

National Frameworks

Report of the Scotland Excel and
Coalition of Care and Support Providers in Scotland
Short Term Joint Working Group

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Chapter 1: Background and Joint Working Group

1. Background

As part of its approach to the future of commissioning and procurement, ethical commissioning, national frameworks and contracts, the Coalition of Care and Support Providers in Scotland (CCPS) arranged a member workshop in September 2023. The focus of the workshop was on the work of Scotland Excel and the national frameworks and contracts for which it holds responsibility. This particular focus was chosen given the regular comments made by members about the difficulties of joining and working with frameworks and their administration by Scotland Excel. A subsequent joint workshop was held between CCPS members and Scotland Excel staff.

As a result of these initiatives CCPS published the report, 'National Frameworks and the role of Scotland Excel: CCPS provider feedback and proposals.' The report summarised feedback from CCPS members on their concerns and frustrations in relation to the commissioning and procurement of social care and support services in Scotland, the use of frameworks and their experiences of working with Scotland Excel.

Two of the key proposals from that report were:

- i. The establishment of a short life joint working group between CCPS and Scotland Excel to address the immediate and current concerns and frustrations of CCPS members, with a view to finding shared solutions and improvements.
- ii. The publication of a joint report (CCPS/Scotland Excel) on the work of the short life joint working group identifying shared solutions and improvements.

This report summarises the work of the joint working group and is the follow-up joint report referred to in (ii) above.

2. Short life joint working group (SLWG)

The short life joint working group included representatives from both organisations:

Scotland Excel

Three representatives

CCPS

Two CCPS staff

CrossReach

Community Integrated Care

Scottish Autism

Wheatley Group

Scottish Action for Mental Health

Cornerstone

The group was chaired by Peter Bailey who was commissioned by CCPS to facilitate the SLWG and prepare this report.

The group met on six occasions, commencing on 23 October 2024, to consider the following issues highlighted from the previous report. A fuller breakdown is included in [Appendix 1](#).

- Rates, conditions and uplifts.
- Consistency and clarity.
- Improved management information, data gathering and monitoring.
- Making contracts person-centred, outcome-focussed and co-production with people who use services.
- Improving communication, involvement of members, information sharing and administration.

The group discussed the concerns and frustrations of CCPS members identified under each of the five headings. Discussions were constructive and aimed towards achieving a mutual understanding, finding joint solutions and improvements and identifying areas outside the scope of the group for consideration by other stakeholders. As the discussions progressed it became clear that the issues fell into 4 categories:

- 1) **Agreed shared solutions and improvements** - Issues on which the joint group have reached agreement on a shared solution/improvement which can be immediately implemented following publication of the report.
- 2) **Clarification** - Questions raised by CCPS members, discussed by the joint group, and on which straightforward clarification can be provided in this report.

- 3) **Planned solutions and improvements** - Issues discussed by the joint group but which require further work and development by Scotland Excel following the publication of the report.

- 4) **Wider sector issues** - Issues identified by the group which relate to the wider social care landscape such as matters relating to social care policy, funding or the roles and responsibilities of other organisations. The group recognised the impact of these issues, but the involvement of other stakeholders is required to influence change.

A chapter of the report will be devoted to each of the 4 categories. However, [the next chapter](#) provides a summary of the shared solutions and improvements arising from the work of the group with a quick reference guide to the appropriate section of the report.

The working group considered the requirement for improved management information, data gathering and monitoring and, in view of the complexity, set up a **Social Care Contract Management Information and Data Subgroup** comprising working group members of CCPS and Scotland Excel to consider these matters in depth. The subgroup met four times and produced a report which is included as [Appendix 2](#). References to the content of the subgroup report are made throughout this main report with some proposals for future joint work included in [Chapter 6](#).

Chapter 2: Quick Reference Guide

This chapter provides a summary of the shared solutions and improvements arising from the work of the group with a link to the appropriate section of the report.

