

SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE

**30th Meeting, 2022 (Session 6), Thursday, 17
November 2022**

National Care Service (Scotland) Bill

1. At its meeting on [30 June 2022](#), the Committee agreed to scrutinise the Bill and to consider the social justice and third sector aspects of the Bill.

Bill documents

2. The [National Care Service \(Scotland\) Bill](#) was introduced on 20 June 2022, along with the following accompanying documents:
 - [National Care Service \(Scotland\) Bill as Introduced](#)
 - [National Care Service \(Scotland\) Bill Explanatory Notes](#)
 - [National Care Service \(Scotland\) Bill Policy Memorandum](#)
 - [National Care Service \(Scotland\) Bill Financial Memorandum](#)
 - [National Care Service \(Scotland\) Bill Delegated Powers Memorandum](#)

Oral evidence

3. The Committee heard oral evidence on [10 November](#). The Official Report has not been published at the time of writing, but will be available [here](#).

Written evidence

4. All published written submissions received can be found here: [Published responses for National Care Service \(Scotland\) Bill \(Detailed\) - Scottish Parliament - Citizen Space](#)
5. The submissions from those giving evidence on 17 November are linked to below (*the submission for L'Arche Highland is attached*):

[CCPS \(Coalition of Care and Support Providers in Scotland\)](#)

[Crisis](#)

[ENABLE Scotland](#)

[Glasgow Council for the Voluntary Sector \(GCVS\)](#)

[Leonard Cheshire in Scotland](#)

[L'Arche Highland](#)

Clerks to the Committee

14 November 2022

Annex



National Care Service (Scotland) Bill submission

Our Background

L'Arche in the UK is part of a life-sharing movement of people around the planet with and without a learning disability. Through 150 Communities in 38 countries, we seek to make known the gifts of people with disabilities and create better societies together.

We have been operating in Scotland since 1975 and L'Arche has Communities in Edinburgh and Inverness, providing registered care at home and housing support services to 36 adults with learning disabilities. The Inverness, L'Arche Highland Community, also provides registered day services to 50 people through our workshops.

Our voice is therefore one of a small third-sector provider on the national stage; however, our vision for the place of people with learning disability in our society is broad and ambitious. In this, we share the aspirations of the architects of the NCS, seeking to bring about a paradigm shift in how we think about social care and to value the contribution of all members of our society.

Response to the Call for Views

We welcome the commitment to the principles outlined in Section 1 of the Bill. To:

- Embed human rights in care support
- Increase equality and enable people and communities to thrive
- Ensure that the NCS is an exemplar of Fair Work practices
- Effectively co-design services with people with lived and living experience
- Ensure that the care workforce is recognised and valued
- Improve outcomes through prevention and early intervention
- Provide financially sustainable care giving security and stability to people and their carers.

Our experience is in working day to day with those receiving social care support, and their families and carers, and in providing services to support them. The particular lens we consider the proposals through is therefore “How does this benefit the people we support?”

The well-lived life

In our experience, the people we support in our Communities are very clear about the sorts of things that they want and need to live a fulfilling life. These include:

- to be cared for by kind and competent people who know them well
- to meet others and have enduring friendships
- to follow their interests and to be supported to do this

- to have choice over where, and with whom, they live
- to be able to make a contribution to the community they live in

At the grassroots level, for the people we support to enjoy this sort of life it is necessary that

- Staff are well trained, feel valued and can afford to live on their salaries
- Staff are well led and supported by experienced leaders
- People's level of funded support enables them to thrive (not just exist)
- There is a mixed economy of independent and shared living choices available locally

That these preconditions do not currently exist is well-documented but, at the level of the individual who receives support, the most fundamental requirement to raise the quality of services is that the people providing that support are themselves well-resourced and supported. The NCS Bill necessarily deals with the proposed structures for a new national framework for social care; however, until the necessary increase in resourcing is addressed, any new NCS will have negligible impact on the quality of national social care provision.

Subsidiarity and Voice

An important principle valued in L'Arche is that of subsidiarity, that matters are dealt with at the most appropriate level closest to the people affected. One aspect of this is listening to the voice of the people we support and there is an encouraging thread running through both the IRASC report and NCS Bill of the importance of lived experience in shaping social care services.

However, in this context, another aspect is the wisdom that those closest to the people receiving social care are often in the best position to make decisions on how best to meet needs, deploy resources and be responsive to change. A correction may be necessary to the current status quo but a move to a centralised NCS will diminish a sense of local reciprocity and solidarity and likely introduce that sense of 'being done to' that larger and more distant administrations tend to create, as scale can militate against true co-production.

Equity

The IRASC report and the NCS Bill both recognise the distinctive and valuable part third-sector providers play in provision of social care in Scotland. It is important that centralisation and standardisation do not extinguish the quality, value, innovation and choice that third-sector providers bring to social care.

Equity is also named as an important value in a new NCS. It would be expected, therefore, that the long-standing inequality in funding of third-sector providers compared with that of local authorities and the NHS provision should be removed. Parity of esteem should be reflected in parity of workers' pay and terms and conditions; if the Bill is not used as an instrument to address the current inequality, it will undermine the positive changes the NCS seeks to bring. Currently the difference in starting salary between a third sector social care worker and an NHS worker at the same level is £4,000; this should be an unconscionable disparity.

The third-sector has endured years of uplifts from commissioners that have been insufficient to cover all of our costs. As a consequence, the sector is now less resilient and it has made it harder for us to maintain pay differentials between front-line staff and front-line managers and maintain resources that ensure consistent and quality support.

The provision of an NCS is an opportunity for the Scottish Government to regulate Personal Assistants employed under SDS 1 and also for this work to be inspected as with other

commissioned work. We hope that this omission will be addressed at Stage 1 of the Bill and bring equity and unity to a fractured and complex system.

Model of change

There was a great deal in the IRASC report, and remains much in this subsequent NSC Bill, that we support and would endorse, not least a cultural shift to place higher value on lived experience, co-production, mutuality and the common good. However, it is not very clear how the proposals in the Bill translate to the achievement of this important cultural shift. In their response to the Bill, the CCPS discusses the model of change implicit in the Bill and in this they have identified an area of fundamental importance that in its current form the Bill lacks.

Conclusions

We support the ambition of the Bill and many of the aspirations it describes for an NCS. We agree that change is necessary and that this will require national political will and support. However, while we agree that some of the changes needed are national, we would see that many of the solutions are local.

The structure should be at the service of the mission and the degree of centralisation envisaged in the bill seems counterproductive; it puts at risk progress already made in the integration of health and social care and goes against the spirit of subsidiarity. It also seems unnecessary: Ministers already have many of the levers necessary to bring about the desired improvements in the system via Health & Social Partnership contracting; the SSSC and the Care Inspectorate.

The cost of the proposed structural changes would seem to take funding away from the frontline delivery of services. The cake is only so big and there will be significant pressures arising from other parts of the Bill, for example, the need to restore equity across the social care workforce and fully implement the Fair Work Convention's 'Fair Work in Scotland's Social Care Sector' report recommendations from 2019.

It is an open question whether the NCS in the form the Bill described will be effective in delivering the change in culture it requires for success. The Bill lacks a coherent model for how the cultural change it rests on will be effected.

Finally, and fundamentally, there will need to be an increase in the funding of social care independent of the development of any new national structure. Even without the conception of an NCS, if funding was increased then unpaid carers, users of services and the staff within the sector would see tangible change as social care is chronically underfunded now. But it is certain that the NCS project will have no chance of achieving its ambitions unless funding is significantly increased.