

Report

Report to:	South Lanarkshire Integration Joint Board
Date:	26 March 2024
Prepared by:	Director, Health and Social Care

Subject:	National Care Service - Update
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1. Purpose of Briefing Paper:

1.1. The purpose of the report is to:

- ◆ to provide members with an update on the National Care Service (Scotland) Bill following its having passed Stage 1 at the Scottish Parliament on 1 March 2024.

2. Recommendation(s)

2.1. The IJB is asked to approve the following recommendation(s):

- (1) that the update provided on the National Care Service (Scotland) Bill is noted.

3. Background

3.1. The National Care Service (Scotland) (NCS) Bill was published in June 2022 and provided for the establishment of a NCS, under the responsibility of Scottish Ministers. The NCS Bill as published in 2022 provided for the transfer of listed social care and social work local authority functions, staff and assets to Scottish Ministers or newly established local care boards.

3.2. The usual parliamentary process for a Scottish Parliament bill consists of 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.

After a bill has been passed and received royal assent, it becomes an Act of the Scottish Parliament.

4. Update

4.1. The NCS Bill has been progressing through Stage 1 and the general principles of the National Care Service have been examined by the Scottish Parliament's Health, Social Care and Sport Committee (alongside work being undertaken by other Parliamentary Committees).

4.2. The deadline for completion for consideration of the NCS Bill at Stage 1 had been 17 March 2023. This was then extended to 30 June 2023, before being further extended to 31 January 2024.

- 4.3. In June 2023, the Scottish Government reached an initial agreement with local government and the NHS about accountability arrangements for the NCS. The agreement aimed to establish who will be responsible for people's care once the NCS is established, with overall legal accountability to be shared between Scottish Government, the NHS and local government and discharged in the form of a National Care Service Board.
<https://www.gov.scot/news/partnership-on-national-care-service/>
- 4.4. On 7 November 2023, the Health, Social Care and Sport Committee wrote to the Scottish Government seeking clarity on Scottish Government's intent with the NCS Bill and possible amendments they might wish to make in light of the June agreement reached with COSLA Leaders. A full copy of that letter is available here:
<https://www.parliament.scot/-/media/files/committees/health-social-care-and-sport-committee/correspondence/2023/ncs-convener-to-minister-november-2023.pdf>
- 4.5. On 6 December 2023, the Minister for Social Care, Mental Wellbeing and Sport wrote to the Scottish Parliament's Health, Social Care and Sport Committee in response to their Stage 1 scrutiny of the Bill. A full copy of that letter is available here:
<https://www.parliament.scot/-/media/files/committees/health-social-care-and-sport-committee/correspondence/2023/national-care-service-minister-response-december-2023.pdf>
- 4.6. In that letter of 6 December 2023, the Minister stated that following the initial agreement (4.3) Scottish Government no longer expect to abolish integration authorities and establish care boards. The Minister then explains the intent to ensure that there is a clear link between local and national shared accountability, including:
- Reformed integration authorities being accountable to the National Care Service Board.
 - The National Care Service Board being responsible for reviewing and securing assurance on the deliverability of local strategic plans.
 - The National Care Service Board being envisaged to have a role in scrutinising reformed integration authorities' performance reports, with strengthened powers to require evidence and documentation to be introduced.
 - As part of the introduction of a Support and Escalation framework – and subject to the status of the National Care Service Board – the Scottish Government's planning assumption is that the Ministerial powers of intervention as set out in the NCS Bill as introduced should transfer to the National Care Service Board, so as to allow the National Care Service Board to invoke those powers as a last resort and ensure the Board had substantive levers to drive and support performance and take material action when required.
- The Minister also states that it is a priority for the Scottish Government to ensure this does not become an added layer of accountability or bureaucracy and actively streamlines the existing complicated landscape.
- 4.7. On 11 December 2023, the Minister for Social Care, Mental Wellbeing and Sport wrote to the Scottish Parliament's Finance and Public Administration Committee with the Scottish Government's response to the report of 1 December 2022 by the Committee on the Financial Memorandum for the NCS Bill. A full copy of that letter is available here:
https://www.parliament.scot/-/media/files/committees/finance-and-public-administration-committee/correspondence/2023/ncsbillfm_ministerscmwstoconvener_11dec23.pdf
- 4.8. On 17 January 2024, the Scottish Parliament agreed and the Scottish Government confirmed that consideration of the NCS Bill at Stage 1 would be extended to 1 March 2024.

- 4.9. On 22 February 2024, the Health, Social Care and Sport Committee published its Stage 1 report on the NCS Bill. A full copy of the report is available here:
<https://bprcdn.parliament.scot/published/HSCS/2024/2/22/a8006131-8b6c-4a0b-8450-9e02ff419bac-1/HSCS062024R4.pdf>
- 4.10. On 28 February 2024, the Minister for Social Care, Mental Wellbeing and Sport wrote to the Scottish Parliament's Health, Social Care and Sport Committee with the Scottish Government's response to the Committee's Stage 1 report on the NCS Bill. The appendix to the letter includes a proposed summary target operating model for the NCS; and states that *"the membership and composition of the NCS Board and reformed IJBs will be determined through co design and set out as appropriate in secondary legislation"*. A full copy of that letter is available here:
<https://www.parliament.scot/-/media/files/committees/health-social-care-and-sport-committee/correspondence/2024/letter-from-minister-for-social-care-mental-wellbeing-and-sport-on-interim-response-to-hscs-committe.pdf>
- 4.11. On 1 March 2024 the NCS Bill passed Stage 1 in the Scottish Parliament.

