

Education, Children and Young People Committee

28th Meeting, 2022 (Session 6), Wednesday 16 November 2022

National Care Service (Scotland) Bill – Panels 3 and 4

Introduction

At its meeting on 5 October 2022, the Committee considered its approach towards scrutiny of the National Care Service (Scotland) Bill and agreed its final approach via correspondence on 7 October 2022.

National Care Service (Scotland) Bill

[The National Care Service \(Scotland\) Bill](#) establishes the National Care Service.

The Bill allows 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.

Scottish Ministers will also be able to transfer healthcare functions from the NHS to the National Care Service.

The Bill was introduced on 20 June 2022.

The Bill is accompanied by a [Policy Memorandum](#), [Explanatory Notes](#) and a [Financial Memorandum](#). Other documents relating to this Bill are available on the [Scottish Parliament's website](#).

Committee Consideration

At its meeting on 9 November 2022, the Committee heard from practitioners and the Regulator (Panel 1) and human rights and legal experts (Panel 2).

Committee Meeting

This morning, the Committee will hear from two further panels. The first panel is comprised of representatives from three Integrated Joint Boards and two representatives from Highland, which operates a lead agency model.

The second panel is comprised of two witnesses with extensive experience of working across a range of Social Work and children's services, who will be able to reflect on the lessons learned from previous integration processes.

Other Committees scrutinising the Bill

The ECYP Committee is a secondary committee, tasked with examining the elements of the Bill relating to children and young people's services.

The lead Committee is the Health, Social Care and Sport Committee. The Local Government, Housing and Planning Committee is also a designated secondary Committee.

Details of other Committees' consideration of the Bill can be found on the Bill's [web-page](#).

The Delegated Powers considered the Bill at its meeting on 1st November. A copy of the correspondence from the Committee to the Scottish Government is available [online](#).

Submissions

The Health, Social Care and Sport Committee issued a Call for Views on the National Care Service (Scotland) Bill.

A [full list of responses](#) can be found on the Bill's web-page.

A [summary of responses](#) is also available.

Responses which focused primarily on the potential inclusion of children's services under a National Care Service can be found below:

[Barnardo's Scotland](#)
[Adoption UK Scotland](#)
[NSPCC Scotland](#)
[Includem](#)
[Chris Jack](#)
[Children in Scotland](#)
[CELCIS](#)

Supporting information

A SPICe briefing, prepared for this session, is included in **Annexe A** of this paper. This briefing provides information on the issues being considered at this evidence session including—

- Integration Authorities
- General Views on the Bill
- Comparison with Adult Services
- Integration of Services

- Lessons Learned

A [SPICe briefing](#) is also available which covers the National Care Service (Scotland) Bill as a whole.

**Education, Children and Young People Committee Clerking Team
11 November 2022**

Annexe A

SPICe

The Information Centre
An t-Ionad Fiosrachaidh

Education, Children and Young People Committee

**Wednesday 16th November 2022 (Session
6)**

National Care Service Bill- Stage 1 Scrutiny

Introduction

Background

Theme 1: Integration Authorities

Theme 2: General views on the Bill

Theme 3: Comparisons with Adult Services

Theme 4: Integration of services

Theme 5: Lessons Learned

Introduction

Members will continue their scrutiny of the National Care Service (NCS) Bill. Members have already heard from the Bill Team and a range of organisations covering topics such as a human rights approach, the future of children's services and the potential transfer of responsibility for children's services from local authorities to central government.

Background

The Scottish Government introduced the National Care Service (Scotland) Bill on 20 June 2022. 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.

The Education, Children and Young People Committee is focused specifically on the proposal to allow Ministers the power to partly or wholly transfer a wide range of children's services functions from local authorities to themselves or a care board through regulations at a later date following consultation. At this stage policy detail is not provided within the Bill, which many witnesses reflected last week makes it difficult to comment on how the provisions that are currently in the Bill might relate to children and young people's services.

