

NATIONAL CARE SERVICE (SCOTLAND) BILL

SCOTTISH CARE ENGAGEMENT SESSION

24 AUGUST 2022

**BECCA YOUNG – POLICY & RESEARCH MANAGER
DR DONALD MACASKILL - CEO**



10:00-10:10

**SESSION INFORMATION
CONTEXT, PROGRESS & PROCESS**

10:10-10:30

**BILL OVERVIEW
KEY CONSIDERATIONS & QUESTIONS**

10:30-10:55

DISCUSSION & FEEDBACK

10:55-11:00

NEXT STEPS



Scottish Government intention to establish a National Care Service and for this to be functional by 2026.

National Care Service (Scotland) Bill introduced to Scottish Parliament – 20 June 2022 – accompanying policy memorandum, financial memorandum & impact assessments

Bill is currently at Stage 1 (general principles)– considered by Health, Social Care and Sport Committee of the Scottish Parliament & publicly consulted on.

Consultation inviting submissions by 2nd September 2022.

- Call for Views – <https://yourviews.parliament.scot/health/national-care-service-bill>
- Your Priorities digital consultation - <https://engage.parliament.scot/community/5052>

Committee written & verbal evidence before writing a report on the Bill.

Scottish Parliament vote on whether to pass the Bill to Stage 2.

Stage 2 - more detailed, 'line-by-line' scrutiny by MSPs takes place and amendments can be made.

Scottish Parliament vote on whether to pass the Bill to Stage 3.

If passed, Bill submitted for Royal Assent to become Act of the Scottish Parliament.

Currently estimated that all stages will be concluded by summer 2023.

20 June 2022 – Bill introduced to Parliament

Establishment of co-design school – summer 2022

Stage 2 consultation & report – late 2022

Conclusion of Bill stage 1 – early 2023

Conclusion of Bill stages 2 & 3 – summer 2023

NCS Act – later 2023

Secondary legislation

By May 2026 - National Care Service operational

Co-design work around implementation details

DETAILS OF THE BILL

The purpose of the National Care Service (Scotland) Bill is to improve the quality and consistency of social services in Scotland.

- The National Care Service
 - Care boards
 - Strategic plans
- Health & social care information
 - Electronic care record
- Reforms Connected to Delivery & Regulation of Care
 - Anne's Law
 - Care Inspectorate & enforcement powers
 - Procurement
- Costs & finance



CARE BOARDS

Care under the responsibility of the NCS can be delivered nationally or locally, with new 'care boards'. What will be transferred to NCS not clear yet, but to be degree of uniformity with some flexibility for local difference/need.

Local care boards will plan community health and social care services and be responsible for their delivery

The number of care boards & geographical coverage still to be determined

Special care boards for national services, such as complex or specialist provision.

Eventual replacement for IJBs

PART 1: THE NATIONAL CARE SERVICE

STRATEGIC PLANS

Bill requires care boards and Scottish Ministers (if delivering NCS services nationally) to have strategic plans for how they will deliver frontline care and support services in ways that best reflect the principles.

Must include:

- vision & objectives
- budget projections
- ethical commissioning strategy

Ethical commissioning strategy must set out CB's arrangements for providing services and how those arrangements have been designed to ensure they best reflect the NCS principles, including Fair Work

Require to be consulted on publicly & with Consultation with other public sector bodies, neighbouring LCBs will be a minimum requirement

Require Ministerial approval

PART 1: THE NATIONAL CARE SERVICE

ELECTRONIC CARE RECORDS

Bill allows Scottish Ministers to establish a scheme for sharing information across the National Care Service and the NHS, with the intention of improving service effectiveness and efficiency.

This will be in the form of an electronic social care and health record.

Intention is to provide a nationally consistent, integrated and accessible record which can be used, with appropriate permissions and safeguards, by all who provide health and social care and therefore reduce duplication of information.

Would also serve as a means of providing statistics to support planning, improvement and intelligence.

PART 2: HEALTH & SOCIAL CARE INFORMATION

ANNE'S LAW

Bill incorporates 'Anne's Law', which gives visiting rights to people living in care homes for adults, regardless of wider circumstances such as lockdowns or infectious disease outbreaks.

Gives Scottish Ministers powers to require care home providers and public health teams to comply with any direction regarding visits by or visits to care home residents, and to vary or revoke these directions.

Intends to remove practice variation around visiting, including stopping any blanket bans on visiting.

PART 3: ADDITIONAL REFORMS CONNECTED TO DELIVERY & REGULATION OF CARE

CARE INSPECTORATE & ENFORCEMENT POWERS

Strengthens the Care Inspectorate's enforcement powers to cancel the registration of a care service without requiring an improvement notice to be served first where the Care Inspectorate deems the service or provider not to be in a position to make or sustain improvements.

Bill authorises Healthcare Improvement Scotland to assist the Care Inspectorate in undertaking inspections and charge for this, should they be needed in the future in exceptional circumstances.

PART 3: ADDITIONAL REFORMS CONNECTED TO DELIVERY & REGULATION OF CARE

COMMISSIONING & PROCUREMENT

Bill amends the Public Contracts (Scotland) Regulations 2015 in order to support not-for-profit organisations to tender for social care service provision.

Ministers can change the definition of what types of organisations can bid for NCS services and in certain circumstances, the list of bidders for a contract can be limited to those who meet a particular description, such as only for voluntary and third sector organisations.

PART 1: THE NATIONAL CARE SERVICE

COSTS & FINANCE

Decisions around costs as establishment and implementation of the NCS progresses will need to be based on 'rigorous, evidence-based options appraisals, value for money, where benefits and quality are paramount, and the resources available to ensure affordability.'

Financial Memorandum predominantly focuses on funding for care boards and on the national establishment and running costs of the NCS, including national staff costs and infrastructure.

Doesn't address underfunding of social care.

Contracts with Local Authorities will transfer to care boards. Over time, changes to policies on ethical procurement and Fair Work may lead to changes in the requirements on potential providers.

FINANCIAL MEMORANDUM

DISCUSSION & FEEDBACK

What opportunities does the Bill present?

What are the key areas of concern?

Will the NCS Bill support the achievement of consistency & quality for social care?

What are the financial implications?

What other impacts will it have on the independent sector?

NEXT STEPS

Scottish Care Briefing -
<https://scottishcare.org/wp-content/uploads/2022/08/NCS-SC-Briefing.pdf>

Consultation response – 2nd September

Ongoing Bill analysis & NCS engagement

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