

SERVICE UPDATE

<u>Name of Cluster:</u>	Children's Social Work and Family Support
<u>Date:</u>	31 October 2024
<u>Title of Update:</u>	National Care Service
<u>Author:</u>	Graeme Simpson
<u>Chief Officer:</u>	As above

UPDATE:

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 work and social care 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.

In June 2023, 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 work and social care 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.

On 27 September 2024 CoSLA announced their withdrawal of support for the National Care Service Bill. CoSLA were clear they continue to support key areas of reform, including enhanced support for unpaid carers, care home visitation rights and efforts to improve the experience of the social work and social care workforce. However CoSLA were concerned that the amended Bill currently does not reflect a model which Local Government can support.

Legislative Progress

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.

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 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 work, social care 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.

It is worth noting that the Scottish Government did not 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 social work/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.

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 social work and children's community health services, in the scope of the NCS; and
- (c) a commitment to delivering Anne's Law.

Consultation

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. Aberdeen City Council, Aberdeen City Health and Social Care Partnership 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 (Attached). 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 the population at local and national level, 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) 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) Reference to the work in Aberdeen to allocate spend across three tiers of intervention, 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) Reference to the need for local flexibility in determining whether to develop innovative solutions locally and/or participate in NCS National Board commissioning activity;
- (e) 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 social work / 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 social work and justice social work;
- (g) Support for the principle of direct funding to NCS local boards for limited purposes;

- (h) Broad support for the establishment of a National Social Work Agency, although highlighting the need for clarity on the proposed governance arrangements;
- (i) Support for the principle of 'Anne's Law';
- (j) Support for the principle of the NCS Charter; and
- (k) 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.

Aberdeen City established a multi-agency National Care Service (NCS) Board in 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:

- The hosting of a three day study visit of Scottish Government officials to promote local achievement and challenges;
- Aberdeen's participation in the Getting It Right for Everyone (GIRFE) pathfinder programme;
- the development of Scotland's new multi-agency National Public Protection Leadership Group;
- the development of a prototype framework which could be adopted by a NCS National Board and aims to implement a system of oversight that is proportionate and provides appropriate weight to both local and national outcomes;
- the development of the new Carer's Strategy for Aberdeen; and
- 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.

The NCS Board will continue to monitor the development of the NCS, associated legislation, and policy development. However following the decision from CoSLA to withdraw support the final shape of the NCS is currently very uncertain.

Once the shape of the NCS becomes clearer and there is clarity as to how the NCS will impact on Children's Social Work/Social Care, the Chief Officer Children and Family Support Services will provide a further update/Committee report.

Graeme Simpson
Chief Officer Children & Family Support Services/CSWO
31 October 2024