1. [Scotland Excel Commitments](#). (See also [Appendix 4](#).)
2. A participation strategy covering Scotland Excel's approach to the [participation of people who use services](#).
3. A commitment from Scotland Excel to establish new [contract specific provider forums](#) to facilitate partnership working and a twice-yearly meeting with CCPS.
4. A commitment by Scotland Excel to achieve [greater consistency across frameworks](#).
5. A commitment from Scotland Excel to achieve [consistency of scrutiny across providers](#) participating in different frameworks.
6. Guidance on [allocation of costs, fee setting, and surplus and reserves](#).
7. Clarification of Scotland Excel's role in making contracts [person-centred and outcome-focussed](#). (See also [Appendix 5](#).)
8. Social care-specific guidelines on [monitoring and reporting on social value considerations](#) including Community Benefit. (See also [Appendix 6](#).)
9. Agreed [data principles and commitments](#) as part of the subgroup's Social Care Contract Management Information and Data Review.
10. A commitment from Scotland Excel to look at [legal complexity](#).
11. A commitment from Scotland Excel to look at greater transparency on the [limitations of funds from local authorities](#).
12. A summary of [lessons learned from a recent survey](#) conducted by Scotland Excel.

13. A call for wider sector consideration of:

- [Consistency of information collection and sharing](#) across the sector.
- [Consistent implementation of frameworks](#) by local authorities.
- [Sustainable funding for social care.](#)
- [Fee setting and fee variation timescales and holdups.](#)

Chapter 3: Agreed Shared Solutions and Improvements

This chapter covers the issues where the joint group have reached agreement on shared solutions/improvements. These initiatives are immediately implementable on the publication of the report and seek to address agreed areas for improvement. They represent the results of a process of mutual understanding from Scotland Excel and CCPS participants and a clear desire to achieve improved working relationships. A summary of each area of concern is followed by the joint working group response.

1) Communications, Culture, Timescales, Administration, Collaboration, Documentation, and Relationships.

This range of issues were very much at the heart of CCPS member concerns and frustrations and formed a large part of the joint discussions.

Joint working Group Response

The following **Scotland Excel Commitments Document** (Figure 1 & App 4) addresses many of the issues raised to improve working practices and relationships. It provides a baseline for building trust and understanding. The document recognises the concerns of CCPS members about the perceived power imbalance between providers and other stakeholders and reflects Scotland Excel's commitment to working in partnership with providers.

Group members applauded and welcomed this commitment from Scotland Excel and in the spirit of constructive partnership encourage CCPS providers to mirror these principles in their relationships with Scotland Excel.

Commitments

1. Communications will be clear and timely.
2. The tone of all communication will be professional and respectful, whether in writing or in person.
3. The meeting chair will ensure that:
 - a. the reason for the meeting is clearly explained.
 - b. an agenda is provided in advance.
 - c. the commitments are adhered to.
4. All views will be listened to and respected. Any conflicting views will be acknowledged, and parties will seek to find common ground to progress actions, issues, or concerns.
5. Feedback and discussions on issues and improvements will be constructive, with reasonable and relevant actions and adjustments agreed where possible. A proportionate approach will be taken, with the focus being on issues and improvements which have the potential to have a material impact. Minor issues will be recognised and treated as such.
6. Parties will recognise each other as partners and seek to collaborate effectively and achieve consensus where possible. Joint solutions to problems identified will be developed where possible.
7. Parties will recognise the respective roles and responsibilities of others, including the limits of those roles.
8. Opportunities for sharing information/views in a group format will be encouraged.
9. Opportunities for identifying and sharing best practice will be actively sought.
10. Timescales will be communicated clearly and set out ahead of time.
11. Any delays or changes to timelines will be communicated in a timely manner and any appropriate mitigations considered. This will include full consideration of feedback from providers, where relevant.
12. A minimum notice period of two weeks will be provided for key meetings such as post tender negotiations. Where possible, more than one date option will be provided.
13. Opportunities will be given to communicate via telephone or via online meetings where this is appropriate.
14. Documentation and processes will be as streamlined as possible.
15. Requests for information will be accompanied by a rationale for the request and a reasonable deadline for completion.
16. Links to online surveys will be issued along with a separate summary of the questions included, to aid completion.
17. Issues or concerns will be dealt with promptly. Where a provider raises a concern, Scotland Excel will respond with 2 working days acknowledging the communication and confirming an anticipated timeline for a response.
18. Responses to questions posted on the PCSTender portal will be answered in a timely manner. Responses will be helpful, meaningful and concise whilst aligning, and where necessary, directing, to related information provided within the contract documents.
19. Templates provided will be fully tested prior to publication. Scotland Excel will work with providers to develop formatting and to test templates where it is appropriate to do so.

