

National Care Service (Scotland) Bill — Stage 2
SG draft amendments 2024-06-21

[PCO82] Maree Todd

In section 1, page 1, line 18, leave out <early interventions> and insert <addressing individual needs, recognising the diverse characteristics and circumstances of the individuals to whom the services are provided, whether those needs are (for example)—

() best addressed by early interventions, including rehabilitation,>

[PCO95] Maree Todd

In section 1, page 1, line 20, at end insert—

<() best addressed by the provision of support for an individual living independently in the community,>

[PCO83] Maree Todd

In section 1, page 1, line 20, at end insert <or

() ongoing, increasing or increasingly complex,>

[PCO84] Maree Todd

In section 1, page 1, line 21, after <designed> insert <—

()>

[PCO85] Maree Todd

In section 1, page 1, line 22, at end insert <and

() so that they are experienced by those people and carers as integrated,>

[PCO86] Maree Todd

In section 1, page 1, line 24, at end insert—

<() take account of the whole life experience (including any psychological trauma) of the individual,>

[PCO87] Maree Todd

In section 1, page 1, line 26, at end insert <and

() otherwise give better and further effect to these principles,>

[PCO89] Maree Todd

In section 1, page 1, line 26, at end insert—

<() services provided by the National Care Service are to protect and improve the safety of the persons to whom the services are provided,>

[PCO128] Maree Todd

In section 1, page 2, line 1, leave out <, and those providing services on its behalf, are> and insert <workforce is>

[PCO88] Maree Todd

In section 1, page 2, line 3, leave out from <individuals> to <otherwise> in line 4 and insert <the diverse communication needs of individuals (in relation to speech, language or otherwise) are recognised, in particular so that individuals>

[PCO129] Maree Todd

In section 1, page 2, leave out lines 6 to 8 and insert—

<() the individuals comprising the National Care Service workforce are to be recognised and valued for the critically important work they do, and the persons who employ or otherwise professionally engage them are to be exemplars in so doing in their approach to fair work.>

[PCO96] Maree Todd

In section 1, page 2, line 8, at end insert—

<() In subsection (1), “human rights” includes the rights contained in any international convention, treaty or other international instrument ratified by the United Kingdom, subject to—

- (a) any amendments in force in relation to the United Kingdom for the time being, and
- (b) any reservations, objections or interpretative declarations by the United Kingdom for the time being in force.>

[PCO79] Maree Todd

After section 1, insert—

<Reviewing the principles

- (1) The Scottish Ministers must—
 - (a) first review the National Care Service principles within 5 years of the day on which section 1 came into force,
 - (b) after that, review the principles within 5 years of the last review concluding.
- (2) In reviewing the National Care Service principles, the Scottish Ministers must—
 - (a) consult—
 - (i) the National Care Service Board, and
 - (ii) any other person they consider appropriate,
 - (b) have particular regard to the importance of eliciting the views of—
 - (i) the individuals to whom the National Care Service provides services,
 - (ii) individuals with a personal interest in the wellbeing of others to whom the National Care Service provides a service (for example family members and carers),

- (iii) individuals who are employed or otherwise professionally engaged in the provision of services by the National Care Service.>

[PCO80] Maree Todd

After section 1, insert—

<Power to modify the principles

The Scottish Ministers may by regulations amend section 1 so as to add, remove or alter a principle.>

[PCO28] Maree Todd

After section 1, insert—

<The National Care Service strategy

The National Care Service strategy

- (1) The Scottish Ministers must—
 - (a) prepare a strategy document, and
 - (b) make it publicly available.
- (2) A strategy document prepared under this section is to set out—
 - (a) the main challenges that the National Care Service institutions are to focus on addressing,
 - (b) the action that the Scottish Ministers propose to take, and consider that the National Care Service institutions should take, to address those challenges.
- (3) In this Part, references to the National Care Service strategy are to the document most recently made publicly available in accordance with this section.
- (4) In this section—
 - “National Care Service institutions” means—
 - (a) the National Care Service Board,
 - (b) National Care Service local boards,
 - (c) health boards, but only in relation to their carrying out of integration functions,
 - (d) local authorities, but only in relation to their carrying out of integration functions,
 - “integration functions” has the meaning given by section 60 of the Public Bodies (Joint Working) (Scotland) Act 2014.>

[PCO29] Maree Todd

After section 1, insert—

<Preparing the strategy

- (1) In preparing a strategy document under section (*The National Care Service strategy*), the Scottish Ministers are to—
 - (a) have regard to the National Care Service principles, and

- (b) consult the public in Scotland and the persons mentioned in subsection (2).
- (2) The persons referred to in subsection (1)(b) are—
 - (a) the National Care Service Board,
 - (b) National Care Service local boards,
 - (c) local authorities,
 - (d) health boards.
- (3) The requirement under subsection (1) to consult the National Care Service Board and National Care Service local boards does not apply in relation to the first strategy document to be prepared.>

[PCO30] Maree Todd

After section 1, insert—

<Reviewing the strategy

- (1) The Scottish Ministers are to review the National Care Service strategy within the period of 5 years beginning with—
 - (a) its first being made publicly available in accordance with section (*The National Care Service strategy*)(1)(b), or
 - (b) if the strategy has previously been reviewed under this section, the day the last review of it concluded.
- (2) If, having carried out a review, the Scottish Ministers decide not to prepare a new strategy document under section (*The National Care Service strategy*), they must make publicly available a statement explaining why in their view the latest one remains appropriate.>

[PCO26] Maree Todd

Leave out section 2

[PCO27] Maree Todd

Leave out section 3

[PCO4] Maree Todd

Leave out section 4

[PCO5] Maree Todd

Leave out section 5

[PCO34] Maree Todd

Leave out section 6

[PCO35] Maree Todd

Leave out section 7

- [PCO36] Maree Todd**
Leave out section 8
- [PCO37] Maree Todd**
Leave out section 9
- [PCO38] Maree Todd**
Leave out section 10
- [PCO130] Maree Todd**
In section 11, page 6, line 9, after <to> insert <the services provided by>
- [PCO131] Maree Todd**
In section 11, page 6, line 15, after <to> insert <the services provided by>
- [PCO132] Maree Todd**
In section 11, page 6, line 18, leave out from <in> to <responsibilities> in line 19 and insert <that>
- [PCO122] Maree Todd**
In section 12, page 6, leave out lines 31 and 32 and insert—
 - <() individuals whose rights and responsibilities in relation to the services provided by the National Care Service are, or are to be, summarised in the charter in accordance with section 11(2)(a), and
 - () individuals who are employed or otherwise professionally engaged in the provision of services by the National Care Service.>
- [PCO55] Maree Todd**
In section 12, page 7, line 6, at end insert—
 - <() The Scottish Ministers may delegate to the National Care Service Board, or any other person they consider appropriate, a function (to any extent they choose) under any of the following provisions—
 - (a) section 11,
 - (b) subsections (1), (3) and (4) of this section.>
- [PCO52] Maree Todd**
In section 12, page 7, line 7, leave out subsection (5)
- [PCO56] Maree Todd**
After section 12, insert—

<Raising awareness of the charter

The National Care Service Board is to promote public awareness of the National Care Service charter.>

[PCO2] **Maree Todd**

After section 12, insert—

<CHAPTER

NATIONAL CARE SERVICE LOCAL BOARDS

Creation of local boards and removal of other integration models

Schedule (*National Care Service local boards: creation and removal of other integration models*) contains modifications to other enactments in connection with National Care Service local boards, in particular—

- (a) Part 1 modifies the Public Bodies (Joint Working) (Scotland) Act 2014 to—
 - (i) rename integration joint boards as National Care Service local boards, and
 - (ii) remove alternative integration models under that Act,
- (b) Part 2 modifies other enactments in consequence of the changes made by Part 1.>

[PCO114] **Maree Todd**

After section 12, insert—

<Further reforms in connection with the functions of local boards

Schedule (*National Care Service local boards: further reforms*) contains modifications to other enactments in connection with the functions of National Care Service local boards.>

[PCO17] **Maree Todd**

After section 12, insert—

<CHAPTER

THE NATIONAL CARE SERVICE BOARD

Establishment and general operating framework

Establishment of the National Care Service Board

- (1) The National Care Service Board (in Gaelic, Bòrd na Seirbheis Cùraim Nàiseanta) is established.
- (2) Schedule (*National Care Service Board: constitution and general operation*) makes provision about the Board's constitution and general operation.
- (3) Schedule (*National Care Service Board: application of public authorities legislation*) amends other enactments so that their provisions apply to the Board.>

