

Integrated Joint Board

Date of Meeting: 24 August 2022

Title of Report: National Care Service (Scotland) Bill

Presented by: Fiona Davies

The Integrated Joint Board is asked to:

- Review and note the proposed Bill and timeline
- Note the formation of an operational working group

1. EXECUTIVE SUMMARY

The National Care Service (Scotland) Bill was introduced on 20 June 2022. The Bill is currently at Stage 1 which allows the Scottish parliament to debate and consult publicly on the general principles of the Bill.

The timeline seeks to transform and be operational by 2026 pending approval of the Bill through the legislative process.

2. INTRODUCTION

A Bill is a proposed Act of the Scottish Parliament. It might be a new idea, or change or remove part of an existing law. A Bill that is introduced in the Scottish Parliament is scrutinised and debated by MSPs.

Further to national consultation the Scottish Government has introduced a National Care Service Bill. Each Bill must go through several stages before it can be passed and become an Act.

The Bill will require to go through three stages.

- Stage 1 - consideration of the general principles of the bill by parliamentary committee (s), and a debate and decision on these by the Parliament.
- Stage 2 - detailed consideration of the bill by parliamentary committee (s)
- Stage 3 - final consideration of the bill by the Parliament and a decision whether it should be passed or rejected.

The Bill is at Stage 1.

3. DETAIL OF REPORT

3.1 Overview

The Bill establishes the National Care Service.

The Bill allows Scottish Ministers to transfer social care responsibility from local authorities to a new, national service. This could include adult and children's services, as well as areas such as justice social work.

The Scottish Government would need to consult with the public before transferring responsibilities relating to children's services or justice social work to the new service.

Scottish Ministers are also able to transfer healthcare functions from the NHS and health boards to the National Care Service.

Care or health services that are transferred to the new service could be delivered nationally or locally. New bodies called "care boards" would be responsible for delivering care locally.

As well as establishing the National Care Service, the Bill makes other changes including:

- allowing information to be shared by the National Care Service and the NHS
- introducing a right to breaks for carers
- giving rights to people living in adult care homes to see the people important to them (known as "Anne's Law")

Why the Bill was created

The Scottish Government has introduced the Bill to improve the quality of social work and social care services in Scotland.

The Scottish Government announced an Independent Review of Adult Social Care (IRASC) in September 2020. This is sometimes referred to as 'The Feeley Review', after its lead author, Derek Feeley. The review aimed to recommend improvements to adult social care in Scotland. In August 2021, the Scottish Government published a consultation on its proposals to improve social care delivery in Scotland, following the recommendations in the review.

This Bill has been developed in response to the review's recommendations and the responses to the consultation.

Reference: [Overview | Scottish Parliament Website](#)

The Bill is supported by a range of documentation

- Explanatory Notes
- Policy Memorandum
- Financial memorandum

- Delegated Powers memorandum
- Statements on Legislative Competence

Each of these documents can be found at the link below:

<https://www.parliament.scot/bills-and-laws/bills/national-care-service-scotland-bill/introduced>

The National Care Service at this stage is seeking responses of people with lived experience to support the design and a co-production approach to the service. This document also notes where responsibility for decision may lie during this process in terms of the ultimate role of Ministers and the need for local bodies to continue to play a crucial role in the design and delivery of services. A document supporting how this will work was published by the government on 21 June and available at the link below:

<https://www.gov.scot/publications/national-care-service-co-design-national-care-service/>

In summer 2022 the NCS Design School will be launched creating a space for collaboration and a Lived Experience Partners Panel will be open for people to register an interest in co-design activities. It is anticipated that this process will develop over a period of years and over multiple events.

The National Care Service proposes the largest change to social care and social work in a considerable period of time. Proposed changes may have considerable change to the governance of the health and social care services to a new public institution call a Care Board and in the services delegated to that public institution. The Care Board will be a statutory public body.

Currently Argyll & Bute HSCP has all care and health services delegated, care functions have not been allocated within the Bill but ministers will have powers to do so pending consultation. The National Care Service Bill provides increased accountability and powers at a ministerial level including the transfer of healthcare functions from the National Health Service as set out in the National Health Service (Scotland) Act 1978.

The Bill supports reforms of support for unpaid carers, visits to Care Homes. The goes on further to outline the governance, duties and supporting acts and infrastructure most of which are currently applied to partners and the Integration Joint Board at present.

As noted the Bill will follow a staged process to become an Act and outlines how it will work with the public to co-produce services.

There is no specific instruction or process for IJB/HSCP at present but there is considerable national activity to ready Integration Joint Boards to prepare themselves for change.

The HSCP will form an operational working group to support change management and monitor the flow of information to and from the Scottish Government and stakeholders during this period of change.

4. RELEVANT DATA AND INDICATORS

Publication of research and public engagement undertaken by the Scottish Government.

5. CONTRIBUTION TO STRATEGIC PRIORITIES

The Integration Joint Board approved its new Strategic Plan in May 2022. This will be reviewed on an annual basis to ensure it is consistent with the changing national policy direction.

6. GOVERNANCE IMPLICATIONS

6.1 Financial Impact

There is no communication at this stage on any financial impact but it is anticipated that this will be the case during planning and implementation.

6.2 Staff Governance

The Bill notes potential for the Care Board to be an employing entity.

6.3 Clinical and Care Governance

This will be a central feature of any development to ensure the continued positive impact of integrated community services

7. PROFESSIONAL ADVISORY

The HSCP is supported by a Professional Advisory Group of senior staff who will have an active role in reviewing impacts.

8. EQUALITY & DIVERSITY IMPLICATIONS

The HSCP will work actively with the Equalities Commission and Health Improvement Scotland to ensure a proactive approach to design and delivery of services with all stakeholders.

9. GENERAL DATA PROTECTION PRINCIPLES COMPLIANCE

Data sharing and protection between agencies is currently covered by agreements which may require review.

10. RISK ASSESSMENT

The Bill proposes considerable change. Risks and potential issues will be identified and escalated through the governance of the IJB where required.

11. PUBLIC & USER INVOLVEMENT & ENGAGEMENT

The public are actively advised to comment on the Bill with dates available to join events available for registration online at the link below:

<https://www.gov.scot/policies/social-care/national-care-service/>

12.CONCLUSIONS

The IJB is asked to note the publication of the National Care Service (Scotland) Bill and note commencement of an internal working group to support change management.

13.DIRECTIONS

Directions required to Council, NHS Board or both.	Directions to:	tick
	No Directions required	x
	Argyll & Bute Council	
	NHS Highland Health Board	
	Argyll & Bute Council and NHS Highland Health Board	

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