



### **MAC call for evidence on the impact of ending freedom of movement on adult social care: Draft COSLA response**

#### **Introduction**

1. The Convention of Scottish Local Authorities (COSLA) is the representative voice of Local Government in Scotland. COSLA represents the views of Scotland's 32 local authorities and acts as the employers' association for local authorities. Total employment in Scottish Local Government was 253,000 in June 2020.<sup>1</sup>
2. This submission has been prepared by COSLA in consultation with our member authorities. We have drawn on written evidence we received from 20 member authorities for this call on social care and previous MAC calls in June 2020 and November 2019.
3. We have also drawn on wider data from the Scottish Social Service Council (SSSC) workforce data (2021), Scottish Care workforce recruitment & retention survey findings (2021), Scottish Care independent nursing data (2021), Society of Personnel and Development Scotland (SPDS) workforce planning survey (2020), and analysis of MyJobScotland 2019 and 2020 vacancy data.
4. This response was discussed and endorsed by COSLA Community Wellbeing Board on 12<sup>th</sup> November. All 32 councils in Scotland have political representation on the Community Wellbeing Board.

#### **Key points**

5. The key points from the evidence we have gathered are as follows:
  - There are significant shortages in the social care workforce and there is a lack of candidates to fill posts;
  - COVID-19 has had a substantial impact on staffing levels, due to a combination of absence (shielding, self-isolation requirement and staff who have become unwell), which has led to greater pressure on existing staff, longer working hours and high levels of staff burnout;

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<sup>1</sup> Scottish Government, Local Government Employment, June 2020 - [Public sector employment in Scotland: statistics for second quarter 2020 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/statistics-for-second-quarter-2020/pages/public-sector-employment-in-scotland.aspx)

- There are significant concerns about the additional barriers social care employers are facing with the end free movement and the introduction of the new points-based immigration system for EU and non-EU workers, which will lessen recruitment opportunities;
- Evidence shows that the salary threshold will act as a barrier to recruiting a substantial proportion of social care staff from EU and non-EU countries;
- It is perceived that employers may be discouraged from sponsoring migrant workers and potential candidates may be discouraged from applying for posts in the UK due to concerns about navigating a costly and bureaucratic immigration system;
- Evidence suggests the recruitment situation has worsened since the UK left the EU and due to the impact of COVID-19. We do not have enough robust data to disentangle this complex situation and apportion responsibility to either the end of free movement or the pandemic;
- We acknowledge free movement is not the definitive answer to social care recruitment challenges, but EU workers have played an important and valuable role in the social care sector and have stemmed some of these challenges. Many Local authorities are concerned that losing the opportunity to employ migrant workers in the future will further exacerbate our social care workforce crisis;
- Evidence highlights the additional barriers providers face when trying to recruit staff in rural areas, e.g. public transport, driving times, affordable housing and sourcing staff to cover rural areas; and
- The UK Government has specifically asked the MAC to consider visa options for social care workers. If a visa scheme for social care workers is to be introduced, it must acknowledge the importance of retention in the workforce and continuity of service provision; recognise the wider contribution made by migrant workers and the importance of family migration; and be a system that is not overly complex, bureaucratic, or costly (for the employer and employee alike).

## Evidence

### *Workforce recruitment, retention, and shortages*

6. SSSC published their report on 2020 workforce data in August 2021. A key finding is the size of the workforce has increased to 209,690, a rise of 1.6% since 2019. The report states this is the highest level recorded since their reports began. The social service workforce makes up approximately 8% of all Scottish employment. This increase has been driven by the growth in the housing/care at home workforce (a 5.1% growth between December 2019 and December 2020). The housing/care at home workforce is almost 75,000 workers (74,870), which includes care, managerial and ancillary/auxiliary staff.<sup>2</sup>

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<sup>2</sup> Scottish Social Service sector, Report on 2020 Workforce data (August 2021): [Scottish Social Service Sector: Report on 2020 Workforce Data \(sssc.uk.com\)](https://www.sssc.uk.com/2020-workforce-data)