2) Surpluses and Reserves

The group discussed the call from CCPS for clearer guidance and clarification on Scotland Excel's approach to the scrutiny of organisational surpluses and reserves to enable the providers to understand the context and, if necessary, provide information appropriately.

Joint Working Group Response

The clarification by Scotland Excel in response to the concerns of CCPS members will be given within guidance that will be produced by 2026. This guidance will address fee setting processes, allocation of workforce and non-workforce costs in submissions, and surplus and reserves. CCPS representatives confirmed that organisations had reserves for specific purposes in line with OSCR guidance and not to subsidise underfunding by local authorities. Equally, the group recognised that reinvestment of surpluses into service improvements for the benefit of the people who receive services often provides a wider service at no extra cost to commissioners. The group welcomed the guidelines produced by Scotland Excel, particularly its emphasis on satisfying themselves of provider sustainability. CCPS representatives urged Scotland Excel to consider an organisation's reserves policy and not just the level of reserves to provide context. Representatives believed that this was a good opportunity to encourage CCPS members to ensure that they have a robust reserves policy should Scotland Excel seek assurances as part of their scrutiny. There was no doubt in the minds of CCPS members that Scotland Excel has a responsibility to scrutinise surpluses and reserves. However, they were encouraged to note that scrutiny of reserves takes place where there are significant increase requests or exceptional concerns.

3) Participation

There were two elements of participation in the development of frameworks considered by the group:

- (1) Participation of people who use services
- (2) Participation of providers

Joint Working Group Response

- 1) ***Participation of people who use services*** – Following a group discussion, Scotland Excel produced a participation strategy ([Appendix 5](#)) outlining their approach to the participation of people who use services in the development of frameworks. The group considered this approach to be proportionate and helpful clarification for CCPS members.

- 2) ***Participation of providers*** – Scotland Excel confirmed that they have plans to introduce contract specific provider forums. These would be an ongoing vehicle to enable the sharing of best practice, and joint exploration of any issues or risks identified during the lifetime of a contract. These groups would also be a key route to glean feedback and test lessons learned ahead of framework re-development activity. The group welcomed this and noted that the expected implementation will be staggered throughout 2025. The commitment made by Scotland Excel and CCPS in the previous report to meet twice a year will also provide participation opportunities for CCPS providers.

4) Consistency Across Frameworks

CCPS members highlighted the differences across frameworks and the group discussed the likelihood of achieving more consistency.

Joint Working Group Response

The group acknowledged that frameworks cannot be fully aligned and must be tailored to each individual service commissioned. However, Scotland Excel are committed to achieving greater consistency, where it is appropriate, and their plans to do so are covered in [Chapter 6](#). They have made initial steps to achieve this through the creation of a new, central Strategic Commissioning Contracts Team who will bring greater alignment across the care service teams. Ultimately, they will be looking to merge some activities such as tendering, applications to join and dealing with variations.

5) Consistency of Scrutiny

The group discussed CCPS member perception that different levels of scrutiny appear to apply to different providers who are on the same framework.

Joint Working Group Response

Scotland Excel confirmed that a set of principles are consistently applied in relation to each provider participating on a particular contract. The reason for the perceived inconsistency of scrutiny is that there may be unique factors applying to a provider's submission. CCPS members were happy to note that unless there are unique provider specific issues the level of scrutiny of cost increases by Scotland Excel should be consistent. The spirit of the Scotland Excel Commitment document underlines this continued commitment to equity.