Whilst the Bill sets out the existing legislation which could be modified in Schedule Three of the Bill it is not clear which aspects of legislation would be altered and in which way.

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.

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. The Education, Children and Young People Committee is focusing their scrutiny on whether the Scottish Ministers should have the power to transfer children's services functions from local authorities to the NCS. There would therefore be a significant impact on local authorities and the services they currently deliver.

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.

History of Children's Services- Key legislation

Legislative and policy measures for the care and protection of children in Scotland are complex. They involve a number of different systems including local authorities, health boards, courts and the children's hearing system, the voluntary sector and the police. The main legislative and regulatory frameworks affecting children and young people in Scotland are listed below:

- The [Social Work \(Scotland\) Act 1968](#) is the framework for social work intervention in Scotland. This Act introduced a general duty for local authorities to safeguard and promote the welfare of children in need in their area through appropriate service provision, and established Scotland's children's hearing system.
- The [Foster Children \(Scotland\) Act 1984](#) sets out local authority duties in relation to children in private foster care arrangements arranged by the child's parent.
- The [Children \(Scotland\) Act 1995](#) is the primary piece of legislation relating to the care and welfare of children and young people in Scotland. It sets out local authority services for children and families in need of support. It also sets out parental responsibilities and rights of birth parents regarding how their child is brought up and situations in which these rights may be removed.
- The [Looked After Children \(Scotland\) Regulations 2009](#) are an important operational piece of legislation in the Scottish looked after system. Through the revocation and amendment of much previous legislation, and the introduction of new provisions related to assessment and planning, 'looked after at home', kinship care, foster care and residential care, the regulations underpin many of the 'looked after child' processes in operation. They set out local authority duties and functions in relation to children in their care and are underpinned by three principles:
 - to give paramount consideration to the welfare of the child;
 - to consider the views of the child; and
 - to avoid delay and to make the minimum intervention necessary to a child's life.
- The [Education \(Additional Support for Learning\) \(Scotland\) Act 2009](#) amended the 2004 Act of the same name to clarify that all looked after children are automatically considered to have additional support for learning needs, and that they must be assessed to determine whether or not they require a Co-ordinated Support Plan. Under the 2004 Act, local authorities and other agencies have a duty to assess, monitor and support any child who requires additional support in order to engage in education.
- The [Children's Hearings \(Scotland\) Act 2011](#) fundamentally overhauled legislation on the children's hearings system and sought to strengthen children's rights in the context of that system.
- The [Secure Accommodation \(Scotland\) Regulations 2013](#) make provision for the use and management of secure care accommodation for children. These include the conditions under which a looked after child may be placed in secure care, and the duties and actions of local authorities and others when such an action is taken.
- The [Children and Young People \(Scotland\) Act 2014](#) introduced a range of significant reforms across children's services. These include 600 hours of free

early learning and childcare for looked after two-year-olds and corporate parenting duties for certain publicly funded individuals and organisations to meet the needs of care experienced people. The Act also: sets out local authority duties to provide services and support for children at risk of becoming 'looked after' and assistance for kinship carers; extends the age of eligibility for aftercare support for young people leaving care to 26; and introduces 'continuing care', providing care leavers up to the age of 21 with the opportunity to continue with accommodation and support they were provided with immediately before they ceased to be looked after.

Ongoing Work

In addition to the NCS Bill there is also ongoing work within the parliament and across the sector. Members may wish to understand how these fit if children's services are included within an NCS.

- [Children's Care and Justice Bill](#), the Scottish Government intends to introduce this Bill to parliament, with a focus on creating potential legislative reforms to promote and advance the rights of all children and people who have been harmed. The Bill also aims to keep children out of the criminal justice system and promote a Whole System Approach to preventing offending by young people focused on early intervention, diversion from prosecution, and alternatives.
- [Plan 21-24](#) sets out 25 actions which Scotland must take by 2024 in order to Keep The Promise. There are five overarching priority areas which each actions falls into, these are a good childhood, supporting the whole family, supporting the workforce, planning and building capacity.
- [Disabled Children and Young People \(Transitions to Adulthood\) \(Scotland\) Bill](#) has been introduced to the parliament and is a Members Bill. The committee will consider the Bill early next year; however, the aim of the Bill is to improve outcomes for disabled children and young people in the transition to adulthood.