7. SPDS is a public sector organisation comprising Heads of HR and other senior HR professionals across Scottish local authorities. SPDS issued the Survey Need Analysis Programme (SNAP) to workforce planning leads in the 32 Scottish local authorities in December 2019. The deadline for completion was 28 February 2020. Of the 32 local authorities, a total of 31 responses were received. The findings of the survey (NB pre-pandemic) showed a total of 26 local authorities and 84% of responses reported shortages in the social care sector.
8. We have been working with Scottish Government Social Care Analytical Unit to analyse data from the MyJobScotland (MJS) recruitment portal. MJS is based in COSLA and is the national shared recruitment portal for Scotland's 32 local authorities. Job advert data and application data from MJS were combined to quantify the number of adult social care job adverts, in public sector, and whether they were filled. According to our data, there were 3,773 social care job adverts on MJS in 2019 and 2,752 in 2020. This shows a decrease in adverts from the public sector during the pandemic. It must be noted that the number of job adverts does not fully describe the demand on services because one job advert may be for more than one post. Similarly, even if at least one person was hired for that job, not all posts may have been filled.
9. Local authorities have provided some explanation for this apparent anomaly of vacancies during the pandemic. Several local authorities mentioned the commitment and dedication of social care staff during the pandemic, in which people who were due to retire chose to continue to work, and others that were considering leaving the sector also chose to stay during the pandemic. Concerns have been raised that staff are now taking their retirement, while others, given a buoyant job market and having experienced the extremes of working in social care during the pandemic, are considering a change of career.
10. What has been clear from the MJS data and the evidence from local authorities is that there are significant shortages in the workforce and there is a lack of candidates to fill posts. In the MJS data analysis, out of the 2019 posts, in 2,752 adverts at least one person was hired. Of the 2020 posts, in 1,614 adverts at least one person was hired. These figures give a percentage of 62% of vacant posts that were filled in 2019 and 59% in 2020. While 2019 and 2020 percentages are similar nationally, the proportion fell from 70% to 60% in urban council areas with substantial rural areas and increased from 47% to 52% in island and remote areas (please see Appendix 1 for further analysis).
11. Scottish Care represents over 400 organisations (private, not for profit and charitable) that deliver residential care, nursing care, day care, care home and housing support services across Scotland. Scottish Care carried out a workforce recruitment and retention survey between July 2021 and August 2021, to better understand recruitment and retention in the social care workforce. When respondents were asked whether recruitment and retention was problematic: 87.8%

responded 'yes', 10.5% responded 'no' and 1.7% were unsure. When asked what roles providers are struggling most to recruit the top three selected were Care Home Care and Support Workers (43.6%), Care at Home, Care Staff (41.7%), and Care Home Nurses (34.6%).<sup>3</sup>

12. The majority of responses we received from councils emphasised their concerns about shortages in the social care sector. Fife Council stated that staffing levels are operating at critical and sometimes beyond this and this is a picture across many areas of social care nationally. The need for social care is increasing at a time when there is a shortage of interested candidates. As such, the gap is widening, contributing to the crisis situation being experienced by the workforce and service users.
13. In Fife Council, the recruitment picture in social care is not uniform. They have observed strong interest in some areas where there has been a big ask both internally and externally. However, in other areas, successful appointments are being made to only 14% of advertised roles while there are also examples of roles where there has been no interest at all. With the shortage of social care staff nationally, appointable candidates have a great choice when it comes to applying for and accepting social care roles.
14. Renfrewshire Council noted that, in general, that the number of applicants for posts has dropped significantly. This applies in social care and more broadly across all parts of the council.
15. In evidence gathered pre-pandemic, our member authorities highlighted the challenges of an ageing population, the high demand for care workers and their struggles to recruit to these posts. For example, Highland has a population aging faster than the Scottish and UK averages, meaning an increasing demand for health and social care. Projections from Skills Development Scotland anticipate the need for 3,400 Health Professionals and 3,800 new recruits in the Caring Personal Service Occupations between 2018 and 2028 if replacement demands and expansion demands are to be met.

#### *Impact of COVID-19 on staffing levels and recruitment*

16. Scottish Care has reported sickness and absence levels are being recorded at 16%. This is higher than pre-pandemic levels and is significantly higher than the national average. High levels of attrition and sickness absence have led to greater pressure on existing staff members and excess working hours. As their report states, longer

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<sup>3</sup> Scottish Care, Workforce Recruitment & Retention Survey Findings (Sept 2021) [WF Interim Report \(scottishcare.org\)](#)

hours impact on the quality of care being provided and result in high levels of staff burnout.<sup>4</sup>

17. Fife Council emphasised that over the last 18 months, COVID-19 has had a significant impact on staffing levels. This is a combination of staff having to be absent due to shielding requirement, self-isolation requirement for close contacts and staff who have become unwell, and staff with long covid contributing to long-term sickness absence. During the period where there has been significantly reduced staffing, the volume and adaptation of work has been greater – again creating a widening gap in terms of requirements and resource. Staff in social care are working more flexibly, often longer days and hours, and have been adapting to new working environments, all of which has contributed to burnout.
18. The Clackmannanshire Council and Stirling Council responses reflected a similar situation with self-isolation requirements, pressure on current staff to work longer hours, burnout, and staff leaving the sector. At the same time, referrals for social care services have increased significantly due to people struggling during the pandemic.