[PCO106] **Maree Todd**

After section 12, insert—

<The Board’s general purpose

The general purpose for which the National Care Service Board is to exercise its functions is to oversee the National Care Service local boards and the provision of services by the National Care Service so as to secure continuous improvement in the wellbeing of the people of Scotland in the way that seems to the Board most consistent with—

- (a) the National Care Service principles, and
- (b) the National Care Service strategy.>

[PCO23] Maree Todd

After section 12, insert—

<Duty to comply with Ministerial directions

- (1) The National Care Service Board must comply with any direction issued to it by the Scottish Ministers.
- (2) A direction under subsection (1)—
 - (a) may be general or specific,
 - (b) may modify or revoke an earlier direction under that subsection.
- (3) The Scottish Ministers must publish—
 - (a) any direction it issues to the Board under subsection (1), and
 - (b) a statement of their reasons for issuing it.>

[PCO24] Maree Todd

After section 12, insert—

<Duty to have regard to Ministerial guidance

- (1) The National Care Service Board must have regard to any guidance issued to it by the Scottish Ministers.
- (2) Guidance under subsection (1)—
 - (a) may be general or specific,
 - (b) may modify or revoke earlier guidance under that subsection.
- (3) The Scottish Ministers must publish any guidance it issues to the Board.>

[PCO25] Maree Todd

After section 12, insert—

<Financing the Board

- (1) The Scottish Ministers may provide such financial assistance to the National Care Service Board as they consider appropriate.
- (2) For the purposes of subsection (1), “financial assistance”—
 - (a) includes grants, guarantees and indemnities, but
 - (b) does not include loans.

- (3) The Scottish Ministers may attach conditions in respect of any financial assistance provided.>

[PCO21] Maree Todd

After section 12, insert—

<Corporate plan

Corporate plan

- (1) The National Care Service Board must—
- (a) have a corporate plan, and
 - (b) make its latest corporate plan publicly available.
- (2) A corporate plan is a document setting out—
- (a) how the Board intends to fulfil its general purpose (see section *The Board's general purpose*),
 - (b) how the Board intends to meaningfully involve in its decision making—
 - (i) individuals to whom the National Care Service provides or has provided services,
 - (ii) individuals who are, or have been, employed or otherwise professionally engaged in the provision of services by the National Care Service in roles that principally involve direct contact with the individuals to whom the services are provided, and
 - (iii) individuals who are, or have been, carers.
- (4) For the purposes of subsection (2)(b)(iii), a carer is an individual—
- (a) who provides care to another individual to whom a service is being provided by the National Care Service, and
 - (b) who, as a result, may be treated for any purpose as a carer within the meaning of the Carers (Scotland) Act 2016.>

[PCO22] Maree Todd

After section 12, insert—

<Making a corporate plan

- (1) The National Care Service Board (subject to subsection (3))—
- (a) may make a new corporate plan at any time, and
 - (b) must consider making a new corporate plan as soon as practicable after—
 - (i) a new version of the National Care Service strategy is made publicly available in accordance with section (*National Care Service strategy*)(1)(b), or
 - (ii) the Board's functions are modified.
- (2) In preparing a corporate plan, the Board must consult—
- (a) local authorities,
 - (b) health boards,

- (c) National Care Service local boards,
 - (d) any other person it considers appropriate, having particular regard to the importance of eliciting the views of individuals described by the sub-paragraphs of section (*Corporate plan*)(2)(b).
- (3) The Board may not make a corporate plan unless the Scottish Ministers have approved it in draft.
- (4) As soon as practicable after a corporate plan is made—
- (a) the Scottish Ministers must lay a copy of it before the Scottish Parliament, and
 - (b) the Board must send a copy of it to each local authority and health board.>

[PCO20] Maree Todd

After section 12, insert—

<Improving care

Responsibility for monitoring and improvement

- (1) The National Care Service Board is to—
- (a) monitor the services provided by the National Care Service, and
 - (b) where it identifies a need for a service to improve, take action to improve it.
- (2) In deciding whether a service needs to improve, the Board is to have particular regard to whether it is being provided in a way that is consistent with—
- (a) the National Care Service strategy, and
 - (b) the strategic plan of the National Care Service local board that has responsibility for the service.
- (3) The Board is to carry out its function under this section in accordance with its latest support and improvement framework.>

[PCO49] Maree Todd

After section 12, insert—

<Support and improvement framework

- (1) For the purposes of section (*Responsibility for monitoring and improvement*), a support and improvement framework is a document, prepared by the Board, that describes how it will carry out its function under that section.
- (2) In particular, a support and improvement framework must describe, on a graduated scale, the actions the Board may take when it identifies a need for improvement.
- (3) The Board may prepare a new support and improvement framework at any time.
- (4) In preparing a support and improvement framework, the Board must have regard to the importance of its work complementing, rather than duplicating, that of other public authorities including—
- (a) Healthcare Improvement Scotland,
 - (b) Public Health Scotland,
 - (c) Social Care and Social Work Improvement Scotland.

- (5) The Board must make its latest support and improvement framework publicly available.>

[PCO48] Maree Todd

After section 12, insert—

<Commissioning

Procuring goods and services for others

- (1) The National Care Service Board may enter into an arrangement with a person mentioned in subsection (2) under which the Board provides, or secures the provision of, goods or services for the person that are to be used (directly or indirectly) in connection with health care or social care.
- (2) The persons referred to in subsection (1) are—
 - (a) the Scottish Ministers,
 - (b) a National Care Service local board,
 - (c) a local authority,
 - (d) a health board,
 - (e) a special health board.
- (3) The Board may authorise any person to perform its function under subsection (1), but only in respect of goods or services of a kind it specifies when authorising the person to perform the function.
- (4) The giving of authority under subsection (3)—
 - (a) does not affect the Board’s ability to perform the function,
 - (b) does not entitle the authorised person to enter into agreements on the Board’s behalf,
 - (c) does confer on the authorised person any power—
 - (i) that is necessary for the purpose of performing the function to the extent that the person is authorised to do so, and
 - (ii) that the person otherwise would not have or would not be entitled to exercise for that purpose.
- (5) In this section, “health care” and “social care” have the meanings given in section 68(1) of the Public Bodies (Joint Working) (Scotland) Act 2014.>

[PCO103] Maree Todd

In section 13, page 7, line 18, after <independent> insert <advice, information and>

[PCO116] Maree Todd

Move section 13 to after section 26

[PCO117] Maree Todd

Move section 14 to after section 26

- [PCO118] Maree Todd**
Move section 15 to after section 26
- [PCO39] Maree Todd**
Leave out section 16
- [PCO40] Maree Todd**
Leave out section 17
- [PCO41] Maree Todd**
Move section 18 to after section 25
- [PCO58] Maree Todd**
In section 18, page 9, line 2, leave out <of a care board> and insert <delegated to a National Care Service local board (“local board”)>
- [PCO57] Maree Todd**
In section 18, page 9, line 2, leave out <Scottish Ministers> and insert <National Care Service Board (“national board”)>
- [PCO59] Maree Todd**
In section 18, page 9, line 3, leave out <Ministers are> and insert <national board is>
- [PCO60] Maree Todd**
In section 18, page 9, line 5, after first <the> insert <local>
- [PCO61] Maree Todd**
In section 18, page 9, line 8, leave out <Scottish Ministers> and insert <national board>
- [PCO62] Maree Todd**
In section 18, page 9, line 11, leave out <Scottish Ministers> and insert <national board>
- [PCO63] Maree Todd**
In section 18, page 9, line 13, leave out <they form> and insert <it forms>
- [PCO64] Maree Todd**
In section 18, page 9, line 17, leave out <Scottish Ministers have> and insert <national board has>
- [PCO65] Maree Todd**
In section 18, page 9, line 19, leave out <care> and insert <local>