NOTE – Discussion on the issue of scrutiny highlighted the fact that providers are sometimes advised by Scotland Excel that their rates or elements of their rates are significantly different from cost indices or average rates. CCPS members were concerned about the use of an average rate given that there might be factors such as the provision of specialist services which justify a higher rate. Conversely, they argued that if average rates were a measurement of scrutiny they should equally be advised when rates are below the average. There was also discussion about the capping of rates to enable providers to decide whether to offer services at this rate rather than be negotiated down. There was no consensus on this issue since it was recognised that many factors influence rates including geographical factors and nuances in the provision of complex care.

6) Clarification of Costs

The group considered the concerns from CCPS members that clarification is needed on where to include workforce and non-workforce costs in submissions.

Joint Working Group Response

The working group welcomed statements by Scotland Excel which clarified the issue of allocation of costs in submissions; this will be included within forthcoming guidance.

7) Making Contracts Person-Centred and Outcome-Focused

In the earlier workshops CCPS members questioned how Scotland Excel ensure that frameworks are person-centred and outcome-focused. The group identified that there was a lack of clarity in Scotland Excel's role in monitoring personal outcomes of people who receive services under frameworks. This was an area of discussion for the group who agreed that clarity on this point was important.

Joint Working Group Response

The participation strategy ([Appendix 5](#)), referred to earlier, covers how Scotland Excel will ensure that the national overarching frameworks reflect the needs and views of those people who use services. In the document they commit to review and adapt future iterations of national arrangements to ensure alignment with best practice in relation to participation and person-centred care. Scotland Excel will ensure that national frameworks have the flexibility and structure to enable personal outcomes to be set and monitored at a local level. Required outcomes are set by local authorities and, in the opinion of the group, it is their responsibility to ensure that outcomes are monitored and met in partnership with local providers. The group agreed that the work of Scotland Excel is to set the national frameworks for the procurement of services, but they can have no role in the monitoring of individual outcomes. The group discussed the potential for Scotland Excel to consider framework level aggregate outcome tracking but concluded that this is complex, not a high priority and would not necessarily offer useful information. The Social Care Contract Management Information and Data Subgroup report ([Appendix 2](#)) covers this in more detail.

8) Community Benefit

The requirement to evidence 'community benefit' appears to be standard across all areas of Scotland Excel's procurement. Group members called for a social care-specific approach to this since they argued that community benefit is implicit in the services they deliver to the local community. Providers suggested that there should be no requirement to evidence 'additionality' to what is required within frameworks, as within legislation Scotland Excel is required only to 'consider' whether to apply community benefit reporting.

Joint Working Group Response

Having heard the views of group members, Scotland Excel produced a helpful document outlining a social care-specific approach to community benefit which forms [Appendix 6](#). CCPS members on the group particularly welcomed this proportionate approach which will provide flexibility for providers in addressing this within frameworks.

9) Data Purposes

As part of the consultation, CCPS members sought clarification on the purpose of the management data collected by Scotland Excel.

Joint Working Group Response

The Social Care Contract Management Information and Data Subgroup discussed this issue of data purposes and agreed the following five categories:

- (a) Usage data
- (b) Compliance data
- (c) Quality data
- (d) Impact data
- (e) Local Needs data

These are expanded in the report of the Social Care Contract Management Information and Data Subgroup at [Appendix 2](#).

10) Data Principles

The Social Care Contract Management Information and Data Subgroup ([Appendix 2](#)) considered the establishing of data principles when Scotland Excel are considering the management information collected under a new framework or renewed frameworks.

Joint Working Group Response

The group welcomed and agreed the following data principles which will apply when Scotland Excel is considering the management information collected under a new framework or renewed frameworks:

- (a) Increase consistency of approach across frameworks.
- (b) Focus on key usage data.
- (c) Take an iterative and fair partnership approach to data requests with providers and purchasers.
- (d) Minimise duplication of data with other agencies.
- (e) Make use of data that has already been provided to prepopulate requests.
- (f) Provide overview documents to assist with internal data collection.