#### *The impact of the EU Exit and the end of free movement*

19. It is incredibly difficult to estimate the number of EEA nationals in the UK (this is exemplified in the significant underestimate of eligible population for the EU Settlement Scheme). We face similar difficulties with estimating European workers in the social care sector.
20. According to Scottish Government estimates in 2018, the estimate of the percentage of people within adult social care and childcare that are EU nationals is 5.6% - this equates to 9,830 workers.<sup>5</sup>
21. According to 2019 figures, 32% of social care staff in Glasgow were EU nationals. The City of Edinburgh Council's workforce survey in 2018 identified 1,038 EU nationals within their workforce (approximately 5.8%) and 177 EU nationals employed in their Health & Social Care Partnership.
22. Glasgow City Council highlighted that social care staff are critical to the smooth running of the city's health services. Given the critical infrastructure support they provide, it is imperative that local authorities can continue to employ EU nationals. If they cannot, it will have a critically detrimental impact on services' capacity to continue to provide this support in the future, given the reliance on employing EU

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<sup>4</sup> Scottish Care, Workforce Recruitment & Retention Survey Findings (Sept 2021) [WF Interim Report \(scottishcare.org\)](https://www.scottishcare.org)

<sup>5</sup> Scottish Government, EU Workers in Scotland's Social Care Workforce (2018) - [EU workers in Scotland's social care workforce: contribution assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot)

nationals. Full consideration and recognition need to be given to the high social value roles which are carried out and contribute to meeting our health and social needs.

23. These concerns are not only shared by city councils with a relatively high percentage of EU nationals in their social care workforce. For example, Fife Council identified that EU workers as a total within the Council is a small proportion of the workforce (1.48%). Of the numbers of EU nationals in social care who were working in the service before 1<sup>st</sup> January 2021, they have continued to do so. As such, on the surface, the impact may not appear to be so great initially. However, with the national shortage of social care workers in various roles, as has been noted above, the removal of free movement will contribute to the shortage and removes the ease of attracting EU nationals, and more so where the role doesn't meet the criteria for skilled work visas and in particular the minimum salary threshold.
24. Shetland Council are experiencing a reduced availability of EU agency staff and have concerns about ensuring adequate measures are in place for screening and monitoring their right to work in the UK. Shetland Council are clear that recruiting out of the UK is no longer possible due to the salary threshold exceeding the pay of a social care worker.
25. Na h-Eileanan Siar experiences ongoing difficulty in filling posts in the social care sector and a number of these posts are currently filled by EU nationals. Healthcare in general employs a significant number of EU nationals (for example, many of NHS Western Isles Consultants are EEA nationals) and thresholds should be tailored accordingly so as not to impact on the ability of the Eilean Siar region to retain workers in favour of higher income areas in Scotland.
26. In Scottish Care's nursing survey carried out in April 2021, 73% of respondents noted it has not been more difficult to recruit EU nationals. However, respondents voiced concern that there may be a deterrent for future applicants when it comes to visa sponsorship and negotiating the immigration system.<sup>6</sup> Similarly, Fife Council anticipate that they will have less opportunity to employ EU nationals going forward as organisations and potential candidates alike may be discouraged by having to navigate a visa process with multiple assessment criteria.
27. The salary threshold has been a long-standing concern for Scottish local authorities (even with the recent introduction of a reduced salary threshold). In our last response to MAC on salary thresholds and the points-based system in Nov 2019, our response emphasised councils' concerns about the impact on the health and social care sector, in that the average wage in the independent social care sector is the current living wage.

