



INTEGRATION JOINT BOARD

Date of Meeting	24 September 2024
Report Title	National Care Service
Report Number	HSCP.24.060
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Consultation Checklist Completed	Yes
Directions Required (IJB only)	No
Exempt/Confidential	No
Appendices	None
Terms of Reference	1c – "...Any other matter that the Chief Officer determines appropriate to report to the IJB."

1. Purpose of the Report

- 1.1. To provide the Integration Joint Board (IJB) with an update on the progress of the National Care Service (Scotland) Bill.

2. Recommendations

- 2.1. It is recommended that the Integration Joint Board:

- a) Notes the progress of the National Care Service (Scotland) Bill through the Scottish Parliament's legislative process;



- b) Notes that the Scottish Government has not yet published draft amendments to the National Care Service (Scotland) Bill in the areas of direct funding, the potential inclusion of children's services and justice social work within the scope of a national care service, or 'Anne's Law'; and
- c) Instructs the Chief Operating Officer to report back to the Integration Joint Board following Stage 2 of the Scottish Parliament's legislative process.

3. Strategic Plan Context

- 3.1. The IJB's Strategic Plan recognises the proposed creation of a National Care Service (NCS) in Scotland and the important role that the Aberdeen City Health and Social Care Partnership (ACHSCP) can play in shaping it. The Plan committed to engaging with the process at a national level, influencing the proposed reform, and using the opportunity to bring the voice, view, and opinion of Aberdeen to the conversations.

4. Summary of Key Information

- 4.1. The National Care Service Bill (Scotland) Bill ('the Bill') was published in June 2022 and sought the establishment of an NCS, under the responsibility of Scottish Ministers. The Bill provided for the transfer of listed social care and social work local authority functions, staff and assets to an NCS. As a 'framework bill', much of the operational detail was intended to be outlined in secondary legislation following a period of co-design.
- 4.2. In June 2003, the Convention of Scottish Local Authorities (CoSLA) and the Scottish Ministers reached an initial 'shared legal accountability' agreement on the NCS. This included the default position that local authorities would retain social care and social work functions, as well as retaining relevant staff and assets. In addition, a new NCS National Board would be created, accountable to both local government and Scottish Ministers. Local government and Scottish Ministers would have responsibility for national improvement, standards, and oversight, and with an agreed escalation framework in place for when standards were not met. Since June 2023, local government has engaged in extensive discussions with the Scottish Government and NHS to reach further consensus.



- 4.3.** On 29 February 2024, the Scottish Parliament, as part of Stage 1 of its legislative process, agreed the general principles of the Bill as introduced. The Bill moved to Stage 2 of the process. Stage 2 is where amendments to the Bill can be proposed and decided on. Following determination of all relevant amendments, a new (amended) version of the Bill is published. This version is considered at Stage 3. Further amendments can be considered at Stage 3 ahead of a final vote by the Scottish Parliament on whether to pass the Bill. If the Bill is not passed, it cannot become law. If it is passed, it is normally sent for Royal Assent after four weeks. On receiving Royal Assent from the King, it becomes an Act of the Scottish Parliament.
- 4.4.** The Bill currently remains at Stage 2 of the process. The Scottish Government has not yet formally lodged amendments to the Bill. It has, however, shared with the Scottish Parliament's Health, Social Care and Sport Committee, draft amendments to the Bill for consideration. Highlights from the draft amendments include:
- a) Local authorities and health boards would retain legal responsibility for the delivery of their own services as well as retaining associated staff and assets;
 - b) The creation of an NCS National Board which would, amongst other things:
 - i. set a national strategy for services within the scope of the NCS;
 - ii. develop a support and improvement framework to hold local boards to account for the delivery of social care, social work and community health in their local area; and
 - iii. employ a Chief Executive;
 - c) A change of name for Integration Joint Boards to National Care Service Local Boards;
 - d) The creation of a National Social Work Agency to improve local services, support local implementation of national policy, support a more consistent experience of social work, and promote support that is person led and consistent;
 - e) The reservation of contracts for certain services to organisations that meet specific criteria (e.g., organisations that reinvest profits into public services);
 - f) A right to breaks for carers; and
 - g) Provision for an NCS Charter of Rights and Responsibilities.
- 4.5.** It is worth noting that the Scottish Government did not, however, publish draft amendments in the areas of:



- a) Direct funding from Scottish Government to the reformed local integration authorities (as opposed to funding integration authorities through health boards and local authorities as is currently the case);
- b) The approach to justice social work and children's services – namely whether to mandate the delegation of such functions from local authorities to the local integration authorities (although a power has been provided for in the Bill to add or remove a function of health boards or local authorities that must be delegated); or
- c) The approach to the implementation of Anne's Law – a law that would ensure that a person in residential care always had access, through visiting rights, to a family member or friend for advocacy and support.

4.6. The Scottish Government acknowledge that further work is needed to develop the most appropriate legislative approach in these areas. In the meantime, it has indicated:

- a) an intention to give Scottish Ministers the power to directly fund integration authorities for specific purposes such as regional and national commissioning of specialist services
- b) a preference to include justice social work and children's services, including children's community health services, in the scope of the NCS;
- c) a commitment to delivering Anne's Law.

