

**Thursday 25th August 2022, 14.00-16.00**

## **National Care Service (Scotland) Bill**

**Item number: 5.9**

### **Executive summary**

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The National Care Service (Scotland) Bill was introduced to the Scottish Parliament on Monday 20 June and published on the 21 June. The Bill sets out a framework for community health, social care and social work, with the legal powers being enacted from 2026 onwards. Services will continue to be designed and delivered locally in response to need.

#### **Board members are asked to:**

- Note the update relating to National Care Service (NCS) development.

# Midlothian Integration Joint Board

## National Care Service (Scotland) Bill

### 1 Purpose

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- 1.1 The National Care Service (Scotland) Bill was introduced to the Scottish Parliament on Monday 20 June and published on the 21 June. The Bill sets out a framework for community health, social care and social work, with the legal powers being enacted from 2026 onwards. Services will continue to be designed and delivered locally in response to need.
- 1.2 The full implications of the Bill are still unclear at this point in time. The following paper will provide the IJB with a summary of the key components of the legislation. The IJB will be kept up to date with developments as the Bill progresses.

### 2 Recommendations

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- 2.1 As a result of this report what are Members being asked to: -
  - Note the update relating to National Care Service (NCS) development.

### 3 Background and main report

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- 3.1 The Bill and associated papers including the Statement of Benefits and Financial Memorandum can be found here.

[National Care Service - Social care - gov.scot \(www.gov.scot\)](https://www.gov.scot/national-care-service-social-care)

### 4 Policy Implications

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- 4.1 The aim of the Bill is to ensure that everyone can consistently access community health, social care and social work services, regardless of where they live in Scotland.
- 4.2 The Bill sets out principles for the National Care Service (NCS) and allows for the required transfer of powers to Scottish Ministers to enable its establishment.
- 4.3 The Bill provides for Scottish Ministers to become accountable for the delivery of adult social care and social work, in addition to their existing accountability for the NHS. Locally employed staff will continue to have an important role to play in commissioning and delivery for services going forward through local care boards.

- 4.4 To enable the Scottish Government's commitment to 'co-design' of the NCS, the Bill itself only establishes a *framework* for future delivery. Much of the detail will be developed over the next few years through a programme of co-design, with further supporting regulations brought forward as necessary.
- 4.5 As with all new legislation, the bill is accompanied by a **financial memorandum** which sets out how likely it is to cost. This can be found [here](#). The memorandum focuses on the estimated running costs of the new Care Boards as well as quantifying the range of the commitments made in the bill (for example the right to breaks from care). It does not explicitly address the rising cost of care services.
- 4.6 The co-design programme will involve partners and stakeholders and there is a commitment to put lived experience at the heart of the process. The process will have resource implications and the SG states that work to build the necessary capacity for the work will begin over the summer months - across government and with partner organisations (including HSCPs).

### **Local Care Boards**

- 4.7 The Bill gives Scottish Ministers powers to establish (and dissolve) local and special care boards and make provision about the membership of care boards and what groups they are required to represent.
- 4.8 The care boards will plan and commission services for their local area. Health services will continue to be delivered by the NHS in partnership, as commissioned by the care board.
- 4.9 The Scottish Government states that while national and local NCS structures will have the ability to employ staff, they do not anticipate that people who work in the services commissioned by the NCS will change employer. For those involved in healthcare provision they do not expect the responsibility for clinical governance in the NHS to change or to be duplicated in the new arrangements.
- 4.10 Social care services currently provided in-house by local authorities, may continue under a commissioning arrangement with the care board. Alternatively, the care board may take over direct delivery, with staff transferring employment from the council to the care board. These will be decisions to be taken locally as the care boards are established and local authorities make choices about participation in new arrangements.
- 4.11 There is a commitment to close working between the Scottish Government, local authorities, the workforce and trade unions to ensure that the impact on staff of any changes is considered fully.
- 4.12 Care Boards will be expected to have a Chief Executive and that person, and the Care Board members will be appointed by Scottish Ministers.

### **Children and Families and Justice SW Services**

- 4.13 The Bill does not stipulate on the transfer of children's and justice social work services to the NCS. Recognising that these areas were not specifically examined by the Independent Review of Adult Social Care, the Bill requires a further public consultation to be held involving partners, stakeholders and those with lived

experience. The results of the consultation will be laid before Parliament alongside any regulations at a later date.

### **Information Sharing and Standards**

- 4.14 The Bill gives Scottish Ministers the power to establish a scheme and standards for sharing information, to facilitate a nationally consistent electronic health and care record.
- 4.15 The intention is that this will help professionals to support individuals in a more co-ordinated way and support national and local planning and commissioning.

### **NCS Charter of Rights**

- 4.16 The Bill also requires Ministers to create a charter of rights and responsibilities for social care under the new NCS, along with a more robust process for complaints and redress.
- 4.17 Ministers may also establish regulations about the provision of independent advocacy services in connection with the services provided by the NCS.

### **Additional Reforms**

- 4.18 The Bill introduces a right to breaks from unpaid caring, and 'Anne's Law', giving visiting rights to residents living in adult care homes allowing them to maintain contact with family and friends.
- 4.19 It also makes changes to the powers of Health Improvement Scotland in relation to inspections.
- 4.20 These additional reforms can be implemented to before the NCS is established.

## **5 Directions**

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- 5.1 This report has no implications on Directions at this stage.

## **6 Equalities Implications**

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- 6.1 No impact as for information only.

## **7 Resource Implications**

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- 7.1 No implication as for information only.

## **8 Risk**

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- 8.1 There are risks relating to workforce, finance and capacity to co-design the NCS model over the 4-year delivery period.

## 9 Involving people

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9.1 No implications as for information only at this stage

## 10 Background Papers

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