11) Actions from Social Care Contract Management Information and Data Subgroup

The following actions arising from the work of the subgroup were agreed:

Scotland Excel Actions	Target Completion Date
Scotland Excel to review whether local authority framework usage data can be shared with providers.	Review and recommendations by end of 2025.
CCPS providers raised that it would be helpful to have all management information dates set out at the beginning of a contract. Scotland Excel have highlighted that this is normally embedded within Terms and Conditions. There are some parts of Scotland Excel where a schedule of timescales is shared, and this is helpful; this is practice they will look to share across the organisation.	Confirmation of current timescales issued. To be included as part of mobilisation guidance for all new contracts.
Scotland Excel shortened the deadline for Management Information for children's services by a week to meet internal deadlines but was unaware that this has been causing added pressure for providers. Scotland Excel will look to revert to the original deadline and give providers a full month to gather, check and submit information.	Complete.
Management information is a contractual obligation, and Scotland Excel highlighted that there are occasional circumstances where this has not been provided. Scotland Excel is developing their strategy for escalating cases where this information has not been provided. This will help to ensure clarity for providers.	Individual cases are being escalated and will be as needed on an ongoing basis.
Scotland Excel to provide a list of the questions within quarterly/annual returns so that points of contact within provider organisations can co-ordinate and gather information more easily.	Ongoing as surveys are issued.

Where possible, remove Compliance and Quality data (outlined in Appendix tables) from management information. This will be kept to a minimum.	Ongoing as individual contract MI is reviewed.
Review management information for CHALD framework.	New management information process to be agreed for replacement contract within first quarter of framework operation.

12) Lessons learned from recent Care and Support Framework

The group received a helpful presentation on the lessons learned from the recent Care and Support Framework. The content was drawn from the provider survey conducted by Scotland Excel.

Joint Working Group Response

The group discussed the care and support survey results. Positive feedback was received in the survey responses in relation to improvements made to streamline the application process and documents, and this view was echoed by the group. Survey respondents generally found the guidance documents clear and helpful, although some still felt there was too much information.

Positive feedback was noted in relation to the information sessions, with the content presented and the opportunity to ask questions highlighted as helpful.

Some providers welcomed the opportunity to engage with local commissioners as well as Scotland Excel in relation to local budget pressure and rates during post-tender negotiations. Others found the post-tender negotiation process particularly difficult. The group discussed the post-tender process and agreed several areas for improvement, which have been reflected as commitments in the Scotland Excel Commitments document.

A summary of key areas for improvement identified through the survey process and discussed with the group is set out below:

Provider Feedback	Improvement Action	Status	Evidence
Multiple declaration forms needed to be signed by authorised signatory (4) – can these be reduced?	Declaration forms combined. New process requires 2 forms instead of 4.	Complete	Included in care homes for adults application.
Information sessions – consider timing of sessions and/or additional sessions to enable greater access.	Session recorded and made available to watch at any time.	Complete	Included in care homes for adults application.
Financial schedule complexity/ greater consistency across contracts.	Consider options to simplify financial schedules and improve consistency across contracts.	In progress: reflected as new frameworks come on stream	Creation of central team to improve consistency.
Templates replaced during application period required duplication of work for providers.	Agreed that templates will be fully tested before publication to avoid errors being identified and templates requiring to be replaced. Further refinement of process needed.	Ongoing Will be reviewed in bi-annual CCPS & Scotland Excel forum	Commitment in Scotland Excel commitments document.
Message board questions – delays in responding and issues with helpfulness of response.	Questions to be answered promptly and clearly. Relevant clause to be included in answers as well as the clause reference.	Complete	Commitment in Scotland Excel commitments document.
Tight turnaround for response to clarification questions.	Reasonable time to be allowed for responding to clarifications or requests for additional information.	Complete	Commitment in Scotland Excel commitments document.
Short notice for post tender meetings.	Minimum of 2 weeks' notice to be allowed and options for meeting dates provided where possible.	Complete	Commitment in Scotland Excel commitments document.
Tone of meetings.	Clear expectation agreed that all parties will ensure that all communication is	Complete	Commitment in Scotland Excel