4.7. On receiving the Scottish Government's draft amendments, the Scottish Parliament's Health, Social Care and Sport Committee subsequently issued a ['Call for Views'](#) on the draft amendments. The ACHSCP, Aberdeen City Council (ACC), and the Aberdeen City Public Protection Chief Officers Group submitted a joint response, in consultation with NHS Grampian who submitted their own response, ahead of the deadline on 20 September 2024. Key elements of the submission include:

- a) The need for any future NCS National Board, in setting strategy, to adopt similar practice to that in Aberdeen – namely developing methodology to identify the needs of population at local and national levels, provision of clarity on a limited set of clear outcomes for health and care, clarity on how those outcomes will be delivered and clear linkages between strategy and the Medium Term Financial Strategy of the NCS;
- b) With reference to local activity to develop a prototype for a National Improvement Framework for the NCS, the need for proportionality and added value in how the NCS National Board discharges its functions – less intervention in local systems that have sound quality assurance arrangements in place and are delivering improving results within



- budget, more intervention for those systems facing greater challenges or with weaker relationships and leadership;
- c) With reference to the work in Aberdeen to allocate spend across three tiers, promoting an opportunity, through the creation of the NCS, to increase the shift in resource allocation across the public sector in Scotland towards those activities which are preventative in nature, all within the available financial envelope;
 - d) With reference to the development of the Granite Care Consortium, the need for local flexibility in determining whether to develop innovative solutions locally and/or participate in NCS National Board commissioning activity;
 - e) With reference to the development of a family support model in Aberdeen under the leadership of Aberdeen's multi-agency children's services board, the need for local determination on whether justice social work and children's services should be delegated;
 - f) Caution against the use of the proposed ministerial power to add or remove functions of health boards and local authorities that must be delegated, with particular reference to children's services and justice social work;
 - g) Support for the principle of direct funding to NCS local boards for limited purposes;
 - h) Support for the principle of 'Anne's Law';
 - i) Support for the principle of the NCS Charter; and
 - j) The need for greater focus and intent on prevention, noting that prevention, population health management, and tackling health inequalities are not a distraction to immediate priorities: they are key to sustainable solutions to current performance challenges across the wider system.

4.8. The multi-agency Aberdeen City National Care Service Board is chaired by the Chief Operating Officer and has been operational since 2022. It works to a programme generated from the identification of opportunities and risks arising from the NCS (Scotland) Bill. This has included leading, engaging, and supporting:

- a) The hosting of a three day study visit of Scottish Government officials to promote local achievement and challenges;
- b) Aberdeen's participation in the Getting It Right for Everyone (GIRFE) pathfinder programme (a report on this matter will be presented to the IJB on 19 November 2024);
- c) the development of Scotland's new multi-agency National Public Protection Leadership Group;
- d) the development of a prototype framework which could be adopted by an NCS National Board and aims to implement a system of oversight



that is proportionate and provides appropriate weight to both local and national outcomes;

- e) the development of the new Carer's Strategy for Aberdeen; and
- f) other associated activity including that relating to the creation of a Bairns' Hoose model in Aberdeen, the development of a family support model, and the development of a new IJB Strategic Plan.

- 4.9.** The Board will continue to engage with the development of the NCS, associated legislation, and policy development to help influence the final shape of the NCS in a manner that best supports the deliver of better outcomes for Aberdeen's citizens. It will also work to ensure that the transition to any agreed NCS in the future is done in a sensitive manner across relevant local agencies.

5. Implications for IJB

5.1. Equalities, Fairer Scotland and Health Inequality

There are no direct implications arising from the recommendations of the report.

5.2. Financial

As set out above, the Scottish Government may seek to make provision for direct funding to local integration authorities. Meantime, there are no direct financial implications arising from the recommendations of the report.

5.3. Workforce

As set out above, the Bill no longer provides for the transfer of local authority staff into an NCS. It is the Scottish Government's intention to create a National Social Work Agency to provide national leadership, oversight, and support. It also intends to designate a member of their staff as the National Chief Social Work Advisor. Meantime, there are no direct workforce implications arising from the recommendations of the report.

5.4. Legal



As set out in section 4 of the report, the National Care Service (Scotland) Bill is currently at Stage 2 of the Scottish Parliament's legislative process. It is anticipated that the Scottish Government will formally submit its Stage 2 amendments to the Bill in autumn 2024 although this is subject to change.

5.5. Unpaid Carers

Provision for a right to breaks for carers remains in the Bill unchanged. Having regard to the Bill, the current version of the IJB's Carer's Strategy makes reference to breaks for carers. Meantime, there are no direct implications for unpaid carers arising from the recommendations of this report.

5.6. Information Governance

Section 36 of the Bill makes provision for Scottish Ministers to make regulations to allow information to be shared in order that public health and social care services can be provided efficiently and effectively. Meantime, there are no direct implications in respect of information governance considerations at this stage.

5.7. Environmental Impacts

There are no direct environmental implications arising from the recommendations of this report.

5.8. Sustainability

There are no direct sustainability implications arising from the recommendations of this report.

6. Management of Risk

6.1. The Aberdeen City National Care Service Board has identified the following risks associated with the development of an NCS:

- a) A national structure may inhibit the ability to allocate resource based on local need (as opposed to what is perceived as a national need);
- b) Dis-establishment of existing relationships at a local level;



- c) Uncertainty through the concurrency of various national change programmes; and
- d) Additional demand on health and social care resources during the transition to an NCS.

6.2 The Board has sought to mitigate these risks by ensuring proactive engagement with Scottish Government officials and consultation exercises. This has sought to ensure that the circumstances particular to Aberdeen are heard and that the legislation will enable further innovation and integration that is appropriate to the city's needs. The Board has also sought to ensure that local arrangements are cognisant of the proposals for an NCS as they develop so that Aberdeen is placed to manage the transition to an NCS in a way that minimises any negative impact to citizens, the workforce, finance, and to existing multi-agency relationships.