

Report

Report to:	Executive Committee
Date of Meeting:	3 November 2021
Report by:	Chief Executive

Subject:	South Lanarkshire Council Response to the Scottish Government's National Care Service Consultation
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ Present a draft of the proposed Council response to the Scottish Government's National Care Service consultation.

2. Recommendation(s)

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

- (1) that the draft South Lanarkshire Council response to the National Care Service consultation, attached at Appendix 1, be approved and submitted to the Scottish Government.

3. Background

- 3.1. On 1 September 2020, the First Minister announced that there would be an Independent Review of Adult Social Care (IRASC) in Scotland as part of the Programme for Government. The Review was chaired by Derek Feeley, a former Scottish Government Director General for Health and Social Care and Chief Executive of NHS Scotland. Mr Feeley was supported by an Advisory Panel.
- 3.2. The IRASC published its findings on 3 February 2021. The core remit of the review was to "recommend improvements to adult social care in Scotland" and, following a steer from Ministers to consider it, the review recommended that a National Care Service should be "established in statute along with, on an equal footing, NHS Scotland, with both bodies reporting to Scottish Ministers."
- 3.3. The IRASC made 52 recommendations in total, more than a third of which were about the proposed NCS. The findings of the review, including the establishment of a National Care Service, were widely welcomed by all main political parties at a national level in the run-up to the Scottish Parliament elections on 6 May 2021.
- 3.4. Following on from the election, on 9 August 2021, the Scottish Government, with support from all major parties at a national level, launched a consultation on the NCS. Described as the single most significant review of care in a generation, the consultation spans a wide range of the topics encompassed by the IRASC and goes beyond that original remit, including:

- ◆ Improving care for people
- ◆ National Care Service
- ◆ Scope of the National Care Service
- ◆ Community Health and Social Care Boards
- ◆ Commissioning of Services
- ◆ Regulation
- ◆ Valuing people who work in social care

- 3.5. Responding to the launch of the consultation, COSLA expressed concern that the proposals were drafted without any engagement with local government and have serious implications for local authorities, endangering the principles of localism and the ability of local people to be engaged in democratic decisions about how their local services are delivered.
- 3.6. This view was endorsed by all political parties at the COSLA Leader's meeting on 24 September 2021, where there was cross-party support for local retention of responsibility and accountability for social care and consensus that that the NCS as proposed would significantly undermine local democracy, accountability and choice across a wide range of services. The proposals run contrary to the principles of localism and subsidiarity as highlighted by the Local Governance Review co-chaired between COSLA and the Scottish Government during 2019/2020.
- 3.7. The draft response which has been prepared, attached at Appendix 1, aligns with this cross party consensus view.

4. The Draft Consultation Response

- 4.1. The format of the consultation consists of a [discussion paper](#) and a sequence of 96 questions in a mixture of formats, including multiple-choice (tick-box) options, comments boxes, and free text responses. The questions seek respondents' views on a wide range of specific topics under the headings noted at 3.4 above.
- 4.2. The draft response is attached at Appendix 1. Whilst it engages with the key questions raised in the consultation, the response is presented in a narrative format structured thematically, taking into account the sections and themes within the consultation paper. This format allows appropriate weight to be given to topics which are crucial to the debate. but which are not the subject of specific questions; it allows proper contextualisation of the issues; and it permits detailed exploration of specific issues as necessary. In effect, many of the questions are phrased in such a way as to present a choice between retaining the current system, with the negative elements which have been articulated so clearly by the IRASC report, or opt for improved outcomes which will be delivered by the single NCS model as outlined in the consultation document. Clearly, expressing support for the improved outcomes through this format cannot be taken as preference for the single NCS model presented.
- 4.3. This format has been discussed with senior Scottish Government officials and it is understood that a number of key stakeholders are submitting their responses in this format due to the limitations of the tick box questionnaire.
- 4.4. The draft response has the following structure:
- ◆ **Section 1: Introductory remarks and context.** Here we set out a number of key contextual factors we believe are crucial to a proper understanding of the issues raised by the NCS proposals. We contend that these contextual

considerations need to be understood – and ultimately addressed – and it concerns us that there is a lack of explicit recognition of these underlying factors.

- ◆ **Section 2: Uncertainties and Ambiguities.** We highlight numerous areas of ambiguity or lack of detail within the proposals as set out in the consultation document. In our view, these limit the scope for meaningful discussion at this stage. These uncertainties are reiterated as appropriate in the detailed considerations which are elaborated throughout section 3 below.
- ◆ **Section 3: Issues, risks and challenges.** Here we look in detail at the specific themes within the consultation document, considering the areas listed below in turn. Our aim is to comment constructively on each topic, and we necessarily go into some detail where the consultation proposals allow. In many instances, however, there is insufficient clarity at this point in time to fully assess the implications and potential consequences/risks etc of the proposals, and we highlight these within each topic.

3a – Improving care for people

3b – Charging for Care

3c – Complaints and putting things right

3d – National Care Service/Scope

3e – Community Health and Social Care Boards

3f – Commissioning of services

3g – Regulation

3h – Valuing people who work in social care

3i – Data Sharing, Analysis and Policy Development

3j – Governance and Democratic Accountability

- ◆ **Section 4: Scoping the NCS.** Drawing upon section 3 above, we consider what services and remits organised as part of a National Care Service would add value. These areas are ones where there is a role for a national approach on a number of key proposals in the consultation document. This section, therefore, seeks to define what we believe would be an appropriate scope for the NCS.
- ◆ **Section 5: Concluding remarks and Recommendations.** We summarise the key points within the consultation response and make recommendations on how to move forward to deliver the improvements in outcomes identified in the IRASC report.

5. Next Steps

- 5.1. If the draft consultation response is approved, it will be submitted to the Scottish Government as the Council's response to the NCS consultation.
- 5.2. Further reports will be brought to Committee as the NCS proposals develop and the implications for local government become clearer.

6. Employee Implications

- 6.1. There are significant potential implications for council staff working in social work or social care services arising from the proposals as set out in the consultation document. This may include TUPE transfer to another employer, changes to terms and conditions and management arrangements.

7. Financial Implications

- 7.1. There are significant potential financial implications for the Council arising from the proposals set out in the consultation document.

8. Climate Change, Sustainability and Environmental Implications

- 8.1. There are no direct climate change, sustainability and natural environment implications arising from this report.

9. Other Implications

- 9.1. Considering the detail of the report and identifying actions as appropriate contribute towards effective risk management. There are very significant risks to local government arising from the proposals set out in the consultation.

10. Equality Impact Assessment and Consultation Arrangements

- 10.1. 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.

- 10.2. Consultation was undertaken internally on the contents of this report.

Cleland Sneddon

Chief Executive

30 September 2021

Link(s) to Council Objective

- Promote Performance Management and Improvement

Previous References

- None

List of Background Papers

- None

Contact for Further Information

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

Tom Little, Head of Communications and Strategy

Ext: 4904 (Tel: 01698.454904)

E-mail: Tom.Little@southlanarkshire.gov.uk