	conducted in a professional manner.		commitments document.
Lack of information in advance.	Agreed that an agenda and clear purpose will be shared in advance of any meeting by the meeting chair.	Complete	Commitment in Scotland Excel commitments document.
Overall length of process too long.	Recognise that timescales have been an issue for Scotland Excel. Overall timescales for the care homes for adults process have been reduced significantly.	Ongoing Will be reviewed in bi-annual CCPS & Scotland Excel forum	Reflected in care home for adults process.

Chapter 4: Clarification

This chapter covers the questions raised by CCPS members relating to the role of Scotland Excel or their policy on certain issues. All were discussed by the joint working group who agreed that they should be included in this section as straightforward clarification.

1) Perception of Scotland Excel.

CCPS members had the perception that the primary purpose of frameworks and hence the role of Scotland Excel was to drive down costs rather than consider the true cost of care.

Joint Working Group Response

This was an area where the joint group sought to reach a greater understanding of the role of Scotland Excel and the context in which they operate. Scotland Excel are governed by a board made up of local government councillors from all 32 local authorities. Effectively, their role is to serve local authorities. Scotland Excel assured the group that the key focus is on transparency of fees, understanding the true costs of care and ensuring service sustainability, rather than driving down costs. Scotland Excel also have a role to ensure best value and sustainability for local government. They reported that this balance is difficult to achieve and is increasingly so, given the difficult financial situation faced by local government.

CCPS members noted this clarification from Scotland Excel but stated that frameworks should represent a collaborative process with Scotland Excel having a role to balance the interests of commissioners and providers. The subject is revisited in [Chapter 6](#).

2) Rates, conditions and uplifts

Rate Setting – Following comments from CCPS members in the previous report, the group considered the role of CCPS in the setting of rates within frameworks.

Joint Working Group Response

The group noted the role of Scotland Excel in the setting of rates along with the assurances given in the previous paragraph around the focus on

sustainability. Although the CCPS members on the group welcomed the clarification and respected Scotland Excel's position, they were left with frustrations in relation to the process of setting rates and considered this an area to raise with other stakeholders. The issue is re-visited in [Chapter 6](#).

Chapter 5: Planned Solutions and Improvements and Areas for Further Consideration

This chapter identifies areas where the group agreed there should be a change to current arrangements but which will take longer to develop and publish. To ensure these initiatives do not drift, a timescale for completion is given for each of them. The group acknowledge that there should be joint 'sign-off' by representatives of CCPS/Scotland Excel, mirroring the work of this joint group. For those initiatives that will be completed within three months of circulation of this report, the existing joint group will sign them off and jointly publish. Thereafter it is proposed that the twice-yearly forum to be set up between CCPS and Scotland Excel will consider issues of concern and sign off further joint solutions and improvements.

1) Legal Complexity

CCPS members drew attention to the heavy emphasis and reliance on the legal elements of frameworks and the use of legal terminology. The extent and complexity present a challenge for providers. Generally, they do not have in-house legal expertise and have limited or no resources to seek external advice. Whilst this affects all providers it is particularly difficult and unaffordable for smaller providers.

Joint Working Group Response

Considering the concerns, the group asked Scotland Excel to consider ways in which legal documents and legal complexity could be reduced and simplified. It was suggested that summary guidance in non-legal language would benefit providers and provide clarity. Scotland Excel agreed to review this internally with colleagues from governance and legal. They recognised the benefit in simplification of current documents and processes but noted that operating national contracts for 32 local authorities necessitates a level of legal scrutiny which makes this challenging.

Timescale – this is expected to be a longer-term piece of work. Scotland Excel committed to undertaking a review and to report back to CCPS members by the end of the financial year (2025/26).