- [PCO66] Maree Todd**
In section 18, page 9, line 21, leave out <Scottish Ministers> and insert <national board>
- [PCO42] Maree Todd**
Move section 19 to after section 25
- [PCO68] Maree Todd**
In section 19, page 9, line 23, leave out <of a care board> and insert <delegated to a National Care Service local board (“local board”)>
- [PCO67] Maree Todd**
In section 19, page 9, line 23, leave out <Scottish Ministers may> and insert <National Care Service (“national board”) may, in pursuance of its duty under section (*Responsibility for monitoring and improvement*),>
- [PCO120] Maree Todd**
In section 19, page 9, line 24, leave out <Ministers are> and insert <national board is>
- [PCO74] Maree Todd**
In section 19, page 9, line 24, after second <the> insert <local>
- [PCO69] Maree Todd**
In section 19, page 9, line 25, leave out from <if> to end of line 27
- [PCO121] Maree Todd**
In section 19, page 9, line 27, leave out <Ministers regard> and insert <national board regards>
- [PCO70] Maree Todd**
In section 19, page 9, line 29, leave out from <but> to end of line 31 and insert <which may only be another local board.>
- [PCO71] Maree Todd**
In section 19, page 9, line 30, leave out <care> and insert <local>
- [PCO72] Maree Todd**
In section 19, page 9, line 34, leave out <care board’s function> and insert <a function delegated to a local board>
- [PCO73] Maree Todd**
In section 19, page 9, line 36, after first <the> insert <local>

- [PCO75] Maree Todd**
In section 19, page 10, line 7, leave out <Scottish Ministers> and insert <national board>
- [PCO76] Maree Todd**
In section 19, page 10, line 8, leave out <Scottish Ministers have> and insert <national board has>
- [PCO77] Maree Todd**
In section 19, page 10, line 10, leave out <care> and insert <local>
- [PCO78] Maree Todd**
In section 19, page 10, leave out lines 11 and 12 and insert—
<() the person charged with performing the function by the direction.>
- [PCO43] Maree Todd**
Leave out section 20
- [PCO44] Maree Todd**
Leave out section 21
- [PCO45] Maree Todd**
Leave out section 22
- [PCO107] Maree Todd**
In section 23, page 12, line 4, leave out <Scottish Ministers and care boards> and insert <National Care Service Board>
- [PCO108] Maree Todd**
In section 23, page 12, line 10, leave out from <A> to <it> and insert <The Board may attach conditions to any financial assistance it gives under this section>
- [PCO109] Maree Todd**
In section 24, page 12, line 13, leave out <Scottish Ministers and care boards> and insert <National Care Service Board>
- [PCO110] Maree Todd**
In section 24, page 12, line 14, leave out <courses>
- [PCO133] Maree Todd**
In section 24, page 12, line 15, leave out <providing services on behalf of> and insert <the provision of services by>

[PCO111] Maree Todd

In section 24, page 12, line 24, leave out from <A> to <it> and insert <The Board may attach conditions to any grant it gives under this section>

[PCO112] Maree Todd

In section 25, page 12, line 27, leave out <Scottish Ministers and care boards> and insert <National Care Service Board>

[PCO134] Maree Todd

In section 25, page 12, line 28, leave out <to individuals>

[PCO135] Maree Todd

In section 25, page 12, line 32, leave out <to individuals>

[PCO113] Maree Todd

In section 25, page 12, line 33, leave out subsection (3) and insert—

<() The Board may attach conditions to any financial assistance it gives under subsection (1).>

[PCO46] Maree Todd

Leave out section 26

[PCO90] Maree Todd

After section 26, insert—

<CHAPTER

FUNCTIONS OF THE SCOTTISH MINISTERS IN RELATION TO CARE

Personnel

National Chief Social Work Adviser and the National Social Work Agency

- (1) The Scottish Ministers are to—
 - (a) designate a member of their staff as the National Chief Social Work Adviser to—
 - (i) advise them on policy in relation to social work and the protection of individuals at particular risk of harm, and
 - (ii) prepare an annual report for the National Care Service Board on the state of social work services and the social work workforce,
 - (b) organise other members of their staff into an agency named the National Social Work Agency to support the National Chief Social Work Adviser.
- (2) The member of staff designated as the National Chief Social Work Adviser must be registered as a social worker in a register that is a relevant register within the meaning of section 52(2) of the Regulation of Care (Scotland) Act 2001.>

[PCO33] Maree Todd

After section 26, insert—

<Regulations-making powers

Conferral of additional functions on the National Care Service Board

- (1) The Scottish Ministers may by regulations confer functions on the National Care Service Board.
- (2) Before laying before the Scottish Parliament for approval a draft Scottish statutory instrument containing regulations under subsection (1), the Scottish Ministers must consult—
 - (a) the Board,
 - (b) local authorities,
 - (c) health boards.>

[PCO6] Maree Todd

Leave out section 27

[PCO7] Maree Todd

Leave out section 28

[PCO8] Maree Todd

Leave out section 29

[PCO9] Maree Todd

Leave out section 30

[PCO10] Maree Todd

Leave out section 31

[PCO11] Maree Todd

Leave out section 32

[PCO12] Maree Todd

Leave out section 33

[PCO119] Maree Todd

Leave out section 34

[PCO50] Maree Todd

In section 35, page 16, line 13, leave out subsections (2) to (3) and insert—

<() A reference (however expressed) to a service’s being provided by the National Care Service is to its being provided in exercise of a function delegated in pursuance of an integration scheme under the Public Bodies (Joint Working) (Scotland) Act 2014.>

[PCO51] Maree Todd

In section 35, page 16, line 20, leave out from second <a> to end of line 24 and insert <is provided in exercise of a function delegated in pursuance of an integration scheme under the Public Bodies (Joint Working) (Scotland) Act 2014.>

[PCO93] Maree Todd

In section 36, page 16, line 30, leave out from <by> to end of line 33

[PCO92] Maree Todd

In section 36, page 16, line 30, after <that> insert <public health and social care>

[PCO94] Maree Todd

In section 36, page 17, line 3, leave out subsection (3) and insert—

- <(3) For the purposes of this section, a public health and social care service is a service provided in pursuance of—
- (a) a function conferred by virtue of an enactment listed in the schedule of the Public Bodies (Joint Working) (Scotland) Act 2014, or
 - (b) a function that is exercisable by—
 - (i) a health board, or
 - (ii) a special health board.
- (4) For the avoidance of doubt, regulations under subsection (1) may provide for information to be shared in order for it to be used, not only directly in the performance of the functions mentioned in subsection (3), but also in the performance of any function that supports the efficient and effective provision of public health and social care services (for example, the Scottish Ministers’ functions under section 58 of the Regulation of Care (Scotland) Act 2001).>

[PCO102] Maree Todd

In section 37, page 17, line 19, at end insert—

<() An information standard may set out how information is to be processed by reference to another document (including a document which is not in existence when the standard is produced).>

[PCO97] Maree Todd

In section 37, page 17, line 19, after <information> insert <relevant to public health and social care services>

[PCO98] Maree Todd

In section 37, page 17, leave out line 27 and insert—

- <() the National Care Service Board,
- () a National Care Service local board,
- () a local authority, but only insofar as it is exercising a function conferred on it by virtue of an enactment listed in the schedule of the Public Bodies (Joint Working) (Scotland) Act 2014.>

[PCO99] Maree Todd

In section 37, page 17, leave out line 34

[PCO100] Maree Todd

In section 37, page 17, line 36, at end insert—

- <(4A) The Scottish Ministers may by regulations modify subsection (4), but may do so only for the purpose of promoting the efficient and effective provision of a public health and social care service as defined by section 36(3).>

[PCO104] Maree Todd

After section 41, insert—

<Procurement strategies to be informed by NCS local boards' strategic plans

- (1) The Procurement Reform (Scotland) Act 2014 is modified as follows.
- (2) In section 15 (procurement strategy)—
 - (a) in subsection (5), after paragraph (c) insert—
 - “(ca) if the authority intends to carry out regulated procurements in connection with functions delegated to a National Care Service local board, include a statement of the authority’s general policy on how it intends to approach those procurements consistently with the board’s strategic plan,”
 - (b) for subsection (7) substitute—
 - “(7) In this section—
 - “living wage”, in subsection (5)(b)(iii), means remuneration which is sufficient to ensure an acceptable standard of living,
 - “National Care Service local board” and “strategic plan”, in subsection (5)(ca), have the meanings given by section 68(1) of the Public Bodies (Joint Working) (Scotland) Act 2014.”>

[PCO105] Maree Todd

After section 41, insert—

<Notice of published procurement strategies, etc.

