

Report

Report to:	Executive Committee
Date:	21 February 2024
Prepared by:	Director, Health and Social Care

Subject:	National Care Service - Update
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1. Purpose of Report

1.1. The purpose of the report is to:

- ◆ to provide the Committee with an update on the National Care Service (Scotland) Bill

2. Recommendation(s)

2.1. The Committee 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 (NCS) Bill was published in June 2022 and provided for the establishment of a NCS, under the responsibility of Scottish Ministers. The 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. In responding to the NCS Bill, COSLA Leaders reiterated their commitment to improving the quality and delivery of social care services in Scotland. Leaders noted the significant value in keeping care local but did recognise benefits that a NCS designed to complement, not disrupt, local service delivery could bring. Leaders did not accept that the best way to secure improved outcomes for people was through expensive and disruptive structural reform and the transfer of Local Government staff, functions, and assets to a NCS.

3.3. On 22 November 2022, South Lanarkshire Council unanimously agreed a motion calling on the Scottish Government:-

- a. To focus the objectives of the proposed National Care Service on developing high care standards and entitlements across Scotland and on workforce planning to support the recruitment of more, high quality care staff to meet the growing demand
- b. To abandon forthwith those parts of the Bill which take powers and responsibilities from councils to Ministers and Boards as being highly damaging and unaffordable
- c. To enable the provision of a care service with local delivery, local accountability, and care users and care staff at its heart
- d. To fund Local Authorities fairly and equitably in such a way as to enable them to deliver key council – and specifically care services – effectively

4. Update

- 4.1. The NCS Bill is currently at Stage 1 and the general principles of the National Care Service are being 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. It also included the default position that local authorities retain legal responsibility for the delivery of social care and social work functions, as well as retaining staff and assets.
<https://www.cosla.gov.uk/news/2023/partnership-on-national-care-service-published>
- 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. On 11 December 2023, 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
- 4.7. As agreed by Leaders, COSLA officers have been clear with the Scottish Government that the complexity of the issues at hand have meant that the timescales for completing required work and negotiations have remained extremely challenging.
- 4.8. Officers from South Lanarkshire Council have continued to engage with this process through multiple mechanisms, alongside representative bodies including COSLA. 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.

The significant challenges of demand and budget pressures being faced by children's social work have also been reiterated.

- 4.9. 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.

5. Employee Implications

- 5.1. Under the initial agreement referred to at 4.3, staff will continue to be employed by local authorities.
- 5.2. There are no direct employee implications associated with this report.

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
- 6.2. There are no direct financial implications associated with this report.

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 as presented to the Risk and Audit Scrutiny Committee at its October 2023 meeting:-

- ♦ the council is materially affected by the implications arising from the National Care Service Bill (high risk)

- 8.2 The updated risk rating reflects the initial agreement referred to at 4.3 and is reinforced by the developments since then, as described in this report.

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. There is also no requirement to undertake any consultation in terms of the information contained in this report.

Professor Soumen Sengupta
Director, Health and Social Care

5 February 2024

Link(s) to Council Values/Priorities/Outcomes

- ◆ Accountable, effective, efficient and transparent

Previous References

- ◆ 22 November 2022 – Motion on NCS to South Lanarkshire Council.

Background Papers

- ◆ <https://www.cosla.gov.uk/news/2023/partnership-on-national-care-service-published>
- ◆ <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.audit-scotland.gov.uk/publications/integration-joint-boards-financial-analysis-202122>
- ◆ 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

Contact for Further Information

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

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