



# A National Care Service for Scotland

SEPTEMBER 2021



# Overview 1

- ▶ 9<sup>th</sup> August – Scottish Government (SG) launched “A National Care Service (NCS) for Scotland” consultation
- ▶ Why are SG consulting? Context – Manifesto – commitment to create a NCS backed by increasing investment in social care by 25%
- ▶ Follows publication of recommendations from Independent Review of Adult Social Care (IRASC) in Feb 2021 (Derek Feeley)
- ▶ The NCS consultation extends the scope of the IRASC to include a wide range of other services, including children’s services, community justice, alcohol and drug services, mental health services, and social work
- ▶ Should responsibilities for these services be removed from local government as suggested, it will represent the biggest public sector reform since the local government re-organisation in 1996.

# Overview 2

- ▶ The consultation poses 96 questions, covering a wide range of themes and proposals.
- ▶ Responses to the consultation are due by 2<sup>nd</sup> November 2021 and at the end of the consultation process all feedback will be analysed and conclusions will be used to shape and develop new legislation.
- ▶ It is anticipated that any new legislation (a bill) will be developed and introduced in the Scottish Parliament in summer 2022. The legislation is likely to be extensive and complex and is likely to take at least a year to be scrutinised by Parliament.
- ▶ It is the intention that the NCS will be fully functioning by the end of the Parliamentary term in 2026.

# Key issues for consideration

- ▶ Concerns about the diminution on local decision making and the detrimental impact on service delivery
- ▶ Impact on service users – e.g. unique remote/rural challenges in Argyll and Bute not considered, concerns about current joined up working/collaborative working being diminished, ability to provide equity of provision
- ▶ Financial implications – e.g. funding of proposals, financial risks for the Council
- ▶ Impact on local government workforce and the future role of the Council as an employer
- ▶ Impact on local government remit, legal obligations and governance arrangements
- ▶ General lack of detail/clarity within the consultation in respect of key elements of the proposals – impacts on our ability to respond sufficiently

# Summary of Proposals

# 1. Improvement

- ▶ The establishment of a single national body for health and social care, with clear lines of accountability to Ministers at a national level to ensure that consistent, high standards of performance are developed and maintained across Scotland.
- ▶ Intelligence gained from inspection and scrutiny of services will be used to identify where improvement is needed, and themes will be fed back into commissioning and procurement.

## 2. Access to care and support

- ▶ Removal of eligibility criteria in current form, moving away from a focus on risk and instead focusing on enabling people to access the care and support they need;
- ▶ Single approach to care and support services covering all types of care and support from early intervention to specialist intervention;
- ▶ Focus on prevention and early intervention;
- ▶ Development of a Getting It Right For Everyone (GIRFE) National Practice Model, building on the success of Getting It Right For Every Child (GIRFEC) multi agency approach;
- ▶ Single adult's plan and a single planning process.

## 3. Rights to breaks from caring

- ▶ Introduce a right to breaks from caring as part of a single, outcomes-focused approach to care and support, which stretches from prevention and early intervention to acute and specialist provision. The consultation sets out a number of potential options to achieve this.

## 4. Using data to support care

- ▶ NCS seen as an opportunity to meet expectations around how information is used to provide and support care, across all care settings and social care decision making at all levels;
- ▶ Through the NCS, the implementation of a nationally consistent, integrated and accessible electronic social care and health record that can be used and seen by all those who provide health and care support, with appropriate permissions and consent in place;
- ▶ Production of data will be used to assist care and support across all settings and to inform local and national decision making, including for strategic plans, commissioning and performance reporting;
- ▶ Compliance with data protection and Freedom of Information legislation to ensure individuals can access their own integrated social care and health record.

## 5. Complaints and putting things right

- ▶ National point of access for information on making a complaint or giving feedback about social care;
- ▶ Local systems for initial complaints and feedback should be strengthened to ensure similar processes across local bodies who commission and deliver services;
- ▶ Consideration to a charter for rights and responsibilities, as there are for health, for carers, and for Social Security Scotland;
- ▶ Scottish Government to consider the appointment of a commissioner for social care to champion the rights of those who receive care and support, their families and carers.