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<sup>6</sup> Scottish Care, A Look to the Future (2021) - [Nursing-Report-Final-Version.pdf \(scottishcare.org\)](https://www.scottishcare.org/~/media/Scottish-Care/2021-04-20-Nursing-Report-Final-Version.pdf)

28. Our MJS analysis further highlights the barrier the social care sector faces with the salary threshold in the care sector. MJS figures for 2020 shows 44% of job adverts had an annual salary of less than £20,000. Of those job adverts, 56% hired at least one person. The 2019 figures show a similar trend: 50% of job adverts had an annual salary of less than £20,000 and of those job adverts, 59% hired at least one person (see Appendix 1).
29. Our member authorities have consistently raised the administrative burdens that they face as employer sponsors and how confusing, time consuming and costly this can be. They emphasised the importance of keeping reporting requirements and costs to an absolute minimum. This issue has been exacerbated by the end of free movement and the introduction of the new points-based system for both EU and non-EU nationals coming to the UK for work.
30. In previous submissions, Dumfries & Galloway highlighted the additional administrative burden on the Council and local businesses if they become reliant on recruitment of staff on visas. This would increase costs for staffing and registration, as well as increase the length of time for recruitment and appointments.
31. Glasgow City Council emphasised the compliance issues on employers, many with no experience and / or resources to meet the requirements. This will be very challenging and there is a role for Government to consider how it will equip employers with the necessary skills in this regard. Glasgow also emphasised the financial cost on employers in meeting the requirements that are being set.
32. Scottish Borders and Falkirk Council emphasised difficulties with navigating and finding information on the UKVI website and highlighted that phone support is very limited. In a recent discussion with Scottish local authority Heads of Human Resources (August 2021), these concerns about how burdensome sponsorship and employing people through the immigration system is were further emphasised.
33. There is a strong need to make Scotland an attractive place to live and work for individuals and families so any immigration process must be as easy and simple as possible and ensure that clear and easy access to guidance is available.

*Ways in which location impacts on staffing and recruitment in the social care sector*

34. Shetland Islands Council have emphasised barriers in remoter areas such as limited availability of public transport to support shift and part-time working and limited availability of affordable housing (either to buy or rent) are becoming significant barriers to recruitment. Also, adverse weather can create transport difficulties throughout the autumn and winter which is exacerbated without workforce resilience.
35. Similarly, Fife Council emphasised that location does have an impact on their ability to recruit across the region. There are several rural locations within the region, where

the population is smaller and where it is more difficult to recruit staff to and from. This can on occasion make the delivery of services a challenge, due to staffing shortages and accessibility issues for staff who are not drivers.

36. Clackmannanshire Council and Stirling Council outlined similar barriers. Their ability to recruit at the scale that is required has been impacted by challenges sourcing enough staff who can cover their rural areas, and by challenges associated with driving and transport which can be exacerbated in bad weather.
37. Our MJS data also highlights the rural dimension. The 2020 data shows 73% of public sector adult social care job adverts on MJS were in mainly rural or urban areas with substantial rural areas. Areas with the highest % job adverts where at least one person was hired were: urban with substantial rural areas in the £0 - £10,000 salary band (80%); urban with substantial rural areas in the £20,001 - £30,000 salary band (75%) and larger cities in the £0 - £10,000 salary band (75%). Areas with the lowest % job adverts where at least one person was hired were: island and remote areas in the £10,001 - £20,000 salary band (45%) and mainly rural areas in the £40,000+ salary band (55%).
38. Our 2019 MJS data shows a similar picture. 73% of public sector adult social care job adverts on MJS were in mainly rural areas or urban areas which include substantial rural areas. Areas with the highest proportion of job adverts where at least one person was hired were: urban with substantial rural areas in the £30,001 - £40,000 salary band (67%) and larger cities in the £20,001 - £30,000 salary band (66%). Areas with the lowest proportion of job adverts where at least one person was hired were: urban areas with substantial rural areas in the £0 - £10,000 salary band (40%); island and remote areas in the £10,001 - £20,000 salary band (46%); and larger cities in the £20,001 - £30,000 salary band (53%).

## **Conclusion**

39. It has been made clear from our member council responses, association and representative bodies survey data, and our own MJS data, that the recruitment situation in the Scottish social care sector is at crisis point.
40. Our evidence shows that the social care workforce challenges in Scotland are complex. We believe the recruitment situation has worsened since the UK left the EU and as a result of the impact of COVID-19. We do not have enough robust data to disentangle this complex situation and say to what extent either the end of free movement or the pandemic is responsible for the current circumstances, but we are clear that both have contributed.
41. This response is not suggesting that free movement was or is the answer to all our social care recruitment challenges. However, EU workers have played an important and valuable role in the social care sector and have mitigated against some of the



challenges that we face. It is also clear that local authorities anticipate and are concerned that they will now have less opportunity to employ EU nationals in the UK.