2) Consistency across frameworks

This issue was covered in [Chapter 3](#) and reference made to the establishment of a central team. This is in the early stages but as part of this development Scotland Excel have committed to developing consistency by reviewing areas such as the tender process, uplift process, management information process, budget breakdown forms, assignation and variation processes and other tasks, and provide clarity where differences should remain.

Timescale – The Strategic Commissioning Contracts Team has now been established and is working to a 12-month phased plan to centralise appropriate activity. This involves taking processes from existing teams and agreeing an optimal standardised approach. The majority of activity is expected to be reviewed and a new approach embedded by the end of 2025. The period of transition and standardisation will see change to existing processes throughout 2025.

3) Transparency on limitations of funds for services

The concerns of CCPS members that they expend a significant amount of resource into fee variation and uplift submissions is covered elsewhere in this report, along with the frustration of finding that fee variation requests are not accepted in full following detailed scrutiny. The group reported frustration where decisions were linked to lack of availability of funds from local authorities. The group acknowledged this and felt that the whole process might be more streamlined with transparency about the level of funds available in the early stages of the process. Scotland Excel does not have a role in individual authority budget setting but agreed to encourage greater transparency from member councils on the limitation of funds where appropriate. The group noted the complexity of the issues surrounding fee setting exercises and recognised there was no clear mechanism through which this could be improved without additional funding for social care.

The group discussed that where a maximum uplift was set in advance this risked being far lower than the amount needed, particularly without the evidence currently gathered from providers to support uplift requests. Where Scotland Excel have set out clear parameters for uplifts in advance in the past and stated that uplifts within those parameters will be accepted without further scrutiny, almost all providers sought uplifts beyond those parameters.

The timing of budget setting within local government means it would not be possible for individual authorities to share detailed information far enough in advance of the new financial year.

Timescale – Scotland Excel will consider potential changes ahead of the fee setting process for 2026/27. They will engage in discussions with local government stakeholders and aim to report back to CCPS members by November 2025.

4) Further actions arising from recommendations of the Social Care Contract Management Information and Data Subgroup:

Scotland Excel medium-term actions	Target completion date
Complete development task and update CCPS on ability to return requested information to providers: investigate possibility of rates benchmarking data.	Review complete and recommendations by end of 2025.
Scotland Excel will complete risk/benefit analysis and justify any additional compliance, quality, and impact data requests. Where required or helpful, additional data collection can be identified with providers and purchasers, but this will be carefully considered using the agreed data checklist.	Ongoing as contract MI is reviewed and new contracts introduced.
Scotland Excel will consider all options for optimal data collection including collecting data from purchasers where appropriate.	Ongoing as contract MI is reviewed and new contracts introduced.
Review how consistency could be achieved in the format of usage data requests.	Review complete and recommendations by end of 2025.
Develop process and templates for purchasers to provide information where they believe there is a breach of contract due to poor quality service.	Review complete and recommendations by end of 2025.
Impact Data: consult purchasers and providers further on information required for impact, framework evaluation and commissioning/demand purposes, with consideration of data principles.	Review complete and recommendations by end of 2025.
Consider whether local needs data can be collated and shared to support commissioning planning such as information on changing demand and unmet need.	Review complete and recommendations by end of 2025.

Review the effectiveness of Scotland Excel's efforts to embed the data principles.

Ongoing review as part of bi-annual Scotland Excel & CCPS forum.

Chapter 6: Wider Sector Issues

This chapter highlights issues discussed by the joint working group but not in their gift to resolve. They are deemed to be issues of concern which if addressed would improve ways of working, improve relationships, contribute to the better operation of national frameworks, provide greater clarity particularly for providers and recognise the need for sustainability across the sector in terms of adequate funding. The nature of these issues is such that they cannot be addressed by Scotland Excel and CCPS in isolation and require the involvement of other stakeholders. **The group plan to escalate these issues to the chief executive officers of CCPS and Scotland Excel for further consideration and to agree the necessary action to highlight each issue to relevant stakeholders.**

1) Data and management information collection and sharing

The group discussed the multiple requests for information and often being required to provide the same information to different organisations, in differing formats and on different data bases. Requests from organisations such as Scotland Excel, HSCPs, the Care Inspectorate, COSLA and Scottish Government require multiple returns from CCPS members which is labour some and resource intensive. As highlighted earlier in this report it is unclear for what purpose some of the information is required and there is little reporting back to providers with information that would be helpful in their strategic planning of services.