## 6. Residential Care Charges

- ▶ Proposes to increase the sums paid for Free Personal and Nursing Care for self-funded care home residents to the levels included in the National Care Home Contract or consider alternatives, such as revising means testing, to assist in ensuring self-funding residents are treated fairly in their financial assessment.

# Questions/ comments



# 7. National Care Service

- ▶ The proposals will make Scottish Ministers accountable for social care as they are for health care within Scotland;
- ▶ Establishment of a NCS, accountable to Scottish Ministers, which will have a clear focus on positive outcomes for people and define the strategic direction and quality standards. This would remove the responsibilities for social work and social care from local authorities.
- ▶ IJBs will be reformed and become CHSCBs and will be the local delivery body for the NCS. The NCS and CHSCBs will work in concert with NHS, local authorities, and the third and independent sectors to plan, commission and deliver the support services that the people of Scotland require;
- ▶ NCS itself will lead on aspects of community health and social care improvement and support that are best managed on a once for Scotland basis, such as very complex or specialist care and the planning and delivery of care in custodial settings, including prisons;
- ▶ NCS will be responsible for national workforce planning and development, data to support planning, commissioning and procurement, research to support improvement, digital enablement, and national and regional service planning.



# 7. National Care Service – scope (1)

## ▶ Children's Services

The SG proposal goes beyond the IRASC recommendations and indicates that these services are removed from local authorities and form part of the NCS.

## ▶ Healthcare

NCS and CHSCBs take responsibility for the commissioning and procurement of a range of health services, similar to (and potentially wider than) the range of services currently delegated to IJBs. The consultation is seeking views on what services might be included in this responsibility.

## ▶ Social Work and Social Care

Proposal is that duties and responsibilities for social work and adult and children and families' social care services should be located within the NCS. Including social work within the NCS would mean social work's legal powers and expertise would remain inextricably linked with the delivery of care, and with the work of a National Social Work Agency



## 7. National Care Service – scope (2)

### ▶ Nursing

Propose to maintain the current Executive Director of Nursing role to provide professional leadership across community health and social care services, with possible expansion from the current advisory and oversight role to a role of accountability, with the NCS overseeing and ensuring consistency of access to education, professional development, standards of care and governance of nursing. The NCS could also be responsible for the commissioning of nursing in social care.

### ▶ Justice Social Work (JSW)

Propose that JSW is included within the NCS, but suggesting that this may be transferred in a later phase of the process.

### ▶ Prisons

In line with IRASC recommendations, the proposal is that the NCS should oversee social care provision for people in prison and be responsible for the planning and delivery of care in prisons.



## 7. National Care Service – scope (3)

### ▶ Alcohol and Drugs Services

Reformed IJBs – Community Health and Social Care Boards (CHSCBs) will continue to be key partners in Alcohol and Drug Partnerships (ADPs), and will continue to provide the governance, finance and procurement functions for them. Further consideration is being given to whether ADPs should become part of the NCS nationally and part of CHSCBs, and whether specialist provision, such as residential rehabilitation services, should be commissioned on a national basis.

### ▶ Mental Health Services

It is proposed that appropriate elements of mental health services should be consistently delegated to the NCS, to ensure responsibilities within and between organisations is consistently applied and understood.

### ▶ National Social Work Agency (NSWA)

SG propose that a NSWA is established alongside a centre of excellence for applied research for social work to support improvement activity with both forming part of the NCS infrastructure. The NSWA would have national oversight and leadership over social work qualifications, workforce planning, improvement, training, continuous professional development and pay and grading within a national framework.