42. The evidence shows that the salary threshold will act as a barrier to recruiting a significant proportion of social care staff. There should be more focus on the intrinsic value and need for the job, rather than on an arbitrary salary threshold. There are also substantial concerns that navigating a complex visa and sponsorship system will discourage both organisations and potential candidates.
43. There has been much discussion around sector-based schemes and indeed temporary visa schemes have been introduced for some sectors at crisis point. A visa scheme for social care must acknowledge the importance of retention in the workforce and continuity of service provision and take a long-term view. It must also acknowledge the wider contribution migrants bring in terms of demographic profiles (including family migration) and the benefits that they bring to communities. Our member councils have also been quick to highlight that their experience of the immigration system is, typically, complicated and can be costly. Means of improving and simplifying processes require serious consideration.

**For further information regarding this response please contact:**

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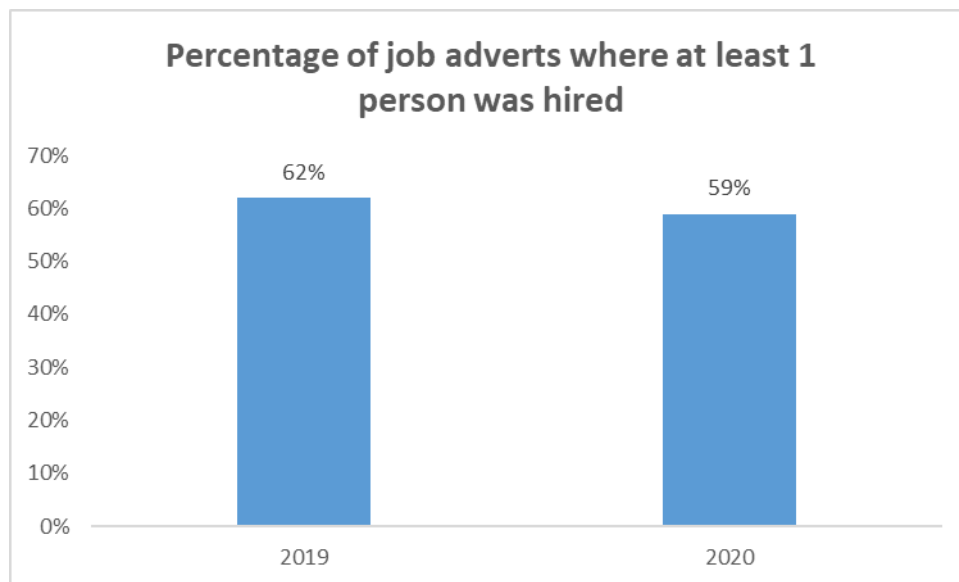
November 2021

## Appendix 1

### Summary

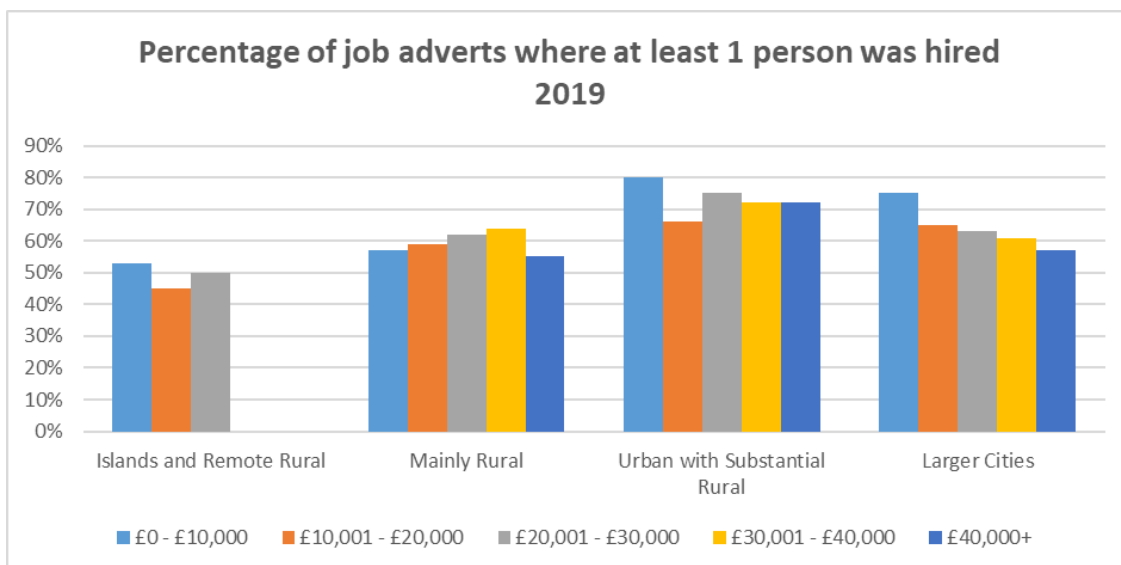
Job advert data and applications data from MyJobScotland were combined to quantify the number of adult social work job adverts, in the public sector, and whether they were filled. The number of job adverts does not fully describe the demand on services because one job advert may be for more than one post. Similarly, even if at least one person was hired for that job, not all posts may have been filled.

