



Migration Advisory Committee (MAC): Review of Tier 2, Call for Evidence

This response is from the Scottish Social Services Council (SSSC). The SSSC is a Non Departmental Public Body (NDPB) and was established by the Regulation of Care (Scotland) Act 2001. We are responsible for registering people who work in social services, regulating their education and training and the collation and publication of data on the size and nature of the sector's workforce. We are also the Scottish partner in Skills for Care and Development, the Sector Skills Councils for the care sector in the UK.

Our work increases the protection of people who use services by ensuring that the workforce is properly trained, appropriately qualified and effectively regulated. We aim to protect people who use services, raise standards of practice, strengthen and support the professionalism of the workforce and improve the outcomes and experience of people who use social services. The social service workforce provides care and support for some of the most vulnerable people in Scottish society. The sector employs approximately 200,000 people¹ in Scotland (SSSC, 2015). These workers often deal with complex care needs and make a real difference to individuals' lives.

Our vision is that our work means the people of Scotland can count on social services being provided by a trusted, skilled and confident workforce. Our purpose is to raise standards and protect the public through regulation, innovation and continuous improvement in workforce planning and development for the social service workforce.

The MAC's call for evidence identified a number of issues that the UK Government had asked them to investigate. Our response looks at four of these that we consider relevant to our sector. Our feedback is based on discussions at a meeting with representatives from two employer bodies. One of these representatives is from Social Work Scotland.² The other representative is from Scottish Care.³

Those working in the social service sector whether for public, private or voluntary service providers are key public workers as the majority of funding to run these services comes from public expenditure.

¹ There are a number of groups of workers not captured by this data. These include child-minding assistants and personal assistants employed by individuals in receipt of a direct payment (SSSC, 2015)

² Social Work Scotland represent social workers and other professionals who lead and support social work across all sectors.

³ Scottish Care represents the largest group of Health and Social Care independent sector providers across Scotland with over 400 members.

1. Minimum salary thresholds

There was concern expressed by sectoral stakeholders about the way in which the MAC has decided to calculate salaries in the social service sector for social workers and nurses. The MAC indicates in the Call for Evidence that the salary for social workers (SOC 2442) will be obtained from salary data from the NHS Agenda for Change. The rationale for this is not clear, given that over 95% of social workers in Scotland are employed by local authorities with less than 5% within the NHS in Scotland (all of whom are based within one health board namely, NHS Highland).

The SSSC as part of its work as an Official and National Statistics producer on the Scottish social service workforce gathers data from local authorities on social worker pay. As such we would welcome discussion with the MAC as to how this data may be able to be used to provide a more accurate picture of the salaries of social workers in Scotland.

The Call for Evidence also states that salary data on nurses is obtained via the NHS Agenda for Change. This will have an impact on any employers attempting to use the Resident Labour Market Test (RLMT) to employ non-EEA nurses. While the rationale for this is more obvious there were concerns from our stakeholders that using that salary scale will disproportionately affect private and voluntary sector providers of social services as nurses pay in this sector is lower than that in the NHS.

Scottish Care is gathering further data on salaries and it is hoped that they will be able to submit that to the MAC at a later date. The SSSC knows from our Official Statistics work⁴ that the number of nurses working in social services has risen to 6,850 as of December 2014. This is an increase of over 100% from 2009. Approximately 10% of nurses working in Scotland now work within the social service sector. We expect demand for nurses to work in this sector to continue to rise.

2. Shortage Occupation List (SOL) time limit ('sunseting')

There was concern from stakeholders about the setting of a time limit for occupations on the SOL. This was particularly in the context of the lack of a clear review process and the fact that the current process for having an occupation placed on the SOL is dependent on the MAC, at the prompting of the UK Government, asking for evidence of shortage occupations. This concern regarding time limits would be particularly the case if the Resident Labour Market Test (RLMT) "route" disappears as was suggested might be the case in the Call for Evidence.

If the length of time that an occupation stays on a SOL is to be time-limited then it would be important to produce clear guidelines about how occupations can be admitted to the SOL other than by invitation. In addition, it would be important to have a clear process for reviewing occupations on the lists. This would guard against the possibility of occupations being removed without consideration of whether the conditions which led to them being placed on a SOL have now changed sufficiently for the better.

⁴ 2014 Scottish Social Service Workforce [data report](#), published August 2015

3. Skills levy

The discussion concerning a possible skills levy for employers using non-EEA migrants identified a few issues and concerns. The purpose of the skills levy and how the monies raised would be used was unclear. It seems partly to be a way of discouraging employers from recruiting outwith the EEA and as such could have an impact on businesses that through no fault of their own have been unable to recruit from within the UK or EEA.

A second issue was how such a proposed skills levy would fit with the skills levy for Modern Apprenticeships put forward by the Chancellor of the Exchequer in his recent budget (July 2015).

Finally, imposing a skills levy on organisations providing key public services increases the costs of delivering those services. As funding for such services comes primarily from public expenditure then introducing a skills levy would appear to reduce the funding available to deliver them unless there is a corresponding rise in the available public funding.

4. Rights of migrants' dependents

There were concerns from stakeholders that this would make it more difficult for migrants and their spouses/partners to settle successfully and integrate into British society. In view of this it was felt there was little to gain from such an approach.

References

Scottish Social Services Council . (2009). Codes of Practice for Social Service Workers and Employers. Dundee: SSSC.

Scottish Social Services Council / NHS Education for Scotland. (2013). Equal Partners in Care (EPiC): core principles for working with carers and young carers. Edinburgh: NHS Education for Scotland / SSSC.

Scottish Social Services Council. (2015). Workforce Data Report, 2014. Dundee: SSSC.

SSSC. (2015). Scottish Social Service Sector: Report on 2014 Workforce Data. Dundee: Scottish Social Services Council.

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September 2015