Integration Authorities

The [Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#) aimed to better integrate the health and social care systems in Scotland through integration authorities (IAs). IAs can be structured in two ways, either through establishing a 'lead agency' or an 'integration joint board'.

Integration was a significant change in the delivery of health and social care. The Act created 31 new IAs- partnerships between the 14 territorial health boards and 32 local authorities (Clackmannanshire and Stirling councils have joined to create a single integration authority). All integration arrangements set out in the 2014 Act had to be in place by 1 April 2016.

IAs across Scotland are very different in terms of their size, resources and local context. However, all IAs are responsible for planning adult social care, primary and community health care, and unscheduled hospital care, delivered by Health and Social Care Partnerships.

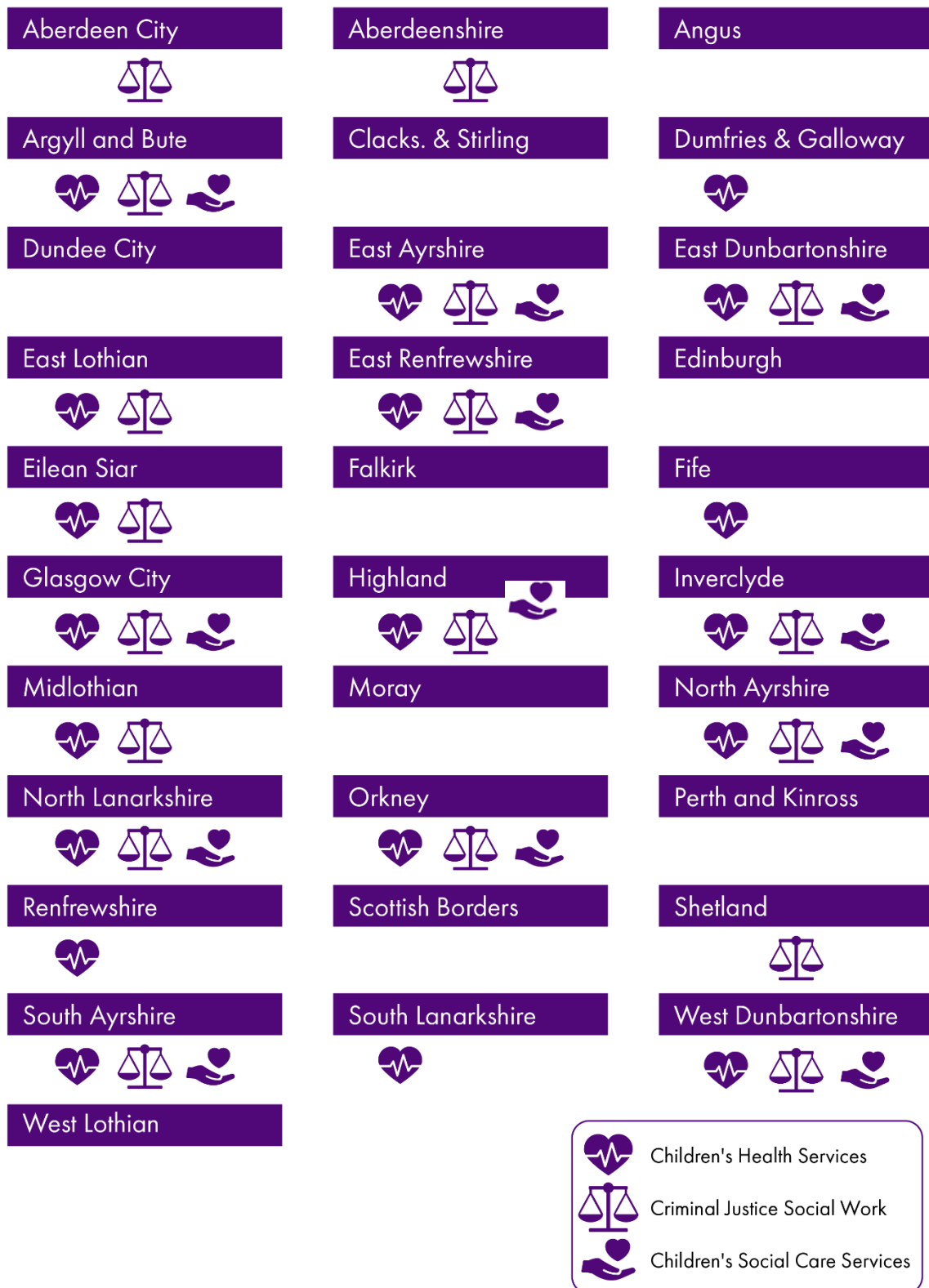
Beyond these minimum delegated services, the Act also allows children's services and criminal justice services to be delegated to IAs. All IAs have some aspects of children's health delegated, but there are 19 which have fully delegated children's health services. Criminal justice services have been delegated in 17 IAs, and 12 have delegated responsibility for children's social care services.