- (1) The Procurement Reform (Scotland) Act 2014 is modified as follows.
- (2) In section 12(3) (contracts for health or social care services), for “and section 13(1)” substitute “, section 13(1) and section 19(4)”.
 - (3) In section 19 (publication etc.), after subsection (3) insert—

“(4) The Scottish Ministers may by regulations modify subsection (3) so as to require an authority to notify other persons (in addition to the Scottish Ministers) following the publication of a document that relates (to any extent) to the procurement of health or social care services.”.>

[PCO91] Maree Todd

Before section 42, insert—

<Delegation of functions under Part 1 of the Regulation of Care (Scotland) Act 2001

- (1) The Regulation of Care (Scotland) Act 2001 is modified as follows.
- (2) In section 58(4) (functions of the Scottish Ministers under Part 1), after “section” insert “(to such extent as they choose)”.>

[PCO136] Maree Todd

In section 44, page 23, line 18, at end insert—

<“National Care Service local board” means a board constituted by order under section 9 or 51 of the Public Bodies (Joint Working) (Scotland) Act 2014,>

[PCO137] Maree Todd

In section 44, page 23, line 19, leave out <that Act> and insert <the National Health Service (Scotland) Act 1978>

[PCO123] Maree Todd

In section 46, page 23, leave out line 33

[PCO125] Maree Todd

In section 46, page 24, line 2, leave out <27, 28, 29>

[PCO124] Maree Todd

In section 46, page 24, line 2, leave out <4>

[PCO101] Maree Todd

In section 46, page 24, line 2, leave out <and 36> and insert <, 36 and 37>

[PCO81] Maree Todd

In section 46, page 24, line 2, after <sections> insert <(Power to modify National Care Service principles),>

[PCO47] Maree Todd

In section 46, page 24, line 2, after <sections> insert <(Conferral of additional functions),>

[PCO32] Maree Todd

In section 46, page 24, line 2, at end insert—

<() Chapter 2 of Part 4 of schedule (*National Care Service Board: constitution and general operation*).>

[PCO126] Maree Todd

In section 46, page 24, line 3, leave out subsection (4)

[PCO127] Maree Todd

In section 46, page 24, line 10, leave out subsection (6)

[PCO13] Maree Todd

Leave out schedule 1

[PCO14] Maree Todd

Leave out schedule 2

[PCO3] Maree Todd

After schedule 2, insert—

<SCHEDULE

(introduced by section (Creation of local boards and removal of other integration models))

NATIONAL CARE SERVICE LOCAL BOARDS: CREATION AND REMOVAL OF OTHER INTEGRATION MODELS

PART 1

MODIFICATIONS TO THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

Renaming of integration joint boards and removal of alternative integration models

1 (1) The Public Bodies (Joint Working) (Scotland) Act 2014 is modified as follows.

(2) The title of Part 1 becomes “National Care Service local boards”.

(3) In section 1—

(a) in subsection (3)—

(i) for paragraph (a) substitute—

“(aa) the National Care Service local board (“NCS local board”) to which functions are to be delegated under the scheme by the local authority and the Health Board,”

(ii) in paragraph (b), for “in accordance with that model” substitute “to the NCS local board under the scheme”,

(iii) paragraph (c) is repealed,

(iv) in paragraphs (d) and (e), for “person to whom the functions are delegated” substitute “NCS local board”,

(b) subsection (4) is repealed,

(c) in subsection (7), the words from “where” to the end of the subsection are repealed,

(d) in subsection (8), the words from “where” to the end of the subsection are repealed,

- (e) subsection (9) is repealed,
 - (f) subsection (13) is repealed.
- (4) In section 2, subsection (5) is repealed.
- (5) In section 5(2)(c), for “integration joint” substitute “National care service local”.
- (6) In section 9—
- (a) in subsection (1), the words from “setting” to the end of the subsection are repealed,
 - (b) in subsection (2), for “integration joint” substitute “National Care Service local”,
 - (c) the section’s title becomes “Functions delegated to NCS local board”.
- (7) In section 10—
- (a) in subsection (1), for “An integration joint” substitute “A National Care Service local”,
 - (b) in subsection (5), the words “integration joint” are repealed,
 - (c) in subsection (6), for “an integration joint” substitute “, a”,
 - (d) the section’s title becomes “Chief officer of NCS local board”.
- (8) In section 11—
- (a) in subsection (1), for “integration joint” substitute “National Care Service local”,
 - (b) in subsections (3) and (4), the words “integration joint”, in each place they occur, are repealed,
 - (c) the section’s title becomes “Other staff of NCS local board”.
- (9) In section 12—
- (a) in subsection (1)—
 - (i) in paragraph (a), for “integration joint” substitute “National Care Service local”,
 - (ii) in paragraphs (b) to (d), for “integration joint” substitute “those”,
 - (iii) in paragraph (g)—
 - (A) for “an integration joint” substitute “such a”,
 - (B) the words “integration joint”, where they occur after “the”, are repealed,
 - (iv) in paragraph (h), for “integration joint” substitute “those”,
 - (b) in subsections (2) and (3), the words “integration joint”, in each place they occur, are repealed,
 - (c) in subsection (4)—
 - (i) for “an integration joint” substitute “a National Care Service local”,
 - (ii) for “their” substitute “its”,
 - (d) in subsection (5)(a), the words “integration joint” are repealed,
 - (e) the section’s title becomes “NCS local boards: further provision”.
- (10) In section 14—
- (a) in subsection (1), for the words from “where” to the end of the subsection substitute “where, under an integration scheme, functions have been delegated to a National

Care Service local board (“NCS local board”) by a local authority and a Health Board”,

- (b) in subsections (2) to (4), for “integration joint” substitute “NCS local”,
- (c) the section’s title becomes “Payments to NCS local boards in respect of delegated functions”.

(11) Section 15 is repealed.

(12) Section 16 is repealed.

(13) Section 17 is repealed.

(14) Section 18 is repealed.

(15) Section 19 is repealed.

(16) In section 21, the word “, 16(1)” is repealed.

(17) In section 23—

- (a) in subsection (1)(a), for “an integration authority” substitute “a National Care Service local board”,
- (b) in subsection (2)—
 - (i) for the words from “Where” to “board, the” substitute “The”,
 - (ii) for “integration joint”, where it occurs after “of the”, substitute “National Care Service local”,
- (c) subsection (3) is repealed.

(18) In section 24—

- (a) in subsection (1)(a), for “an integration authority” substitute “a National Care Service local board”,
- (b) in subsection (2)—
 - (i) for the words from “Where” to “board, the” substitute “The”,
 - (ii) for “integration joint”, where it occurs after “of the”, substitute “National Care Service local”,
- (c) subsection (3) is repealed.

(19) In section 25—

- (a) in subsection (2), for “integration authority” substitute “National Care Service local board”,
- (b) in subsection (3), for “integration authority” substitute “board”,
- (c) in subsection (5), for the words from “an integration” to “joint” substitute “a”.

(20) In section 26—

- (a) in subsection (1)—
 - (i) for the words from “Where” to “, it” substitute “A National Care Service local board”,
 - (ii) for “integration authority”, where it occurs after “the”, substitute “board”,
- (b) subsection (2) is repealed,
- (c) subsection (2A) is repealed,

- (d) in subsection (3)—
 - (i) for “integration authority”, in the first place it occurs, substitute “board”,
 - (ii) for “the integration authority”, in the second place it occurs, substitute “it”,
 - (e) the section’s title becomes “Directions by NCS local board”.
- (21) In section 27—
- (a) in subsection (1)(b), for “integration authority” substitute “National Care Service local board”,
 - (b) in subsection (2)—
 - (i) in paragraph (a), for “integration authority” substitute “National Care Service local board”,
 - (ii) in paragraph (b), for “integration authority” substitute “board”,
 - (c) in subsection (3), for “integration authority” substitute “National Care Service local board”,
 - (d) in subsection (6), for the words from “an integration” to “joint” substitute “a National Care Service local”.
- (22) In section 28—
- (a) in subsection (1)—
 - (i) the words “or 19(2)” are repealed,
 - (ii) for “an integration authority” substitute “a National Care Service local board (“NCS local board)””,
 - (b) in subsections (2) to (6) for “integration authority”, in each place it occurs, substitute “NCS local board”.
- (23) In section 29—
- (a) in subsection (1), for “integration authority” substitute “National Care Service local board”,
 - (b) in subsection (2)(c), for “integration authority” substitute “board”,
 - (c) for subsection (4) substitute—
 - “(4) If the functions of the board are to be delegated to it before the day prescribed under section 9(3), the first strategic plan must specify the day on which the functions are to be delegated.”,
 - (d) in subsection (5), for “an integration authority” substitute “a board”,
 - (e) in subsection (6)—
 - (i) in paragraph (a)—
 - (A) the words from “in relation” to “board,” are repealed,
 - (B) for “the authority” substitute “the board”,
 - (ii) paragraph (b) is repealed.
- (24) In section 30—
- (a) in subsection (1), for “an integration authority” substitute “a National Care Service local board”,