5. Employee Implications

- 5.1. Under the initial agreement referred to at 4.3 that statutory delivery functions would remain with local government and health boards respectively, along with assets, employment and relevant funding.

6. Financial Implications

- 6.1. In evidence provided to the Scottish Parliament's Finance and Public Administration Committee on 25 January 2024, the Minister for Social Care, Mental Wellbeing and Sport has stated that planned amendments to the NCS Bill means that the set-up costs are now estimated by Scottish Government as being between £120m and £227m over the full 10 years since introduced.
https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/meeting-of-parliament-25-01-2024?meeting=15673&iob=133709#orscontributions_M5669E393P730C2554150

7. Climate Change, Sustainability and Environmental Implications

- 7.1. There are no implications for climate change, sustainability or the environment in terms of the information contained in this report.

8. Other Implications

- 8.1. The following is included in the Council's top risk register:
- The council is materially affected by the implications arising from the National Care Service Bill (high risk).
- 8.2. Officers from South Lanarkshire University Health and Social Care Partnership have continued to engage with this process through multiple mechanisms, alongside representative bodies including Health and Social Care Scotland and Social Work Scotland. In doing this, officers have underlined the analysis by Audit Scotland of the significant funding shortfalls and demand pressures that adult and older people's social care are currently facing - as is the situation locally – with unavoidable consequences for the local provision of services.
<https://www.audit-scotland.gov.uk/publications/integration-joint-boards-financial-analysis-202122>.

9. Equality Impact Assessment and Consultation Arrangements

- 9.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required.
- 9.2. Officers from South Lanarkshire University Health and Social Care Partnership have continued to engage with this process through multiple mechanisms, alongside representative bodies including Health and Social Care Scotland and Social Work Scotland.

10. Directions

10.1.

Direction to:	
1. No Direction required	<input checked="" type="checkbox"/>
2. South Lanarkshire Council	<input type="checkbox"/>
3. NHS Lanarkshire	<input type="checkbox"/>
4. South Lanarkshire Council and NHS Lanarkshire	<input type="checkbox"/>

Professor Soumen Sengupta
Director, Health and Social Care

1 March 2024

Link(s) to National Health and Wellbeing Outcomes

People are able to look after and improve their own health and wellbeing and live in good health for longer	<input checked="" type="checkbox"/>
People, including those with disabilities or long term conditions, or who are frail, are able to live, as far as reasonable practicable, independently and at home or in a homely setting in their community	<input checked="" type="checkbox"/>
People who use Health and Social Care Services have positive experiences of those services, and have their dignity respected	<input checked="" type="checkbox"/>
Health and Social Care Services are centred on helping to maintain or improve the quality of life of people who use those services	<input checked="" type="checkbox"/>
Health and Social Care Services contribute to reducing health inequalities	<input checked="" type="checkbox"/>
People who provide unpaid care are supported to look after their own health and wellbeing, including to reduce any negative impact of their caring role on their own health and wellbeing	<input checked="" type="checkbox"/>
People who use Health and Social Care Services are safe from harm	<input checked="" type="checkbox"/>
People who work in Health and Social Care Services feel engaged with the work they do and are supported to continuously improve the information, support, care and treatment they provide	<input checked="" type="checkbox"/>
Resources are used effectively and efficiently in the provision of Health and Social Care Services	<input checked="" type="checkbox"/>

Previous References

- ◆ None

Background Papers

- ◆ <https://www.gov.scot/news/partnership-on-national-care-service/> ◆
- ◆ <https://www.parliament.scot/-/media/files/committees/health-social-care-and-sport-committee/correspondence/2023/ncs-convener-to-minister-november-2023.pdf>
- ◆ https://www.parliament.scot/-/media/files/committees/finance-and-public-administration-committee/correspondence/2023/ncsbillfm_ministerscmwstoconvener_11dec23.pdf
- ◆ https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/meeting-of-parliament-25-01-2024?meeting=15673&iob=133709#orscontributions_M5669E393P730C2554150
- ◆ <https://bprcdn.parliament.scot/published/HSCS/2024/2/22/a8006131-8b6c-4a0b-8450-9e02ff419bac-1/HSCS062024R4.pdf>
- ◆ <https://www.parliament.scot/-/media/files/committees/health-social-care-and-sport-committee/correspondence/2024/letter-from-minister-for-social-care-mental-wellbeing-and-sport-on-interim-response-to-hscs-committe.pdf>
- ◆ <https://www.audit-scotland.gov.uk/publications/integration-joint-boards-financial-analysis-202122>

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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