Overall, there were 3,773 social care job adverts on MyJobScotland in 2019 and 2,752 in 2020. Of those 2019 posts, in 2,752 adverts at least one person was hired. Of those 2020 posts, in 1,614 adverts at least one person was hired. These figures give a percentage of 62% in 2019 and 59% 2020. While 2019 and 2020 percentages are similar nationally, the % fell from 70% to 60% in urban areas with substantial rural areas and increased from 47% to 52% in island and remote areas.



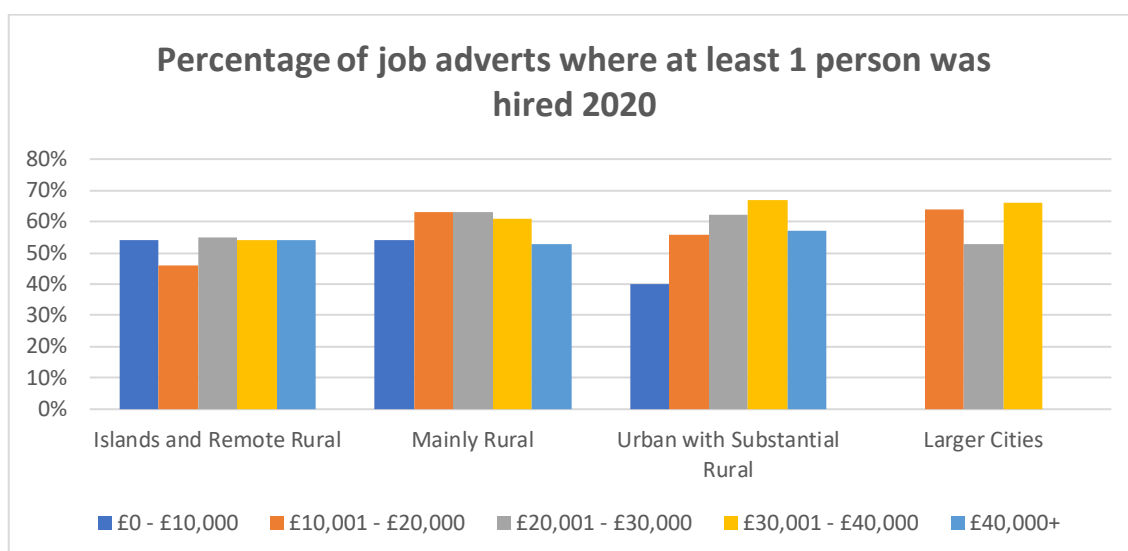
In 2019:

- 50% job adverts had an annual salary of less than £20,000. Of those job adverts, 59% hired at least 1 person.
- 73% of public sector adult social care job adverts on MyJobScotland were in mainly rural areas or urban areas with substantial rural areas.
- Areas with the highest % job adverts where at least one person was hired were: urban with substantial rural areas in the £0 - £10,000 salary band (80%); urban with substantial rural areas in the £20,001 - £30,000 salary band (75%) and larger cities in the £0 - £10,000 salary band (75%). However, some of the figures in these categories were small so caution must be used when comparing the percentages.
- Areas with the lowest % job adverts where at least one person was hired were: island and remote areas in the £10,001 - £20,000 salary band (45%) and mainly rural areas in the £40,000+ salary band (55%).