- (b) in subsection (2), for “integration authority” substitute “board”,
 - (c) in subsection (3)—
 - (i) in the opening words, for “integration authority” substitute “board”,
 - (ii) in paragraphs (a) and (b), for “integration authority” substitute “National Care Service local board”,
 - (d) in subsection (4), for “integration authority” substitute “board”.
- (25) In section 32—
- (a) in subsection (1)—
 - (i) in the opening words, for “an integration authority” substitute “a National Care Service local board (“NCS local board”)”,
 - (ii) for paragraphs (a) to (c) substitute—
 - “(aa) at least one person nominated by the Health Board that is a constituent authority in relation to the NCS local board,
 - (ab) at least one person nominated—
 - (i) by the local authority that is a constituent authority in relation to the NCS local board, or
 - (ii) by all of those authorities if there is more than one,”
 - (iii) in paragraphs (d) and (e), for “integration authority” substitute “NCS local board”,
 - (b) in subsections (3) and (4) and (7) to (9), for “integration authority” substitute “NCS local board”,
 - (c) in subsection (10), for “integration authority” substitute “NCS local board’s”,
 - (d) in subsection (11)—
 - (i) for “integration authority” substitute “NCS local board’s”,
 - (ii) for “the authority” substitute “the board”,
 - (e) in subsection (12)—
 - (i) for “integration authority” substitute “NCS local board”,
 - (ii) for “the authority” substitute “the board”.
- (26) In section 33—
- (a) in subsection (1), for “an integration authority” substitute “a National Care Service local board”,
 - (b) in subsections (2) to (4), for “integration authority”, in each place it occurs, substitute “board”,
 - (c) in subsection (5)—
 - (i) in paragraph (a), the words from “where” to “board,” are repealed,
 - (ii) paragraphs (b) and (c) are repealed,
 - (iii) in paragraph (d), for “integration authority” substitute “board”,
 - (d) in subsection (7), for “integration authority” substitute “board”.

- (27) In section 34—
- (a) in subsection (1)—
 - (i) for the words from “an integration” to “joint board” substitute “a National Care Service local board”,
 - (ii) for “the authority” substitute “the board”,
 - (b) subsections (2) and (3) are repealed.
- (28) In section 35—
- (a) in subsection (1), for “an integration authority” substitute “the National Care Service local board”,
 - (b) in subsection (2), for “an integration authority” substitute “the board”.
- (29) In section 36—
- (a) in subsection (1), for “integration authority” substitute “National Care Service local board”,
 - (b) in subsections (2) and (3), for “integration authority” substitute “board”,
 - (c) subsection (5) is repealed.
- (30) In section 37—
- (a) in subsection (1), for “An integration authority” substitute “A National Care Service local board”,
 - (b) in subsection (2), for “integration authority”, in each place it occurs, substitute “board”,
 - (c) in subsection (3), for “an integration authority” substitute “a board”,
 - (d) in subsection (4), for “integration authority” substitute “board”,
 - (e) in subsection (5)—
 - (i) for the words from “an integration” to “joint” substitute “a”,
 - (ii) for “the integration authority” substitute “the board”,
 - (f) subsections (6) and (7) are repealed,
 - (g) in subsection (10)—
 - (i) in the opening words, the words “, in relation to an integration authority,” are repealed,
 - (ii) in paragraph (a), after “day” insert “in relation to the board in question”,
 - (iii) in paragraph (b), for “integration authority” substitute “board”.
- (31) In section 38—
- (a) subsection (1) is repealed,
 - (b) in subsection (2)—
 - (i) for “that the” substitute “in relation to a National Care Service local board that the board’s”
 - (ii) for “integration authority” substitute “board”,
 - (c) in subsection (6), for “An integration authority” substitute “A board”.

- (32) In section 39—
- (a) in subsection (1), for “integration authority” substitute “National Care Service local board”,
 - (b) in subsection (2), for “integration authority” substitute “board”.
- (33) In section 41—
- (a) in subsection (1)(a)—
 - (i) for “an integration authority” substitute “a National Care Service local board”,
 - (ii) for “the integration authority” substitute “the board”,
 - (b) in subsection (3)—
 - (i) the word “integration” is repealed,
 - (ii) for “authority”, in both places it occurs, substitute “board”,
 - (c) in subsection (5), for “integration authority” substitute “board”.
- (34) In section 42—
- (a) in subsection (1), for “integration authority” substitute “National Care Service local board”,
 - (b) in subsection (4)—
 - (i) in the opening words, for “An integration authority” substitute “A board”,
 - (ii) in paragraph (b), for “the persons mentioned in subsection (5).” substitute “—
 - (i) each constituent authority,”
 - (c) subsection (5) is repealed,
 - (d) in subsection (6)—
 - (i) for the words from “an integration” to “joint” substitute “the”,
 - (ii) for “the authority” substitute “the board”,
 - (e) subsection (7) is repealed,
 - (f) in subsection (8)—
 - (i) the definition of “other authority” is repealed,
 - (ii) in the definition of “reporting year”—
 - (A) in the opening words, for “an integration authority” substitute “a National Care Service local board”,
 - (B) in paragraph (a), the words “or, as the case may be, 15(2)” are repealed.
 - (g) the section’s title becomes “NCS local board: performance report”.
- (35) Section 43 is repealed.
- (36) In section 46(3), paragraphs (c) and (d) are repealed.
- (37) In section 47—
- (a) for subsections (1) to (3) substitute—
 - “(1A) An integration scheme may not be varied so that it—
 - (a) covers the area of a local authority that did not jointly prepare it, or

- (b) ceases to cover the area of a local authority that did.
- (2) Where a Health Board and a local authority (or authorities) decide under section 44 or 45 that they wish to make a change of a kind described by subsection (1A), they may do so only by preparing a new integration scheme under section 2(2).”,
 - (b) in subsection (4), the words “1 or (as the case may be)” are repealed.
- (38) In section 48, in subsections (2) and (3), for “an integration joint” substitute “a National Care Service local”.
- (39) In section 49(4)(c) for “an integration joint” substitute “a National Care Service local”.
- (40) In section 51(2)—
 - (a) in paragraph (a), for “an integration joint board” substitute “a National Care Service local board (“NCS local board”)”,
 - (b) in paragraphs (b) to (d), for “integration joint” substitute “NCS local”.
- (41) In section 52—
 - (a) in subsection (1), paragraphs (b) and (c) are repealed,
 - (b) in subsection (2), paragraphs (b) and (c) are repealed,
 - (c) in subsections (3) and (4), for “an integration joint board” substitute “a National Care Service local board”.
- (42) In section 53(2)—
 - (a) in paragraph (c), for “an integration joint board” substitute “a National Care Service local board”,
 - (b) paragraph (d) is repealed.
- (43) Section 59 is repealed.
- (44) In section 60—
 - (a) in subsection (1)—
 - (i) in the opening words, after “authority are” insert “the functions delegated to a National Care Service local board in pursuance of the integration scheme for the area.”,
 - (ii) paragraphs (a) to (d) are repealed,
 - (b) subsection (2) is repealed.
- (45) In section 61, for “an integration joint board” substitute “a National Care Service local board”.
- (46) In section 68(1)—
 - (a) the definition of “integration joint board” is repealed,
 - (b) the definition of “integration joint monitoring committee” is repealed,
 - (c) in the appropriate place alphabetically insert—
 - ““National Care Service local board” means a board established by order under section 9 or 51.”.