Integration authorities manage and oversee the budgets for providing all integrated services. However, the IRASC identified problems with the structure of IJBs. As a joint organisation between the local authority and health board, they do not hold their own budgets or employ their own staff, and the Chief Officer is accountable to both bodies. These complex arrangements have not always resulted in the high quality and well-integrated service that was intended.

The [IRASC](#) found evidence that IJBs where children's social care and social work services and justice social work had been delegated performed well in relation to those services.

The NCS Bill makes provisions for IAs to be replaced following the creation of Community Health and Social Care Boards. However, the Bill does not mention a repeal of the [Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#). It also does not specify on the face of the Bill how many care boards there would be or who would be on them.

Image 1 highlights the additional delegated services in each Integration Authority



Health and Social Care Scotland. (2022). HSCPs. Retrieved from <https://hscscotland.scot/hscps/>

All but one IA follows the Integrated Joint Board (IJB) model, where a new body was established to take on these responsibilities for governance, planning and resourcing of the delegated services. The Highland integration authority instead uses a Lead Agency model, where the NHS board or local authority take the lead in planning and delivering delegated services.

Alongside the planning and delivery of delegated services, the integration authorities must identify methods of improving the quality and consistency of their services. In line with the Scottish Government's agenda, the IAs should aim to shift services to preventative and community-based care.

Each IA develops a strategic commissioning plan with involvement from stakeholders, outlining how they will plan and deliver services over the medium term. The plans result in binding directions given to the health board or local authority with actions they are responsible for carrying out to deliver the plans.

General Views on the Bill

Most if not all local authorities, IJBs and Health and Social Care Partnerships raised concerns in their submissions to the Scottish Parliament's call for views that the Bill will lead to a disruption of integration rather than enhance it. Below is a summary of the local models adopted by each area of the witnesses appearing before the committee alongside some of the key points noted in their submissions so far on the NCS Bill.

Highland

Highland Health and Social Care Partnership has adopted a lead agency model: NHS Highland has responsibility for adult health and social care services and Highland Council has responsibility for children's health and social care services.

[Highland Council in their response](#) raised concerns around the inclusion of children's services in an NCS and noted risks particularly in relation to adult protection and child protection. They also raised concerns around transitions:

"THC has concern about transitions in particular in the event that the delivery of adult social care is provided by the NCS. Transitions are similar to hospital discharge – people try to find a process that will fix 'the problem' rather than looking at what is required or needed. Funding is a key issue in the area of transitions – who pays for what. What you see is ASC and children's social work, arguing over whether the young person is a child or an adult as this decides who is 'accountable'. Of note, many young people transitioning to adult care services are referred on by Education, not social work. This will remain an issue once a NCS is in place delivering a service to "adults " only."

