

## Letter to the Health, Social Care and Sport Committee

Dear Ms Haughey

SASW welcomes the opportunity to engage with the Committee on the National Care Service (NCS) Bill at Stage 2. We last wrote to the Committee on 21 June to lay out the principles against which we would measure the Bill. Since then, SASW has engaged with members in several ways; through open online sessions, our National Standing Committee and our Experts (by Experience) group. Their views form the basis of this response to the Committee's call for evidence.

During the early summer, Government officials created the Expert Legislative Advisory Group (ELAG) as requested by the Committee. This was a promising idea in theory, but there were some undeniable issues with this process:

- The number of members in each of the online meetings – often more than 60 at each - meant that the Government amendments could not be properly stress tested in a robust and coherent fashion to give participants confidence in the process.
- Independent legislative expertise should have been a key element to inform the subject matter experts. Unfortunately, that expertise was not provided nor, to our knowledge, invited.
- The timescale to consider the complicated changes to the Bill was short, and insufficient time was given in each meeting to explore their potential impact on the social care and social work systems.
- The volume of weekly meeting papers (which were often very well written) and requests for comments meant the resources of sector-leading, but small organisations were completely tied up in administrative processes collating views from their membership and providing informed responses.
- The ELAG papers were thematic in nature rather than detailed which was a barrier to effective scrutiny and advice. More importantly, the group did not have sight of the actual Government amendments before they were published.
- A principle in the terms of reference was that attendance at the meeting **would not** be used to signify agreement or acceptance of any of the proposals. We were concerned to see this last point blatantly disregarded in the Minister's letter to Committee on 24 June.

This call for evidence comes at a time when Scottish Government/public bodies have issued multiple consultations, calls for evidence or requests for views of key interest to social work (from surge planning to assisted dying) to be responded within the same timeframe. Responding to this call cannot have been easy for anybody. Even

as a professional association, well used to consultations, government papers etc, our team and our members have struggled to make sense across the various key documents – the policy memo, the amended legislation and the Minister’s letter.

This Bill has drifted a long way from the original published in June 2022. At that point, SASW’s position was gently supportive of the Bill as a vehicle to radically reform outcomes for people as envisaged by Derek Feeley in the Independent Review of Adult Social Care (IRASC). It is now clear, the Independent Review, by overtly avoiding addressing social work, missed the arena in which most of the decisions about support options, budgets and eligibility for people and carers are taken.

The material changes to the Bill are, mainly, a consequence of the Verity House Agreement and the subsequent tripartite discussions behind closed doors between COSLA, NHS and Scottish Government. From the outside, it has increasingly felt like this Bill is being seen as a solution to the wrangling between national and local government, giving Ministers additional powers to direct local government spending. Our members fear this could have far reaching consequences for local democracy. We doubt most of the public are aware of the implications of this. If implemented in this way, social work and social care will likely find itself at the centre of a tug of war played out through the National Care Board. Neither our workforces nor the people we support can afford for this to happen. If Ministers distrust local government to spend effectively on their citizens, the Scottish Government should grasp the nettle of local government reform in an open and transparent manner.

We were not opposed to services being moved away from local government operation if this was openly consulted on, and agreed, and it was likely to place them on a par with health services, as recommended by the IRASC. We are also not opposed to local government continuing to operate services, but it seems untenable to have services delivered by local authorities whilst also having such significant ministerial control through shared accountability structures.

The focus of the Bill is now the National Care Board which delivers a strategy through a monitoring and improvement framework. Our members are not satisfied that this will deliver improved human rights approaches, improve early support and prevention, or make support more portable or more fairly allocated across the country.

In contrast, many of our members believe the proposed National Social Work Agency remains the last, indeed the only, hope for a social work profession which has been dismembered, siloed and salami-sliced over the last 25 years. Social work needs a robust and sustainable response to the workforce crisis. It needs a national framework that encourages an equivalence of experience for people in Scotland. It needs leadership to engender professional autonomy and decision making. Social work needs its place within the integrated and multi-disciplinary workplace for the expertise, knowledge and formal qualification its members bring. A new vision of the role of social work in our society is required; one that makes it easier for people to get the help they need; in the communities they live in, to live full and included lives with confidence in the system. This is what will make a difference to the way people achieve the support they need.

Rather than pursue this Bill, as it is proposed, we recommend that Scottish Government focuses on the workstreams that will have the greatest impact in improving social services:

1. Complete overhaul of eligibility criteria and resourcing to ensure people and their carers get the help they need when they need it.
2. Implementation of fair work and ethical commissioning to sustain and grow our social care workforce,
3. Proper implementation of self-directed support to enable people to achieve real choice and control over their support; and,
4. Delivering on the basics of reducing poverty and addressing the housing crisis as this will help to reduce the demand on public services:

None of these issues require a Bill but they do require resource. Public services are on their knees. All available resource should be directed to the frontline to ensure that people get the right services and resources and to enable unpaid carers to get the support and breaks they need. Given the current financial constraints and the lack of capacity in the sector, is this the right time for significant public sector reform? Are there other ways to achieve the outcomes we all desire?

The Call for Evidence response format, unfortunately, has only a 3000-word character allowance for most questions. This seems inadequate and disrespectful for a Bill of this nature.

In short, SASW members and our Experts had hoped for a radical vision for social services that would impact right down to the relationship between social worker and the person seeking support, improving choice and access to resource at the point that it is needed. What they feel has been delivered are Government amendments dominated by the tripartite agreement, which was wholly inconsistent with co-design principles. Their view is that this Bill simply solidifies the current arrangements for community health and social services and fails to address the key underlying cause of the real dissatisfaction with social services felt by people who need support and the workforces whose role is to help: lack of resource.

Yours sincerely

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