PART 2

MODIFICATIONS TO OTHER ENACTMENTS

Local Government (Scotland) Act 1973

- 2 (1) The Local Government (Scotland) Act 1973 is modified as follows.
- (2) In section 106—
 - (a) in subsection (1)(bb)—
 - (i) for “an integration joint board” substitute “a National Care Service local board”,
 - (ii) the words “section 9 of” are repealed,
 - (b) in subsection (1A), for “an integration joint board” substitute “a National Care Service local board”.

Ethical Standards in Public Life etc. (Scotland) Act 2000

- 3 (1) The Ethical Standards in Public Life etc. (Scotland) Act 2000 is modified by sub-paragraph (2).
- (2) In schedule 3—
 - (a) the entry relating to an integration joint board is repealed,
 - (b) after the entry relating to the National Care Service Board (inserted by schedule (*National Care Service Board: application of public authorities legislation* of this Act) insert—

“A National Care Service local board established by order under the Public Bodies (Joint Working) (Scotland) Act 2014”.

Scottish Public Services Ombudsman Act 2002

- 4 (1) The Scottish Public Services Ombudsman Act 2002 is modified as follows.
- (2) In schedule 2—
 - (a) after paragraph 6A (inserted by paragraph 2 of schedule (*National Care Service Board: application of public authorities legislation*) of this Act) insert—

“6B Any National Care Service local board established by order under the Public Bodies (Joint Working) (Scotland) Act 2014.”,
 - (b) paragraph 25ZC is repealed.

Freedom of Information (Scotland) Act 2002

- 5 (1) The Freedom of Information (Scotland) Act 2010 is modified as follows.
- (2) In schedule 1—
 - (a) paragraph 67B is repealed,
 - (b) before paragraph 73 insert—

“72C A National Care Service local board established by order under the Public Bodies (Joint Working) (Scotland) Act 2014.”.

Public Services Reform (Scotland) Act 2010

- 6 (1) The Public Services Reform (Scotland) Act 2010 is modified as follows.
- (2) In schedule 5—
- (a) the entry for any integration joint board established under section 9(2) of the Public Bodies (Joint Working) (Scotland) Act 2014 is repealed,
 - (b) before the entry for the Board of Trustees for the National Galleries of Scotland insert—
“any National Care Service local board established by order under the Public Bodies (Joint Working) (Scotland) Act 2014”.
- (3) In schedule 8, before the entry for any National Park authority insert—
“any National Care Service local board established by order under the Public Bodies (Joint Working) (Scotland) Act 2014”.

Public Records (Scotland) Act 2011

- 7 (1) The Public Records (Scotland) Act 2011 is modified as follows.
- (2) In the schedule—
- (a) the entry relating to integration joint boards established under section 9(2) of the Public Bodies (Joint Working) (Scotland) Act 2014 is repealed,
 - (b) before the entry relation to the National Convener of Children’s Hearings Scotland insert—
“National Care Service local boards established by order under the Public Bodies (Joint Working) (Scotland) Act 2014”.

Procurement Reform (Scotland) Act 2014

- 8 (1) The Procurement Reform (Scotland) Act 2014 is modified as follows.
- (2) In the schedule, before paragraph 38 insert—
“37B A National Care Service local board established by order under the Public Bodies (Joint Working) (Scotland) Act 2014”.

British Sign Language (Scotland) Act 2015

- 10 (1) The British Sign Language (Scotland) Act 2015 is modified as follows.
- (2) In the schedule, before the entry relating to the Office of the Scottish Charity Regulator insert—
“A National Care Service local board established by order under the Public Bodies (Joint Working) (Scotland) Act 2014.”.

Islands (Scotland) Act 2018

- 11 (1) The Islands (Scotland) Act 2018 is modified as follows.
- (2) In the schedule, paragraph 60, and the heading (integration joint boards) immediately preceding it, are repealed.>

[PCO115] Maree Todd

After schedule 2, insert—

<SCHEDULE

(introduced by section (Reforms in connection with the functions of local boards))

NATIONAL CARE SERVICE LOCAL BOARDS: REFORMS IN CONNECTION WITH FUNCTIONS

Creation of power to add functions capable of being delegated under integration schemes

- 1 (1) The Public Bodies (Joint Working) (Scotland) Act 2014 is modified as follows.
- (2) In section 1, for subsection (12) substitute—
 - “(12) The Scottish Ministers may by regulations modify the schedule to add or remove an enactment.”.

Replacement of integration principles with NCS principles and strategy

- 2 (1) The Public Bodies (Joint Working) (Scotland) Act 2014 is modified in accordance with sub-paragraphs (2) to (11).
- (2) In section 3(2), for paragraph (a) substitute—
 - “(aa) the National Care Service principles,”.
- (3) Section 4 is repealed.
- (4) In section 27, in subsections (7)(b) and (8), for “improve compliance with the integration delivery” substitute “be more consistent with the National Care Service”.
- (5) In section 29(2), in paragraph (b), for the words from “are” to the end of the paragraph substitute “—
 - (i) reflect the National Care Service principles,
 - (ii) conform to the National Care Service strategy,
 - (iii) are intended to achieve, or contribute to achieving, the national health and wellbeing outcomes, and”.
- (6) In section 30(2), for paragraph (a) substitute—
 - “(aa) the National Care Service principles,
 - (ab) the National Care Service strategy, and”.
- (7) Section 31 is repealed.
- (8) In section 37(2)(a), for sub-paragraph (i) substitute—
 - “(ia) the National Care Service principles,
 - (ib) the National Care Service strategy, and”.
- (9) In section 38(2), for “complies with the integration delivery” substitute “reflects the National Care Service”.
- (10) In section 40, for paragraph (a) substitute—
 - “(aa) the National Care Service principles,
 - (ab) the National Care Service strategy,”.

- (11) In section 68(1)—
- (a) the definition of “integration delivery principles” is repealed,
 - (b) in the appropriate place alphabetically insert—
 - ““National Care Service principles” has the meaning given by section 1 of the National Care Service (Scotland) Act 2025,
 - “National Care Service strategy” has the meaning given by section (*The National Care Service strategy*)(3) of the National Care Service (Scotland) Act 2025.”.
- (12) The National Health Service (Scotland) Act 1978 is modified in accordance with sub-paragraphs (13) and (14).
- (13) In section 10I—
- (a) in subsection (1B)—
 - (i) in paragraph (a), for “complying with the integration delivery” substitute “being provided in a way that is consistent with the National Care Service”,
 - (ii) in paragraph (b), for “is complying with the integration delivery” substitute “being undertaken consistently with the National Care Service”,
 - (iii) in paragraph (c), for “complying with the integration delivery” substitute “reflecting the National Care Service”,
 - (iv) in paragraph (d), for “complies with the integration delivery” substitute “reflects the National Care Service”,
 - (b) in subsection (3), for the definition of “integration delivery principles” substitute—
 - ““National Care Service principles” has the meaning given by section 1 of the National Care Service (Scotland) Act 2025;”.
- (14) In section 10J—
- (a) in subsection (2)—
 - (i) in paragraph (f), for “complying with the integration delivery” substitute “being provided in a way that is consistent with the National Care Service”,
 - (ii) in paragraph (g), for “is complying with the integration delivery” substitute “being undertaken consistently with the National Care Service”,
 - (iii) in paragraph (h), for “complying with the integration delivery” substitute “reflecting the National Care Service”,
 - (iv) in paragraph (i), for “complies with the integration delivery” substitute “reflects the National Care Service”,
 - (b) in subsection (8), for the definition of “integration delivery principles” substitute—
 - ““National Care Service principles” has the meaning given by section 1 of the National Care Service (Scotland) Act 2025;”.
- (15) The Public Services Reform (Scotland) Act 2010 is modified in accordance with sub-paragraph (16).

- (16) In section 53—
- (a) in subsection (2)—
 - (i) in paragraph (f), for “complying with the integration delivery” substitute “being provided in a way that is consistent with the National Care Service”,
 - (ii) in paragraph (g), for “complying with the integration delivery” substitute “being undertaken consistently with the National Care Service”,
 - (iii) in paragraph (h), for “complying with the integration delivery” substitute “reflecting the National Care Service”,
 - (iv) in paragraph (i), for “complies with the integration delivery” substitute “reflects the National Care Service”,
 - (b) in subsection (7), for the definition of “integration delivery principles” substitute—

““National Care Service principles” has the meaning given by section 1 of the National Care Service (Scotland) Act 2025;”.