# Questions/ comments

## 8. Reformed IJBs - CHSCBs (1)

- ▶ As mentioned previously, the SG proposes that IJBs will become CHSCBs and will be the local delivery body for the NCS, funded directly by the SG;
- ▶ The functions of CHSCBs will be consistent across the country;
- ▶ CHSCBs will be accountable to Ministers and will have members who will represent the local population, including people with lived and living experience, and carers;
- ▶ It is anticipated that CHSCBs will be aligned with local authority boundaries, unless otherwise agreed at a local level;
- ▶ Members will include local elected members to preserve local democratic accountability;
- ▶ CHSCBs will employ their own chief executives and staff who plan, commission, and procure care and support. Consideration will be given to employing other relevant staff to discharge their duties, such as chief financial officers. The chief executive of each CHSCB will report to the chief executive of the NCS;

## 8. Reformed IJBs - CHSCBs (2)

- ▶ CHSCBs will oversee the delivery of all community health and social care services and support within their local area, and their work guided by the strategic direction, quality standards and operational framework set out by the NCS;
- ▶ CHSCBs will have responsibility and authority for planning, commissioning and procurement of community health and social care, and other relevant support, and for the management of GP contractual arrangements. They will be able to commission services from local authorities, the NHS and the third and independent sectors.
- ▶ CHSCBs will be members of community planning partnerships, taking the place of IJBs on these groups.

# Questions/ comments

## 9. Commissioning of Services

- ▶ SG proposes that the NCS will develop and manage a National Commissioning and Procurement Structure of Standards and Processes for ethical commissioning and procuring of social care services and supports.
- ▶ The NCS will be responsible for governance and assurance that CHSCBs comply with the Structure of Standards and Processes, through oversight of commissioning and procurement processes at a local level. CHSCBs will report their progress to the NCS national commissioning and procurement team.
- ▶ The NCS will create and manage a professional development programme to ensure all commissioning and procurement professionals working within social care have the appropriate skills.
- ▶ The NCS will be responsible for market analysis and will work with partners to develop a thorough understanding of the market and share this information with CHSCBs.
- ▶ The NCS will be responsible for the commissioning, procurement and contract management of national contracts and frameworks agreements for complex and specialist services. The NCS will establish a national commissioning and procurement team to deliver this role.

## 10. Regulation and Scrutiny

- ▶ The Scottish Government proposes that scrutiny, inspection, and regulation of care services and the workforce should be undertaken independently of the NCS. These arrangements should ensure consistent and high standards of care and support are delivered and robust and effective action is taken, particularly when there is a risk to the safety and wellbeing of people.
- ▶ The document outlines a set of core principles underpinning the approach to scrutiny and inspection and necessary actions as required to ensure appropriate standards and quality.

# 11. Valuing people who work in social care (1)

## Fair Work

- ▶ The NCS could take the lead in the development, administration and assessment of national workforce quality standards that support the practical delivery of Fair Work principles, including rates of pay, security of employment contracts and training and development.
- ▶ The NCS could oversee the creation of a National Job Evaluation framework/scheme which providers can opt into.
- ▶ The NCS could provide the opportunity to implement a national pay band structure similar to that within the NHS.
- ▶ Propose that the NCS will develop and manage a National Commissioning and Procurement Framework of standards and processes for social care. Commissioning and procurement will be a driving force to ensure the workforce, including personal assistants (see below) is appropriately valued.

## Workforce planning

- ▶ Propose the development of a consistent approach to integrated workforce planning with health, supported by national tools/framework and an agreed data set.



# 11. Valuing people who work in social care (2)

## Training and development

- ▶ The NCS will set training and development requirements that support both entry to the workforce and continuous professional development.
- ▶ NCS will provide and/or secure the provision of training and development for the social care workforce. This will complement the leadership and development role proposed for social work.

## Personal Assistants

- ▶ To understand the extent of personal assistants operating across Scotland, the SG propose that processes will be put in place to require personal assistants in Scotland to register centrally;
- ▶ There has been consideration of national minimum employment standards for personal assistants to ensure parity and fairness across Scotland;
- ▶ Consideration of provision of further administrative, recruitment or employment support to encourage further adoption of the full range of Self Directed Support options.

# Questions/ comments

# Next Steps

- ▶ Officers will continue to develop a response to the consultation, taking account of feedback from today's session
- ▶ Elected Members can submit any further comments to Laura Blackwood – [laura.blackwood@argyll-bute.gov.uk](mailto:laura.blackwood@argyll-bute.gov.uk) for consideration as part of the overall response – please use the feedback form circulated
- ▶ Proposed that a Special Council is convened at end October to consider and approve the final submission by 2<sup>nd</sup> November 2021 deadline