

Health, Social Care and Sport Committee
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Our ref: SM/HSCS
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Enquiries to: MWC Enquiries

Date: 12 December 2022

Dear Ms Martin

Mental Welfare Commission: Follow-up panel 2 at HSCS Committee, 22 November 2022

Thank you for the opportunity to attend the NCS Bill evidence session at the Health, Social Care and Sports Committee on 22 November 2022. Following the committee, you requested follow up information in your letter dated 23 November 2022, which is provided below for your information in relation to points two and four.

- **Mental health support and protection functions**

The Commission remains supportive of the NCS intentions to improve quality and consistency for people accessing services across Scotland, however variances in service delivery and governance structures across Scotland does not provide the basis upon which a clear response can be provided here. As per the Commission's previous submissions, our respondents advise that the lack of a full review of current IJB/HSCP service delivery arrangements is a missed opportunity to inform the NCS structures.

In respect of mental health services, this is a broad term under which there are multiple and complex services operating across the NHS and health and social care partnerships, which requires a detailed analysis and impact assessment to determine what works or otherwise in the context of integration.

The Bill, as set out currently, provides that Ministers have the powers to relocate services between the NCS and NHS, which is viewed by some stakeholders as too wide ranging and lacking detail; some stakeholders view this as a potential removal of services out of the NHS, which may be indicative of creating a segregated mental health service, when what is required to ensure consistency and quality for people accessing mental health services, is a fully integrated mental health service across the NHS and NCS structures, which meets local needs. There may be a risk that mental and physical health services are managed in isolation of each other, with an associated risk of a continued disparity between physical and mental health service access.

The as yet unknown location of children and young people's and justice services for example, has a direct bearing on where mental health services for these groups would be best placed to realise the NCS intention of seamless access to services. Dementia and neurodiverse services also require much greater analysis, as does the gaps and impact at transition points for these groups.

As set out above, without a fully detailed analysis of current mental health services across Scotland, which takes into account the widely differing needs within and across communities, there is a risk of mental health services being relocated into NCS wholesale with an expectation/perception of a one size fits all approach, which is not realistic in practice. There are differing employment terms and conditions between NHS staff and local authority staff, with much greater detail required around clarity of roles and responsibilities of an NCS Mental Health service, which require to be addressed, in addition to clear governance structures which do not unintentionally hinder the aim of quality and consistency of services for people.

There is an opportunity for the NCS development to take cognisance of parallel developments across Mental Health through the evidence provided in relation to the Scottish Mental Health Law Review. Whilst the report is under consideration in respect of recommendations, there is a wealth of information from people with lived experience, families, carers and mental health services from across Scotland, which in the absence of a detailed review and analysis as proposed above, does offer an evidence base in the field of mental health which is directly applicable to the development of the NCS.

Please find below the Commission's most recent consultation responses in respect of the mental health landscape, which we hope you may find helpful.

[MWC_MentalHealthStrategy_ConsultationResponse_Sep2022_0.pdf \(mwscot.org.uk\)](https://www.mwscot.org.uk/MWC_MentalHealthStrategy_ConsultationResponse_Sep2022_0.pdf)

[SMHLR-Response_May2022.pdf \(mwscot.org.uk\)](https://www.mwscot.org.uk/SMHLR-Response_May2022.pdf)

Monitoring of the NCS

- Does the Bill make sufficient provision for independent oversight of monitoring and evaluation of the proposed National Care Service?

As the Bill is currently presented, further clarity is required in relation to independent oversight of monitoring and evaluation of the proposed National Care Service. Notwithstanding that the current Independent Review of Inspection, Scrutiny and

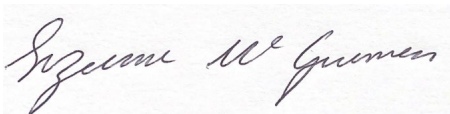
Regulation led by Dame Sue Bruce may address the national oversight and monitoring of the NCS structures; of particular significance is ensuring that the implementation gap and cultural shift required is addressed from the outset of the NCS, with clear monitoring and evaluation methodologies in place. We have previously suggested that the NCS is underpinned by human rights standards across all areas with the involvement of partners including for example, but not limited to, Social Work, Social Care, NHS Scotland, the voice of lived experience, carers, families and third sector representation on a national oversight group. As an independent organisation, we would welcome further discussion re our role and remit in relation to a NCS national oversight group.

In addition, the Commission previously submitted that sections 2 and 3 of the Bill imply that Scottish Ministers are responsible for the scrutiny and delivery of the National Care Service, which may be seen as a potential conflict of interest; with section 3 providing wide ranging powers without reference to Parliamentary scrutiny, which we have suggested is added to the face of the Bill before it progresses further.

In other areas within the Commission's role and remit we have observed and reported on the lack of national cohesive and consistent oversight and leadership, which results in fragmented service delivery.¹ Therefore we would welcome a national independent oversight group to oversee the implementation and delivery of the NCS and look forward to the outcome of Dame Bruce's review during 2023.

I hope you find this helpful.

Yours sincerely



Suzanne McGuinness
Executive Director (Social Work)

¹ For example, [PrisonReport-April2022.pdf \(mwscot.org.uk\)](#)