Further modifications in relation to strategic planning

- 3 (1) The Public Bodies (Joint Working) (Scotland) Act 2014 is modified as follows.
- (2) In section 29(2), before paragraph (a) insert—

“(za) setting out the board’s assessment of the needs of the population in the area of the local authority that are to be met through the carrying out of the integration functions over the period of the plan,”.
 - (3) In section 33—
 - (a) after subsection (6) insert—

“(6A) Taking account of any views expressed by virtue of subsection (4)(c), the board is then to—

 - (a) prepare a third draft of the strategic plan,
 - (b) send a copy to the National Care Service Board, and
 - (c) invite it to express views on the draft.”,
 - (b) in subsection (7), for “(4)(c)” substitute “(6A)(c)”.
 - (4) In section 37(2)—
 - (a) the word “and” immediately preceding paragraph (b) is repealed,
 - (b) before that paragraph insert—

“(ab) assess the needs of the population in the area of the local authority that are being, or might be, met through the carrying out of the integration functions (including by consulting the public in the area),”.

Modifications in relation to performance reports

- 4 (1) The Public Bodies (Joint Working) (Scotland) Act 2014 is modified as follows.

- (2) In section 42—
- (a) in subsection (4)(b) (as modified by paragraph 1(34)(b) of schedule (*National Care Service local boards: creation and removal of other integration models*)), after sub-paragraph (i) insert—
- “(ii) the National Care Service Board.”
- (b) after subsection (6) insert—
- “(6A) The Scottish Ministers may by regulations modify subsection (4)(a) to change the period within which a performance report is to be published.”

Creation of power for National Care Service Board to give directions and guidance

- 5 (1) The Public Bodies (Joint Working) (Scotland) Act 2014 is modified as follows.

- (2) In section 52—
- (a) after subsection (3) insert—
- “(3A) The National Care Service Board, acting in pursuance of its function under section (*Responsibility for monitoring and improvement*) of the National Care Service (Scotland) Act 2025, may also give directions under subsections (1) to (3).”
- (b) after subsection (4) insert—
- “(4A) Subsection (4) does not require a person to comply with a direction given by the National Care Service Board if, and to the extent that, doing so would result in the person breaching a duty to comply with a direction given by the Scottish Ministers.”
- (c) in subsection (5)(a), after “directions” insert “given by the same person”,
- (d) in subsection (6), for the words from “The” to “direction” substitute “A direction may not be given under subsection (1) or (2)”.
- (3) In section 53, after subsection (1) insert—
- “(1A) A person mentioned in subsection (2) must have regard to any guidance issued by the National Care Service Board about its functions under or in relation to this Act.
- (1B) Before issuing guidance under subsection (1A), the National Care Service Board must consult—
- (a) each local authority,
- (b) each Health Board,
- (c) each National Care Service local board,
- (d) such persons appearing to be representative of each of the following groups as the Board thinks fit—
- (i) health professionals,
- (ii) users of health care,
- (iii) carers of users of health care,
- (iv) social care professionals,
- (v) users of social care,

- (vi) carers of users of social care, and
- (e) such other persons as the Board thinks fit having regard to the purpose of the guidance that the Board intends to issue.”.>

[PCO18] **Maree Todd**

After schedule 2, insert—

<SCHEDULE
(introduced by section (Establishment of the National Care Service Board)(2))

NATIONAL CARE SERVICE BOARD: CONSTITUTION AND GENERAL OPERATION

PART 1

STATUS

Incorporation

- 1 The National Care Service Board is a body corporate.

Exclusion of Crown status

- 2 The National Care Service Board—
- (a) is not a servant or agent of the Crown, and
 - (b) does not enjoy any status, immunity or privilege of the Crown.

PART 2

GENERAL POWERS AND PROCEDURE

General powers

- 3 (1) The National Care Service Board may do anything which appears to it to be—
- (a) necessary or expedient for the purposes of, or in connection with, the performance of its functions, or
 - (b) otherwise conducive to the performance of its functions.
- (2) The generality of sub-paragraph (1) is subject to any enactment providing (in any terms) that the Board may not do something.
- (3) The Board may not—
- (a) borrow money,
 - (b) charge fees for providing goods or services, except at rates approved by the Scottish Ministers.

Committees

- 4 (1) The National Care Service Board may establish committees and sub-committees.
- (2) The membership of the Board’s committees and sub-committees may include (and may be comprised entirely by) persons who are not members of the Board.

- (3) The National Care Service Board may—
 - (a) pay a member of one of its committees or sub-committees remuneration, allowances (including expenses) and gratuities, and
 - (b) make arrangements for the payment of allowances and gratuities to, or in respect of, any person who is or has been a member of one of its committees or sub-committees.
- (4) The arrangements referred to in sub-paragraph (3)(b) may include—
 - (a) making payments towards the provision of allowances and gratuities,
 - (b) providing and maintaining schemes for the payment of allowances and gratuities.
- (5) In sub-paragraph (3)—
 - (a) references to a member of a committee or sub-committee do not include a person who is, at the same time, a member of the Board,
 - (b) references to allowance and gratuities do not include—
 - (i) pensions, or
 - (ii) allowances or gratuities by way of compensation for loss of office.

Regulation of procedure

- 5 The National Care Service Board may regulate its own procedure (including quorum) and that of its committees and sub-committees.

Authority to perform functions

- 6 (1) The National Care Service Board may authorise any of its—
 - (a) members,
 - (b) committees,
 - (c) sub-committees, or
 - (d) staff,to perform such of its functions (and to such extent) as it may determine.
- (2) The giving of authority under sub-paragraph (1) to perform a function does not—
 - (a) affect the Board's responsibility for the performance of the function, or
 - (b) prevent the Board from performing the function itself.

Validity of things done

- 7 The validity of anything done by the National Care Service Board, its committees or sub-committees is not affected by—
 - (a) a vacancy in its membership,
 - (b) a defect in the appointment of a member,
 - (c) the disqualification of a person as a member after appointment.

PART 3

ACCOUNTABILITY

Accounts and audit

- 8 The National Care Service Board must—
- (a) keep proper accounts and accounting records,
 - (b) prepare in respect of each financial year a statement of accounts, and
 - (c) send a copy of the statement to the Auditor General for Scotland for auditing.

Annual report

- 9 (1) The National Care Service Board must, after each financial year—
- (a) prepare and make publicly available a report of its activities during the year, and
 - (b) send a copy of the report to—
 - (i) the Scottish Ministers,
 - (ii) local authorities, and
 - (iii) health boards.
- (2) A report under sub-paragraph (1) is, in particular, to set out how the ways in which the Board has carried out its functions are consistent with—
- (a) the National Care Service principles, and
 - (b) the National Care Service strategy.

PART 4

MEMBERS

CHAPTER 1

PROVISIONS ABOUT BOARD MEMBERSHIP

Board composition

- 10 The National Care Service Board is to consist of—
- (a) a member to chair it, and
 - (b) ordinary members.

Appointment of members

- 11 (1) The Scottish Ministers are to appoint the members of the National Care Service Board.
- (2) Members of the Board may not be appointed until the Scottish Ministers have exercised the regulation-making power conferred by paragraph 17.

Tenure

- 12 (1) A person's membership of the Board continues until the end of the period of appointment (subject to paragraph 15).

- (2) In sub-paragraph (1), “the period of appointment” means the period specified by the Scottish Ministers on appointing the person as a member.

Remuneration, allowances and gratuities

- 13 (1) The National Care Service Board may pay its members such remuneration and allowances (including expenses) as it may, with the approval of the Scottish Ministers, determine.
- (2) The National Care Service Board may not pay its members or former members, or make arrangements for the payment to them of—
- (a) pensions, or
 - (b) allowances or gratuities by way of compensation for loss of office.

Other terms and conditions

- 14 The Scottish Ministers may determine the terms and conditions of membership of the National Care Service Board in relation to matters not covered by this schedule.

Early termination

- 15 (1) A person’s membership of the National Care Service Board ends if—
- (a) the person resigns by written notice given to the Scottish Ministers,
 - (b) the person becomes disqualified from being a member (see paragraph 16),
 - (c) the Scottish Ministers give the person written notice that the person is removed from the Board.
- (2) The Scottish Ministers may remove a member by virtue of sub-paragraph (1)(c) only if—
- (a) the member has been absent, without permission or reasonable excuse, from meetings of the Board for at least 6 consecutive months, or
 - (b) the Ministers consider that the member is—
 - (i) unfit to continue to be a member, or
 - (ii) unable to perform the member’s functions.