[NHS Highland](#) were supportive of all social care being provided by the NHSH and noted the desire to create a seamless service that provides lifelong care regardless of age and for all members of society.

North Lanarkshire

North Lanarkshire have fully delegated children's services to the IJB, this includes children's health services, children's social care services and criminal justice social work.

[North Lanarkshire IJB's submission](#) highlights the various successes of integration in the area, their submission stresses how delivery of services is currently designed in response to local need. However, noted that there is concern that a significant change programme will cause partner bodies to look inwards for a period to address organisational concerns which can impede progress towards a national agenda including an impact on keeping The Promise, and as such improvements will be impacted.

They asked for greater clarity around the potential inclusion of children services and highlighted the need for an evidence base.

The IJB also questions whether the Bill at present potentially moves an already "challenging governance landscape" into something "even more complicated". They highlighted that professions could be potentially split across different governance and delivery structures. For example, if adult social work and social care sat within the NCS, while children's and justice social work moved to into local authorities:

"Given the significant progress made within our local system over a number of years, a viable and attractive alternative is to retain a focus on local accountability governed through a single plan such as The Plan for North Lanarkshire, bringing together all local partners with a unified goal. Learning from the pandemic has already shown the strength and impact that partners coming together working on an agreed collective priority can make."

Dundee

Dundee City Council have opted for a local authority model where children's services remain within their control.

The [Council noted concerns in the call for views](#) that including children's social work and community justice services in the scope of the Bill may have an impact on work it has done to integrate these services with other Council functions.

They also made the case for allowing local circumstances to determine where best these services should lie in each area, based on reports and research which suggest that positive outcomes are driven by collaborative leadership, effective strategic planning, good governance, performance management and workforce development rather than structural arrangements:

"Proposals to remove children and families social work from local government is likely to create greater complexity than it would resolve given the much more significant relationship between the universal education services and children with social work supervision or care support than there is with healthcare. Dundee has worked over a number of years to have an integrated children's service and this is improving outcomes locally."

[Dundee Health and Social Care Partnership](#) in their response welcomed any opportunity to further strengthen collaborative working between children's services and adult services as well as with relevant colleagues in health (including public health) and homeless and housing support services:

“Stakeholders have highlighted that attention is required to children's community health services as well as to children's social work and social care services; regardless of whether or not structural change is pursued integrated working to deliver whole family approaches requires collaboration across relevant health and social care services.”

They also called for more consideration to be given to the protection of adults and children within the NCS Bill.

Fife

Fife have opted to delegate children's health services to their local IJB, while children's social care services and criminal justice social work are not delegated. The services in their IJB include:

- Child and Adolescent Mental Health services
- Community Children's Services
- Health Visitors
- School Nursing
- Community Children and Young Persons Nursing Service
- Family Nurse Partnership Team
- Child Health Admin Team
- Allied Health Professions
- Child Protection Nursing Team
- Community learning disability services

[Fife Council](#) in their consultation response to the Scottish Government stated:

“there is no evidence to including children's services in a NCS and the disruption that structural reform would cause would be of benefit to children and young people. Separating the responsibilities for the delivery of key services for children and young people is likely to increase complexity and may weaken the support provided. We have concerns that this would disrupt the ongoing progress to strengthen integrated children's services planning and the effective work already under way to improve outcomes for children and young people, and to implement the Promise by 2030.”

Comparisons with Adult Services

Health and Social Care

Derek Feeley in his recent evidence to the [Health, Social Care and Sport committee](#) said that one major rationale for suggesting a national care service was to create parity between the NHS and social care, with the hope that the sentiment and pride in the NHS will translate to a national care service. These would filter through to parity of esteem for social care staff.

