

Local Government, Housing and Planning Committee

28th Meeting, 2022 (Session 6)

Tuesday 15th November 2022

Stage 1 Scrutiny of the National Care Service Bill

Background

1. The Scottish Government introduced the [National Care Service \(Scotland\) Bill](#) on 20 June 2022. The designated lead Committee is the Health, Social Care and Sport Committee, with the Local Government, Housing and Planning Committee and the Education, Children and Young People Committees both designated as secondary committees.
2. The Bill allows the Scottish Ministers to transfer social care responsibility from local authorities to a new, national service. This could include adult and children's services, as well as areas such as justice social work. The Scottish Ministers will also be able to transfer healthcare functions from the NHS to the National Care Service. It aims to make sure that these services are offered in the same way and at the same standard throughout Scotland.
3. An [Independent Review of Adult Social Care](#) (sometimes called the Feeley Review) was published in September 2020. The review's aim was to recommend improvements to adult social care in Scotland so that people who use social care services and work in the sector have a better experience. In August 2021, the Scottish Government published a [consultation on its proposals to improve social care delivery in Scotland](#), based on some of the recommendations in the review – the scope of this consultation was broadened to include children's services and criminal justice social work. This Bill has been developed in response to some of the review's recommendations and responses to the consultation.
4. The Bill as introduced allows the Scottish Ministers to transfer responsibility for social work and social care from local authorities to a new, national service, under their direct control. Social care, social work and community health services would be planned and delivered by new care boards. There would therefore be a significant impact on local authorities and the services they currently deliver.
5. Local authorities have been responsible for the delivery of social services since that responsibility was given to them under the 1968 Social Work (Scotland) Act and the 1948 National Assistance Act. After education, social work/social care is the second largest area of local government expenditure, with councils spending over £3.5 billion of their net revenue expenditure on social services in 2020-21. This represented around a third of Scottish local government total net expenditure in that year.

6. The Bill sets out powers for the Scottish Ministers to transfer community health, social care, and social work functions to the NCS by secondary legislation. Such transfers will have significant budgetary, staffing, policy and governance implications for local authorities.

7. It does not specify on the face of the Bill how many care boards, there would be or who would be on them. The national care service, like services organised by integration joint boards now, could include adult and children's services, as well as areas such as justice social work. The Scottish Government would need to consult the public before transferring children's services or justice social work responsibilities.

Today's evidence session

8. This is the second of two evidence sessions which the Committee is holding on the Bill. Following the session the Committee will consider the evidence heard and prepare a Report which will be submitted to the Health, Social Care and Sport Committee in December.

9. There will be two panels of witnesses today, as below.

- Panel 1 will focus on the impact of the National Care Service Bill on local authorities' workforces. Representatives will attend from COSLA, Solace (the Society of Local Authority Chief Executives), Unison, and the Society of Personnel and Development in Scotland.
- Panel 2 will hear evidence from the Scottish Government's Minister for Mental Wellbeing and Social Care and Scottish Government officials.

10. Submissions made by witnesses to the Health, Social Care and Sport Committee's call for views on the National Care Service Bill can be viewed at [Published responses for National Care Service \(Scotland\) Bill \(Detailed\) - Scottish Parliament - Citizen Space](#).

Scrutiny by other Committees

11. Other Parliamentary committees are also scrutinising aspects of the National Care Service Bill, hearing from a range of witnesses. A brief outline of the witnesses or themes of their evidence sessions is below:

Health, Social Care & Sport Committee

- International research, human rights, local government, integrated services, workforce, data, regulation and quality improvement, ethical commissioning, long-term sustainability and procurement, voluntary sector, carers, disability and independent advocacy, older people,

Social Justice and Social Security Committee

- Unpaid carers and care users, social care workforce, third sector social care providers.

Finance and Public Administration Committee

- Scottish Government officials, local government, NHS, third sector, Audit Scotland, economic research.

Education, Children and Young People Committee

- Practitioners and regulator, legal and human rights, integration joint boards, academics,

**Committee Clerks
November 2022**