The group calls for Scottish Government to drive consistency in data requests across social care, as part of the Scottish Learning and Improvement Framework, Digital Health and Social Care Strategy, Statutory Procurement Guidance and Integrated Joint Board/HSCP monitoring. This would greatly reduce the demands not only for CCPS members but for many other stakeholders in the sector.

2) Consistent implementation of framework agreements

The group discussed the experience of some providers where local authorities had at a local level leveraged lower rates than those agreed on the framework. The group recognised that a local area may agree with providers higher or lower rates from the framework baseline rates due to different requirements. However, reports that some local authorities seek to lower baseline rates without justification was seen as undermining the principles of national

frameworks and calling into question the time and resources expended on the negotiating process between CCPS members and Scotland Excel.

In terms of equity and more realistic funding for services delivered, CCPS members argued that no reduction should be made to national framework baseline rates by individual local authorities without agreement and clear justification.

3) Sustainable funding for social care

The group discussed the concerns of CCPS members about the outcome of fee setting processes. Whilst welcoming the guidance produced by Scotland Excel to ensure clarity and transparency in terms of their processes, the concerns remain. Having submitted uplifts to Scotland Excel which reflect actual costs, CCPS members can be advised through Scotland Excel that a local authority is unable to meet the true cost or at best offer a lower figure due to significant local budget pressures. Not only is this unhelpful for CCPS members but leaves them seeking to meet additional costs from their own resources or having to effect savings elsewhere. This is not reflective of the ethical commissioning approach to which stakeholders aspire and creates a financial pressure on services which is unsustainable.

The group therefore calls for action from Scottish Government to ensure that ethical commissioning and procurement practice, with respect to sustainable funding, is not just a policy aspiration but can be realistically implemented in practice.

4) Timescales and holdups

Issues with timescales and holdups was a recurrent theme during the group's discussions. The group agreed that timescales and bottlenecks are a systemic problem; late decision making by the Scottish Government and local government creates a cascade of delayed decisions which leads to operational issues. This should be addressed by all stakeholders.

Despite providers submitting fee variation requests well in advance of a new financial year, fees may not be confirmed until after the effective date, presenting budget and cash flow challenges for providers. The impact on the financial and human resources of providers should not be underestimated.

Scotland Excel is committed to optimising fee variation processes to minimise the likelihood of any delay associated with Scotland Excel's work.

The overall timing and system of local government budget setting and pay policy confirmation was felt to be problematic for providers. The annual setting of budgets does not naturally support longer-term commitment and certainty. The timings associated with the cascading of public sector budget allocation and pay policy confirmation do not support the level of transparency and timely sharing of information which would enable providers to plan more effectively.

The group call for a Scottish Government-led review of timescales and bottlenecks with a view to reaching better alignment for all parties.

Chapter 7: Acknowledgments

This work was funded by the Scottish Government's Adult Social Care (Commissioning and Procurement) team.

The participation of CCPS member organisations in the initial workshops is much appreciated.

The time given to the group meetings by representatives of CCPS providers and the quality of input was invaluable. The whole group grappled with some challenging issues and are thanked for the way in which they did so with grace and understanding.

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Chapter 8: Summary of Appendices

1. [Proposed approach to a joint short life working group between CCPS and Scotland Excel to facilitate immediate improvements](#)
2. [Social Care Contract Monitoring Information and Data Report](#)
3. [Review of Data Variables for Scotland Excel Use](#)
4. [Scotland Excel Commitments document](#)
5. [Participation of people who use services](#)
6. [Social Value in Commissioned Social Care](#)

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