There can be differences between approaches in relation to children's services and the fundamentals of social care, which is centred around assessment of need, eligibility and the commissioning and procurement of services (rather than direct delivery).

The principles of the National Care Service state that the NCS would be 'an exemplar in its approach to fair work...(and that staff) ...are recognised and valued for the critically important work that they do.'

Analysis from the Government's NCS consultation shows many responses recognised the connectedness between adult and children's services, and the opportunity to strengthen collaboration across these. Many also pointed to the very different needs of each group and, particularly, the distinct needs of children and young people, which differ significantly from those of adults.

Concern was expressed in some organisational responses across the stakeholder groups that children's social work could be subsumed within adult health services, which operate under a different model. This was seen as being potentially detrimental to meeting the needs of children and families.

The risk that children's services would be 'lost' in a large organisation which has a predominantly adult focus was a concern expressed in many responses, across all stakeholder groups. Some responses indicated that this was particularly worrying for groups of children who are more marginalised by current systems and whose voices are less likely to be heard.

In their consultation response the Northern Alliance said:

"The main risk of locating children's social work and social care in the National Care Service is that they will become a very small component of a large complex organisation which has a predominantly adult focus."

The difference between the performance of children's services and adult service within a single local authority area can vary. The [Local Government Benchmarking Framework](#) includes a number of indicators in the areas of children's services and adult social care services. The variation in performance within local authority areas in terms of adult and children's care services can be striking.

Social Work

Social work currently encompasses a diverse range of services provided to children and families, adults, and those in the criminal justice system. In Scotland, local authority social work departments deliver or commission these services with the aim of supporting some of the most vulnerable people in society and improving the quality of their lives. The needs of people requiring social work services is hugely varied. Therefore, social work services encompass many levels of care, support, and protection for people at different periods or continuously throughout their lives.

The majority of social work and social care resources are directed towards adult services, mostly on care services for older people (65 years+). Alongside residential care and care at home, other adult social work services include mental health services, addiction support, help for adults with disabilities, dementia and Alzheimer's support, provision of mobility aids and re-ablement services, as well as supporting refugees and victims of trafficking.

Social work departments also provide services to children and young people to help support and protect vulnerable children and their families. These services include child protection, support for families, kinship care, adoption and fostering services, mental health services, support for young people in the justice system, children with disabilities and child refugees.

Members may wish to note that while the National Social Work Agency (NSWA) is not covered by the Bill, its creation is mentioned in the [Policy Memorandum](#) (PM). The NSWA would be expected to provide 'national leadership, oversight, investment and support to the profession'.

From the information provided so far, the employment of social workers in particular is not settled, nor what role a national agency might have in terms of workforce planning, training and development of social workers.

Integration of services

Child Protection

Child Protection Committees (CPCs) are responsible for multi-agency child protection policy, procedure, guidance and practice. Within each local authority, CPCs work with local agencies, such as children's social work, health services and the police, to protect children.

Each local authority and its relevant health board are required to jointly prepare a Children's Services Plan for each three-year period. This relates to services which have a significant effect on the wellbeing of, or are of benefit to, children and young people.

The [2021 Local Government Benchmarking Framework](#) shows expenditure on children who are looked after reduced by 5.2% in 2020/21, expenditure varied widely across the country with a range of -29% to +28%. This trend is counter to previous years and is influenced in part by the exceptional COVID-19 related inflation

experienced during this period, but also is evidence of the recent shift away from the use of more expensive external placements in a number of authorities.

Many responses to the Health, Social Care and Sport committees call for views expressed concern about the impact the proposed changes would have on child protection. One concern was that educational professionals play a key role in early identification of risk and potential harm. Effective joint working was seen as crucial to child protection and safeguarding and as noted in earlier sections, there were concerns about the impact the NCS could have on these working relationships.

