**Response to CMA Annual Plan Consultation**

**Introduction**

Scottish Care welcomes the opportunity to respond to the consultation on your Annual Plan for 2019/20. This submission has considered the following questions outlined in the submission guidance:

* to what extent do you agree with the overall direction and areas of focus for the CMA set out in the 2019/20 draft Annual Plan?
* is there anything more you think we should do during 2019/20?
* is there anything you think we should de-prioritise during 2019/20?
* are there specific commitments or objectives you would like to see in the CMA’s final Annual Plan?

We also look forward to contributing in person at the Plan Consultation event in Edinburgh to be held on 15 January.

Scottish Care notes the particular changes which may result from Brexit around regulation, as well as the potential staffing pressures this may cause as the CMA adopts additional duties. We would welcome involvement in the prioritisation of non-obligatory work such as market studies and what “flexibility” might look like. Within the context of staffing concerns, Scottish Care would like to echo concerns about the capacity of the CMA to function on an international standing as the impact of Brexit attracts the interests of organisations from outside the EU.

**Response**

Overall, Scottish Care support the general direction and areas of focus as set out in the draft Plan. Please find a response to each item of focus below:

* + **protecting vulnerable consumers**

As the representative body for a sector which aims to create the conditions required for the provision of high quality care and support, this priority is welcomed by Scottish Care.

Scottish Care and partners are currently working towards meeting recommendations listed in response to the report on Care Homes carried out last year. Whilst the Plan mentions this year’s focus will be on “everyday items”, we hope there is also capacity to revisit the Care Homes report as outlined in the annual report.

As a significant proportion of the care sector in Scotland, unlike in England comprises of SMEs, Scottish Care notes the identification of SMEs as being at risk of being victims of anti-competitive practices, and that they may have lower awareness of competition and consumer law. Scottish Care recommends that an awareness raising campaign should sit alongside the pursuing of cases to prevent any anti-competitive practice from occurring in the first place.

In response to the following statement “Consumer vulnerability is not a binary concept: it is multidimensional and often highly context-specific. Such consumers often stand to lose proportionately more when markets are not working well, or they may be the losers in a market that is otherwise working well for most consumers.”, Scottish Care would ask that the CMA note in their investigations that the care sector in Scotland operates in a peculiar market where the largest customers are statutory bodies who often also provide the same service, and that each local area is essentially its own market. This in itself creates disparity in the way that services are commissioned, which has a resulting impact on the dynamic of the procurement of services for vulnerable citizens. This is particularly heightened for our home care providers who in some places find themselves compromised between disrupting the continuation of the care and support of a vulnerable person, and bidding for a contract at a price lower than it costs to deliver.

Scottish Care is, with partners, in the process of creating an information awareness campaign in response to the report on Care Homes that the CMA released last year. At the heart of its production has been the involvement of older people. Scottish Care would welcome any work going forward to apply learning to help ensure that vulnerable people are not exploited and that markets work in their favour as outlined in the CMA draft Plan.

* + **improving trust in markets**

With particular reference to the following paragraph from the report: “We will therefore continue to be a trusted and challenging adviser to UK and devolved governments. This includes showing how effective competition benefits consumers and supporting policymakers to develop policies and regulations that ensure appropriate consumer protections and encourage competitive markets.”

Social care in Scotland is experiencing trends towards outcomes focussed commissioning and a policy push towards greater collaboration between organisations in a move towards maximising resources in a person focussed way. This requires the establishment of a trusting and collaborative market which is difficult to facilitate in competition.

Scottish Care recommends that the CMA explore how a competitive market could facilitate trust based commissioning, and recognise it as a valuable asset both for the sector, and in the way that care and support can be delivered. The Plan refers to working with stakeholders on the benefits of competitive markets, and Scottish Care would welcome involvement in such work.

* + **promoting better competition in online markets**

Our sector does not currently provide in the digital sphere although assurances are desirable in relation to purchases which the care sector might make. Scottish Care is concerned that the use of technology in social care settings should be undertaken within appropriate safeguards  both to enable individual access and control over personal data and to ensuring appropriate use of data in social care.

* + **supporting economic growth and productivity**

Until a report released by the SSSC last year, the economic value of social care in Scotland was unrecognised. In making a contribution of £3.4 billion to the economy (incidentally, more than agriculture, forestry and fishing) any work on supporting economic growth and productivity should also include the care sector.

This report has previously referenced the monopsony in which social care in Scotland operates which creates peculiar market dynamics, which could limit opportunity for the “Disruptive innovation” which the Plan considers desirable.

Scottish Care would welcome investigation and recommendations for mitigating such risk.

**About us**

Social Care is a significant contributor to Scotland, bringing £3.4 billion to our economy and employing one in 13 Scots. The Independent Sector delivers 83% of care home places and 55% of homecare hours in Scotland. In one night, 36,000 people will sleep in a care home, and 67,000 will be supported at home. In contrast 14,000 will stay in a hospital.

Scottish Care is a membership organisation for the Independent Care Sector; we represent 98% of care homes in Scotland, and over 55% of care at home hours, that totals around 900 individual services, delivering residential care, nursing care, day care, care at home and housing support services.

As part of this, we produce research to support our findings and to promote a human rights based approach to care and support. Our aim is to create an environment in which care providers can continue to deliver and develop the high quality care that communities require and deserve.