Disqualification from membership

- 16 A person is disqualified from being a member of the National Care Service Board if the person is—
- (a) disqualified from being a member by virtue of section 19 of the Ethical Standards in Public Life etc. (Scotland) Act 2000,
 - (b) a member of the House of Commons,
 - (c) a member of the Scottish Parliament.

CHAPTER 2

POWERS TO MODIFY CHAPTER 1

Power to make provision about Board composition and appointments

- 17 (1) The Scottish Ministers may by regulations make further about the composition of the National Care Service Board and the appointment of its members.
- (2) Regulations under sub-paragraph (1) may modify Chapter 1, and references in this paragraph to matters being specified in regulations include their being specified in that Chapter by virtue of modifications made to it by regulations.
- (3) Regulations under sub-paragraph (1) may, in particular—
 - (a) specify the qualifications and experience that an individual must have in order to be appointed,
 - (b) require appointments to be made so that the Board includes a member who fulfils criteria specified in the regulations,
 - (c) require that, in making appointments, regard is had to the desirability of the Board including a member who fulfils criteria specified in the regulations or that the Board's membership overall includes individuals with particular qualifications or experience,
 - (d) repeal the sub-paragraph in paragraph 11 that prevents Board members from being appointed until regulations have been made under this paragraph.
- (4) Criteria, for the purpose of sub-paragraph (3)(b) and (c), may include criteria about an individual's—
 - (a) having certain qualifications or experience,
 - (b) holding a certain office,
 - (c) being representative of certain interests,
 - (d) being nominated or approved for appointment by, or on behalf of, a person.
- (5) The Scottish Ministers must exercise the power under sub-paragraph (1) consistently with sub-paragraphs (6) to (9).
- (6) Only the Scottish Ministers are to be able to appoint members of the Board.
- (7) Being disqualified from being a member of the Board is to preclude an individual's appointment as a member.
- (8) The Board is to include at least—
 - (a) one individual appointed to represent the Scottish Ministers,
 - (b) one individual appointed to represent local authorities,
 - (c) one individual appointed to represent health boards,
 - (d) one individual appointed on the basis that the Scottish Ministers believe that the individual will make an important contribution to the Board's work on account of the individual's being an individual to whom the National Care Service has provided, or is providing, a service,
 - (e) one individual appointed on the basis that the Scottish Ministers believe that the individual will make an important contribution to the Board's work on account of the individual's being, or having been, employed or otherwise professionally engaged

in the provision of a service by the National Care Service in a role that principally involves direct contact with the individuals to whom the service is provided,

- (f) one individual appointed on the basis that the Scottish Ministers believe that the individual will make an important contribution to the Board's work on account of the individual's being, or having been, a carer within the meaning given by section (*Corporate plan*)(3).
- (9) It is only to be possible to appoint as a member to represent local authorities a person who has been nominated by, or on behalf of, the local authorities in Scotland in accordance with a process agreed between the Scottish Ministers and a person appearing to them to be representative of the interests of local authorities.

Power to make provision about early termination and disqualification

- 18 (1) The Scottish Ministers may by regulations modify paragraphs 15 and 16.
- (2) Regulations under sub-paragraph (1) may not amend or repeal paragraph 16(a).

PART 5

STAFF

Chief executive

- 19 (1) The National Care Service Board is to have a chief executive.
- (2) The chief executive is a member of the Board's staff.
- (3) The first chief executive is to be appointed by the Scottish Ministers.
- (4) Subsequent chief executives are to be appointed by the Board.
- (5) The Board may not appoint a chief executive without the Scottish Ministers' approval.

Other staff

- 20 The National Care Service Board may appoint staff.

Staff terms and conditions

- 21 (1) The staff of the National Care Service Board are appointed on terms and conditions determined by the Board.
- (2) The Board may not determine staff terms and conditions without the Scottish Ministers' approval.
- (3) Despite sub-paragraph (1), the first chief executive of the Board is appointed on terms and conditions determined by the Scottish Ministers.

Pensions, allowances and gratuities

- 22 (1) The National Care Service Board may, with the approval of the Scottish Ministers, pay or make arrangements for the payment of pensions, allowances (including expenses) and gratuities to, or in respect of, any person who is or has been a member of the Board's staff.
- (2) Those arrangements may include—
 - (a) making payments towards the provision of pensions, allowances and gratuities,

- (b) providing and maintaining schemes for the payment of pensions, allowances and gratuities.
- (3) The reference in sub-paragraph (1) to pensions, allowances and gratuities includes pensions, allowances and gratuities by way of compensation for loss of office.>

[PCO19] Maree Todd

After schedule 2, insert—

<SCHEDULE

(introduced by section (Establishment of the National Care Service Board)(3))

NATIONAL CARE SERVICE BOARD: APPLICATION OF PUBLIC AUTHORITIES LEGISLATION

Ethical Standards in Public Life etc. (Scotland) Act 2000

- 1 (1) The Ethical Standards in Public Life etc. (Scotland) Act 2000 is modified as follows.
- (2) In schedule 3, after the entry relating to the Mental Welfare Commission for Scotland insert—
 - “National Care Service Board”.

Scottish Public Services Ombudsman Act 2002

- 2 (1) The Scottish Public Services Ombudsman Act 2002 is modified as follows.
- (2) In schedule 2, after paragraph 6 insert—
 - “Care Service
 - 6A The National Care Service Board.”.

Freedom of Information (Scotland) Act 2002

- 3 (1) The Freedom of Information (Scotland) Act 2002 is modified as follows.
- (2) In schedule 1, after paragraph 72A insert—
 - “72B The National Care Service Board.”.

Public Appointments and Public Bodies etc. (Scotland) Act 2003

- 4 (1) The Public Appointments and Public Bodies etc. (Scotland) Act 2003 is modified as follows.
- (2) In schedule 2, after the entry relating to Learning & Teaching Scotland insert—
 - “National Care Service Board, but Part 1 does not apply in relation to the appointment of a member if, in accordance with schedule (*National Care Service Board: constitution and general operation*) to the National Care Service (Scotland) Act 2025, the appointment must be made on the basis of a nomination to the Scottish Ministers”.

Public Services Reform (Scotland) Act 2010

- 5 (1) The Public Services Reform (Scotland) Act 2010 is modified as follows.
- (2) In schedule 5, after the entry relating to Moredun Research Institute insert—

“National Care Service Board”.

- (3) In schedule 8, after the entry relating to Moredun Research Institute insert—
“National Care Service Board”.

Public Records (Scotland) Act 2011

- 6 (1) The Public Records (Scotland) Act 2011 is modified as follows.
(2) In the schedule, after the entry relating to the Mobility and Access Committee for Scotland insert—
“National Care Service Board”.

Procurement Reform (Scotland) Act 2014

- 7 (1) The Procurement Reform (Scotland) Act 2014 is modified as follows.
(2) In the schedule, after paragraph 37 insert—
“37A National Care Service Board”.

British Sign Language (Scotland) Act 2015

- 8 (1) The British Sign Language (Scotland) Act 2015 is modified as follows.
(2) In the schedule, after the entry relating to a health board insert—
“The National Care Service Board.”.

Public Contracts (Scotland) Regulations 2015

- 9 (1) The Public Contracts (Scotland) Regulations 2015 (S.S.I. 2015/446) are modified as follows.
(2) In Part 1 of schedule 1, after the entry relating to the National Audit Office insert—
“National Care Service Board”.

Gender Representation on Public Boards (Scotland) Act 2018

- 10 (1) The Gender Representation on Public Boards (Scotland) Act 2018 is modified as follows.
(2) In schedule 1, after the entry relating to the Mobility and Access Committee for Scotland insert—

| | |
|------------------------------|--|
| “National Care Service Board | Members appointed only by virtue of being nominated for membership in accordance with schedule (<i>National Care Service Board: constitution and general operation</i>) of the National Care Service (Scotland) Act 2025”. |
|------------------------------|--|

Islands (Scotland) Act 2018

- 11 (1) The Islands (Scotland) Act 2018 is modified as follows.
(2) In the schedule, after paragraph 71 insert—

“National Care Service institutions
72 National Care Service Board”.>

[PCO15] Maree Todd
Leave out schedule 3

[PCO16] Maree Todd
Leave out schedule 4