Another concern, expressed particularly but not solely by local authorities, was around the statutory responsibilities which sit with local authorities and the implications of moving children's services into an NCS both in the future and during any transition period. The statutory role of Chief Social Work Officers in particular was highlighted, with the lack of information and clarity around where this role would sit and how it would function being a source of concern.

Education, Early Learning and Childcare, Youth Work and Housing

The Bill provides for certain local authority functions to be transferred to Care Boards. This does not include education, housing or homelessness functions. In the [Policy Memorandum](#), the Scottish Government sets out its expectation that:

“...a fully integrated NCS would work closely with other services, such as housing, homelessness, education, the justice system, and the Scottish Prison Service to ensure everyone has seamless access to the support they need.” (para 11)

In evidence to the committee several witnesses have highlighted the close working relationship between local authority departments and children's services, including early learning and childcare, education and housing. The [Children's Rights and Wellbeing Impact Assessment](#) did not fully assess the impacts of the Bill on the rights of children and young people at this stage. The CWIA did note that responses to the public consultation for the NCS highlighted potential negative impacts. The government noted two specifically:

- transitions for care experienced young people could be hindered by separating social work services from housing services
- integrating children's and adult services in the NCS could lead to children's services being subsumed in a large complex organisation which has a predominantly adult focus

In [The Promise's analysis of Scottish Government consultation responses](#) they noted concerns of local authority services becoming “further distanced” and efforts to bring social work and education together under GIRFEC could be “disrupted”.

Aberdeen City Council in their response drew out particular concerns for children with disabilities:

“Children with disabilities are supported in our local schools. It would be hard to determine that moving health and children’s social work together whilst education remains with local authorities, would result in improved experiences and outcomes. Most planning for children with disabilities takes place within education and the role of special schools should not be underestimated... Aberdeen City co-locates health, children’s social work and education within our special school. This co-location enables positive relationships and shared improvement planning. It also provides for the shared delivery of services beyond the school day through the provision of services for children over school holiday periods in recognition that this is a time of high stress for families. This wider ‘family support’ is delivered by services pooling resource and expertise to meet the needs of families. This is possible due to the strength of relationships on the ground.”

Transitions

Adolescence and young adulthood is a time of vast physiological, psychological, social and contextual changes. Young people with service and care needs during this period need to move from child to adult systems and those with complex needs may have to repeat this move across multiple services. This process is often referred to as transitions.

Transitions are a concept that would apply to some degree to all adolescents as they move out of secondary education and services aimed at older children and into greater independence. The transitions being considered here is around those individuals who may need or expect greater support during that time.

This support includes that for disabled young people, young people in the care system, and those in the justice system would also require support as, for example, they move between child and adult services.

The transition from children’s services to adult social care and social work services can be a “complex process” for young people and their families. One of the key opportunities the Scottish Government have highlighted within the NCS Bill is to improve transitions for children into adulthood through “better coordination, planning and communication”. More cohesive services with improved transitions is an expressed reason for including children’s services in the NCS.

One of the recommendations within the [Independent Care Review](#) was:

“There must be comprehensive thematic reviews of ‘transition services,’ and all those with ongoing parenting responsibility must be required to explain how they plan to deliver integrated services for care leavers to adulthood.”

The Promise in their consultation analysis noted that multiple organisations working with children and young people commented on the opportunity the proposal might provide for improving the transition from child to adult services. Some organisations reported poor experiences of members of their communities moving between child and adult services, with young people “falling through the cracks”.

In workshops run by The Promise on the NCS Bill as introduced, both professionals and young people felt that easing the transitions between child and adult services could be a benefit of the NCS.

While the [Independent Review of Adult Social Care in Scotland](#) (IRASC) concluded:

“We heard that national and local services need to work together better, that transitions between children’s and adults’ services must improve, and so should joint working with other services such as transport, housing, education and employment.”

