

REPORT TO ABERDEENSHIRE INTEGRATION JOINT BOARD AUDIT COMMITTEE – 7 DECEMBER 2022

NATIONAL CARE SERVICE UPDATE

1 Recommendation

- 1.1 The Committee is recommended to consider the update on the National Care Service provided in this report and;**
- 1.2 Agree to update the IJB Audit Committee in March 2023 and future meetings.**

2 Background / Discussion

- 2.1 This report provides an update following the introduction of the National Care Service (Scotland) Bill in June 2022. The Bill aims to reform how social care, social work and community health services are delivered in Scotland. It has been described by the Scottish Government as the most significant reform to public services since the creation of the NHS. Currently, the National Care Service is expected to be implemented by 2026.

3 National Care Service

3.1 Update

The proposal to create a National Care Service was based on recommendations made by the Independent Review of Adult Social Care, led by Derek Feeley. One of the recommendations called for increased national oversight of adult social care in response to challenges that were highlighted during the coronavirus pandemic.

The Bill is referred to as framework legislation because it proposes general principles of the National Care Service but leaves considerable detail to be laid out in future secondary legislation. Scottish Government's intention is to 'co-design' these details alongside people who use and work in social care.

The Bill, subject to consultation, also proposes moving responsibility for children's services, justice social work and mental health services (as well as adult social care) into a National Care Service, overseen by Scottish Government Ministers. The Scottish Government is proposing that the National Care Service sits as a directorate within their governance. Confirmation of governance of a National Care Service is yet to be determined as is who will be represented on local Care Boards and special Care Boards.

The Bill proposes transferring responsibility for social care, social work and some community health functions - including staff, and assets such as buildings and equipment - from local Councils to Care Boards which will be overseen by Scottish Ministers. As of November 2022, the Scottish Government has not indicated which services or staff they intend to transfer.

It is estimated that up to 75,000 staff currently employed by Councils may be transferred to the National Care Service under the proposals. Information is required on how this may happen in practice and what impact this may have on staff pay, terms and conditions and pensions.

The Bill states that NHS staff cannot be transferred. The Bill proposes that Care Boards will commission services, including from local authorities.

3.2 Integrated Joint Boards

A National Care Service as currently proposed would potentially see Integrated Joint Boards replaced by Care Boards, which would take on functions currently managed and run by local authorities and health boards. Further detail on the governance, accountability, membership, number or geographical area of Care Boards is required as is clarity on impact on health budgets to support the National Care Service and Care Boards.

3.3 National Care Service Consultation and Next Stages

National Care Service consultation took place in November 2021 ahead of the publication of the National Care Service Bill in June 2022. Responses were also provided to the Health, Social Care and Sports Committee's Calls for Views on the Bill in September 2022.

Oral evidence has been provided to several parliamentary committees by COSLA. The Committees which heard evidence were: Health, Sport and Social Care Committee, Education, Children and Young People Committee, Finance and Public Administration Committee, Local Government, Housing and Planning Committee and Criminal Justice Committee. These initial sessions were due to run until at least mid-November.

Parliament has agreed that Stage 1 scrutiny of the Bill will be completed by 17 March 2023 and will only progress to Stage 2 scrutiny if the general principles of the Bill are agreed. Dates are required to be set for the lead committees Stage 1 report and when the Stage 1 debate will take place. At the debate MSPs will vote to either pass or reject the Bill.

If the general principles are agreed, Stage 2 scrutiny will be led by the Health, Social Care and Sport Committee. Any amendments proposed at this stage will be debated by the committee, with MSPs who sit on the committee suggesting amendments. It will be at the discretion of Committee members to either pass or reject these amendments. The current Scottish Government National Care Service Roadmap suggests that stage 3 will be completed by summer 2023.

4 Equalities, Staffing and Financial Implications

- 4.1 An equality impact assessment is not required because the reason for this report is for the Committee to agree its own business planner.
- 4.2 There are no staffing and financial implications arising as a direct result of this report.

Chris Smith
Chief Finance and Business Officer

29 November 2022