In 2020:

- 44% job adverts had an annual salary of less than £20,000. Of those job adverts, 56% hired at least 1 person.
- 73% of public sector adult social care job adverts on MyJobScotland were in mainly rural or urban areas with substantial rural areas.
- Areas with the highest % job adverts where at least one person was hired were: urban areas with substantial rural areas in the £30,001 - £40,000 salary band (67%) and larger cities in the £20,001 - £30,000 salary band (66%).
- Areas with the lowest % job adverts where at least one person was hired were: urban areas with substantial rural areas in the £0 - £10,000 salary band (40%); island and remote areas in the £10,001 - £20,000 salary band (46%) and larger cities in the £20,001 - £30,000 salary band (53%).



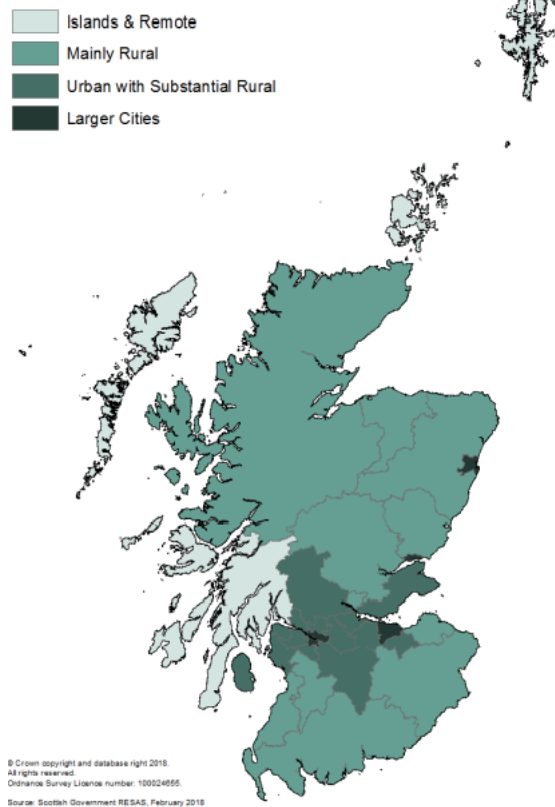
Preliminary findings suggest the job adverts where no one was hired were mainly jobs in social work and social care work with the exception of mainly rural areas, where home

carers and support workers mainly went unfilled. However, only the most frequent job titles were analysed.

## Background

- The source of the data used was MyJobScotland. These data only include jobs advertised on and hired from MyJobScotland ([www.myjobscotland.gov.uk](http://www.myjobscotland.gov.uk)). Provider choice and existing commercial agreements with other partner sites, or local recruitment efforts are not shown here.
- Only adult social work, adult care, adults and children social work and home care related job posts, in the public sector, have been included in the analysis. While some job adverts may relate to children or young people's services, the vast majority relate to adult services.
- The number of jobs adverts does not fully describe the demand on services because one job advert may be for more than one post. Similarly, even if at least one person was hired for that job, not all posts may have been filled.
- Application data pre-2019 was not used due to data quality issues. It can take many months for a person to be hired for jobs, hence 2021 data is incomplete and wasn't used. 160 hired applicants weren't included in the figures because their original job wasn't in the job advert data. They were mostly redeployed or ring fenced applicants.
- Job adverts with missing job start dates were excluded. Job adverts with missing start dates didn't have any applications and therefore may not have been advertised.
- Time periods displayed are based on the date the job application was create created. The years displayed are calendar years.
- Hired applicants are defined where the application status was "Hired".
- Rural & Environment Science & Analytical Services (RESAS) Classification of the rural economy was used.

### Rural and Urban Areas by Unitary Authority in Scotland



- Islands & Remote were defined as: Argyll & Bute, Na h-Eileanan Siar, Orkney Islands and Shetland Islands.
- Mainly Rural were defined as: Aberdeenshire, Angus, Clackmannanshire, Dumfries & Galloway, Clackmannanshire, East Ayrshire, East Lothian, Highland, Moray, Perth & Kinross, Scottish Borders and South Ayrshire
- Urban with Substantial Rural areas were defined as: East Dunbartonshire, East Renfrewshire, Falkirk, Inverclyde, Falkirk, Midlothian, North Ayrshire, Renfrewshire, South Lanarkshire, Stirling, West Dunbartonshire and West Lothian.
- Larger cities were defined as: Aberdeen City, Dundee City, Edinburgh City and Glasgow City.
- [For more information please read the RESAS paper.](#)