However, concerns have also been noted about the loss of current transition improvement work. Plan 21-24 for example focuses on housing transitions and states that housing pathways for care-experienced young people will include a range of affordable options that are specifically tailored to their needs and preferences, and youth homelessness will be eradicated.

Family Support

The [Independent Care Review](#) states the need for intensive family support and spoke of some of the challenges within the current system. For example, they noted stories of a complete failure of planning and support for the children of parents facing imprisonment, leading to children being abandoned or going to an inappropriate place. It concluded that:

“For Scotland to truly be the best place in the world for children to grow up, a fundamental shift is required in how decisions are made about children and families”.

The Christie Commission also concluded that services should be experienced as joined-up support which wraps around the child and family when this is needed.

The IRASC’s recommendations identified that change is needed to ensure greater collaboration and reduce the complexity of the current landscape of adult social care.

Lessons Learned

Audit Scotland do not comment on policy. It is their view that “it is for the Scottish Government to determine the structures and arrangements for social work and social care services that best meet the needs of Scotland”. However, in their submission to the Parliament’s call for views they draw out learning lessons from previous public service reforms which may be helpful for the committee as they scrutinise the bill.

Highlighting the examples of previous public service reforms such as health and social care integration, police and fire reform and college sector regionalisation, Audit Scotland’s submission highlights that lessons need to be learned. Their reports in these sectors have found that reform is challenging, and public bodies have experienced difficulties implementing elements of reform. This is particularly pressing in the case of NCS as “any difficulties in implementing social care reform could have a significant negative impact on vulnerable people who rely on care and support”.

Audit Scotland highlight the following key learning points from previous reforms:

- realistic costs in financial memoranda accompanying parliamentary bills for legislative change;
- a comprehensive business case, clearly setting out the purpose and objectives of reform, timescales, key roles, responsibilities and accountability, risks, and the budget;
- evidence to support major changes and being clear about how they will improve outcomes, options appraisal, and economic modelling;
- good baseline information and a clear plan for measuring performance and improvement;
- clear governance, accountability and roles and responsibilities in the new structure, and ensuring a shared understanding and agreement among key stakeholders;
- strong, consistent strategic leadership from the outset;
- an understanding of the time and effort needed to implement major change and complex restructuring, and of the cultural differences between services.

Members may wish to explore with panel members whether these learning points feel evident - and have made an impact so far - in the development of the National Care Service reforms particularly with regards to the inclusion of children's services.

On 7th November the [Delegated Powers and Law Reform Committee wrote to the Scottish Government](#) asking for more information on the NCS Bill. Their letter including a number of questions which may be of interest to members:

- Why the Bill been introduced at a time when there is an ongoing consultation process, where many details are not yet known and significant delegated powers are required to implement the full policy after that consultation.
- Whether applying a requirement to lay consultation documents or reports on any consultation carried out alongside regulations made under the significant powers in this Bill has been considered.
- Section 17 provides that the Scottish Ministers may remove all of the members of a care board by regulations. The Committee notes that a similar power to remove board members exists in the Further and Higher Education (Scotland) Act 1992. That power may be exercised by an Order, subject to the negative procedure. The Committee would appreciate an explanation of the Scottish Government's position in relation to the removal of care board members with reference to the process set out in the Further and Higher Education (Scotland) Act 1992.
- Section 36 provides the Scottish Ministers with a power to establish a scheme for sharing information to enhance the efficiency and effectiveness of services provided by and on behalf of the National Care Service and the National Health

Service. Given the significance of such a scheme, has the Scottish Government considered establishing this scheme on the face of the Bill, in order that the Parliament properly debate and scrutinise the proposals for the creation of such a scheme?

Nicole Beattie, Senior Researcher Further and Higher Education, Children's Services, SPICe Research

11th November 2022

Note: Committee briefing papers are provided by SPICe for the use of Scottish Parliament committees and clerking staff. They provide focused information or respond to specific questions or areas of interest to committees and are not intended to offer comprehensive coverage of a subject area.

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