The Learning Disability Alliance Scotland welcomes this opportunity to comment on the proposed changes to Scrutiny bodies in Scotland contained within the Public Services Reform (Scotland) Bill.

**General**

Generally it is our position that the public body landscape is too cluttered within Scotland. Lots of duplication exists without a clear justification. Too many public bodies means that each has to justify its own existence, defend a range of practices and continually produce new initiatives to show that it is “doing the business”.

The steps taken by this bill to reduce the number of scrutiny bodies could be equally applied to local authorities, bringing a degree of consistency to the issue of service provision over the country.

**Public Service Improvement**

In addressing specific points made we believe this Bill will "help simplify and improve the landscape of Scottish public bodies, to deliver more effective, coordinated government that can better achieve its core functions for the benefit of the people of Scotland". We are particularly pleased to see the merging of the Care Commission and SWIA.

Public scrutiny bodies need to be fit for purpose and the current separation of these two bodies does not reflect the changes that have taken place in the relationship between the local authorities and social care providers. Today local authorities have a far more contractual relationship with service providers whether it is in the form of formal commercial contracts or that of service level agreements. Understanding this relationship is important to the future of social care services in Scotland and a single inspection body is far better placed to do that than two separate ones.

We are concerned that although the new body SCSWIS has the power to inspect the organisation and coordination of social work services, it is not clear whether this covers the inspection of the commissioning of care services. Neither does SCSWIS have the power to issue an “improvement notice” to cover the process by which local authorities commission, design or organise care services. This means that recommendations from inspections may or may not result in change.

Our concern over this matter stems from our experiences in debating the question of quality in how local authorities commission social care services through the process of competitive tendering.
Despite the Care Commission having experience of thousands of care services across Scotland and developing comprehensive standards for the assessment of quality of these services, local authorities completely disregard such standards in preparing competitive tendering documents. In this process, local authority commissioning teams set new standards which have not been assessed or tested in practice, relying, almost exclusively, on paper evidence for this.

The Care Commission currently and SCSWIS will in the future have to inspect services commissioned to a different set of standards from their own. This has the potential to lead to poor quality services with providers having to operate to two sets of standards, one in their contract and the other from SCSWIS.

We think that SCSWIS should have the power not only to investigate the “organisation and coordination” of social work service and how they are commissioned but be able to use “improvement notices” to ensure appropriate improvements are made.

The use of neighbouring local authorities to supply services where a local authority cannot meet the requirements of an improvement notice should be considered.

**Good Progress**

We believe that the overall aim of this piece of legislation is consistent with the five guiding principles recommended by the Crerar Review of

1. public focus,
2. independence,
3. proportionality,
4. transparency and
5. accountability

**Background**

The Learning Disability Alliance Scotland was formed in 1999 when a number of users, carers and professionals working with people with learning disabilities came together to create an organisation that could represent the views of people with learning disabilities. Our membership currently stands at twenty organisations working throughout all areas of Scotland.

Members include Enable Scotland, Down’s Syndrome Scotland, CrossReach, Quarriers, PAMIS, Enable Glasgow, Association For Real Change, Unity Enterprises, The Action Group, Ark Housing Association, Gowrie Care, Key Housing Association, Leonard Cheshire Scotland, Cornerstone, L’Arche, Quality Action Group, Partners In Advocacy, Powerful Partnerships.

Ian Hood  
Coordinator  
Thursday, 06 August 2009