE AND CONFIDENTIAL ITEMS						
Financial Strategy	✓					
Formal Request Of Establishment: Digital Transformation and IT Directorate and Executive Director Post	✓					
Inspection Of Care Homes – Proposals For Joint Inspection With Healthcare Improvement Scotland	✓					