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I am writing to provide some follow up information, which was requested at my recent evidence session with the Health, Social Care and Sport Committee on 3 October 2023 in relation to the National Care Service (NCS) (Scotland) Bill.

Reports on summer regional co-design events, and NCS website

As part of our commitment to build the National Care Service with people with lived experience, we have held regional events across Scotland this summer to hear from the diverse range of people who use and deliver community health and social care support. The Committee asked for the publication details of these reports.

As I mentioned at the Committee meeting, we have analysed these conversations and produced summary reports covering what we have learned from the diverse range of experiences and what people would like to see from a National Care Service.

These reports were published in full on www.gov.scot/ncs on 27 September 2023.

During discussion at the Committee meeting, Emma Harper MSP reflected on the wealth of material on the above NCS website and how to ensure that people knew how to find it. As well as the reports for the regional events, the website includes videos on the Scottish Government's vision for the NCS; documents and links relating to the Bill; a range of material on the NCS co-design work, including information on how people can participate in co-design; and information on how to attend our annual national forum in Glasgow on 30 October 2023.

Officials and Scottish Government Ministers regularly highlight the website as an information resource to people with lived experience and stakeholders, and will continue to promote the

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website during engagement meetings, on Twitter and via the NCS stakeholder newsletter. I would be grateful if the Committee members could share this information likewise whenever appropriate.

NCS spend to date

The Committee also requested information on the spend to date on the NCS. I enclose with this letter an update that I provided to the Finance and Public Administration Committee today, following my appearance at that Committee on 26 September 2023. This follows on from my previous letters to the FPA Committee on 9 May and 16 June this year:

[National Care Service Scotland Bill Financial Memorandum Letter of 16 June 2023 | Scottish Parliament Website](#)

[National Care Service Scotland Bill Financial Memorandum Letter of 9 May 2023 | Scottish Parliament Website](#)

As the attached update outlines, the total costs for the programme since 2021 are £19.5m to the end of August 2023, which includes the work to consult on and develop the Bill for introduction and significant research to underpin the work going forward. Since the original deadline for Stage 1 of 31 March 2023, costs this financial year are £5m. Officials continue to work on policy development which will feed into the Bill and future regulations and practice, including extensive, ongoing engagement with people who access support and the workforce.

NCS Charter

Paul Sweeney MSP asked whether it was possible that the NCS Charter could be on the face of the Bill so that the Parliament was able to consider it in more detail, and if it could then be amended in future by secondary legislation if need be.

The NCS Bill provisions regarding the NCS Charter of Rights and Responsibilities, as introduced, closely align with the Patients' Rights Charter provisions set out in the Patients Rights Act (Scotland) 2011. The charter provisions in each Bill set out that the respective charters must be laid before Parliament but the charters themselves are not included on the face of the Bill. This ensures that Parliament is able to consider the detail of the first version of the Charter, and any subsequent versions, while providing flexibility for the Charter to be updated to ensure it delivers for the needs of people with lived experience as the NCS develops and evolves. The NCS Bill also sets out the steps that must be taken in preparing and reviewing the Charter, including consulting with individuals who will use NCS services and providers of services, and this is being taken forward through a co-design approach.

The purpose of the Charter is to support everyone to understand their rights and provide information on the process available for upholding those rights. The Charter is intended to summarise rights already underpinned by domestic legislation but is not itself primary legislation. This is important because people with lived experience have strongly expressed that the Charter should be simple, concise and accessible which is not the case for legislation. Legislation details complex legal concepts in a format not easily accessible to the general public. Through summarising people's rights in a social work, social care and community health setting, the Charter will promote these rights and make them more accessible.

The Charter will also include information on the NCS complaints and redress processes which will provide recourse if the rights in the Charter are not met. This will provide clarity on how people can uphold their rights in relation to the NCS by raising awareness of their rights and also how to bring a complaint should these rights not be met. In addition, because the rights in the Charter are

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underpinned by domestic legislation where a right is breached, it may be possible to request Judicial Review.

I intend to share a preliminary draft of the NCS Charter with the Committee in early 2024. This will enable Committee members to consider the content of the Charter as it is being developed before it moves into the final 'agreeing' stage of co-design and is formally laid before Parliament.

Palliative care

Stephanie Callaghan MSP referenced evidence that the Committee had previously heard regarding palliative care, proposing that various provisions to the Bill should include reference to end of life care.

My officials have engaged with a number of key palliative and end of life care stakeholders and people with lived experience in the co-design of the NCS, and will continue to ensure that their views and experience shape the development of the NCS. I welcome the evidence provided by Mark Hazelwood, Chief Executive of the Scottish Partnership for Palliative Care, to the Committee and I have asked my officials to consider options to better reflect care for people with ongoing needs and end of life care in the NCS Principles as currently drafted in the Bill.

I hope this follow up information provides useful clarification following the evidence session.



MAREE TODD MSP

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