

Health, Social Care and Sport Committee

16th Meeting, 2023 (Session 6), Tuesday, 9 May 2023

National Care Service (Scotland) Bill: Stage 1 timetable

Note by the clerk

Background

1. The National Care Service (Scotland) Bill was introduced by the Scottish Government on 20 June 2022.
2. On 30 June 2022, the Parliament agreed to designate the Health, Social Care and Sport Committee as lead committee for scrutiny of the Bill at Stage 1 and to designate the Education, Children and Young People Committee and the Local Government, Housing and Planning Committee as secondary committees.

Purpose of the Bill

3. The Scottish Government describes the purpose of the Bill as being “to improve the quality of social work and social care services in Scotland”. By bringing forward proposals for the creation of a National Care Service, the Scottish Government aims to make sure that these services are offered in the same way and at the same standard throughout Scotland.
4. In September 2020, the Scottish Government announced an [Independent Review of Adult Social Care](#) (IRASC), otherwise referred to as ‘The Feeley Review’ after its lead author, Derek Feeley. The review’s aim was to recommend improvements to adult social care in Scotland so that people who use social care services and work in the sector have a better experience. In August 2021, the Scottish Government published a [consultation on its proposals to improve social care delivery in Scotland](#), based on some of the recommendations in the review – the scope of this consultation was broader than adult social care and included children’s services and criminal justice social work. This Bill has been developed in response to some of the review’s recommendations and responses to the consultation.
5. The Bill as introduced allows Scottish Ministers to transfer responsibility for social work and social care from local authorities to a new, national service, under their direct control. Social care, social work and community health services would be planned and delivered by new care boards. The national care service, like

services organised by integration authorities now, could include adult and children's services, as well as areas such as justice social work. The Scottish Government would need to consult the public before transferring children's services or justice social work responsibilities.

6. Scottish Ministers will also be able to transfer healthcare functions from the NHS to the National Care Service. Care or health services that are transferred could be delivered nationally or locally by care boards. New 'special' care boards, not based on geographic boundaries, could also be established to provide specialised national services.
7. As well as establishing the National Care Service, the Bill proposes other changes including:
 - allowing information to be shared by the National Care Service and the NHS;
 - introducing a right to breaks for carers;
 - giving rights to people living in adult care homes to see the people important to them (known as "Anne's Law").

The Committee's Stage 1 scrutiny

8. The Committee issued a call for written views and Your Priorities digital consultation on the Bill on 8 July 2022, which ran until 2 September 2022. The call for written views received 215 responses¹. More than 150 users took part in the online discussion via the Your Priorities digital consultation, providing over 300 comments on provisions in the Bill and over 550 ratings.²
9. The Committee took extensive oral evidence on the Bill at Stage 1 over the course of nine meetings between 25 October and 20 December 2022.
10. Running alongside this programme of formal evidence gathering, the Committee undertook a programme of informal engagement including private informal sessions with a range of people with different lived experiences and visits to Aberdeen, Dumfries and Glasgow.

Revised Stage 1 timetable

11. On 8 March 2023, following a request from the Scottish Government, it was agreed that the deadline for completion of Stage 1 consideration of the National Care Service (Scotland) Bill would be delayed until 30 June 2023.
12. Immediately following his election on 28 March 2023, the then Convener of the Health, Social Care and Sport Committee [wrote to the new First Minister](#) seeking further clarification of the Scottish Government's position regarding the planned

¹ [Published responses for National Care Service \(Scotland\) Bill \(Detailed\) - Scottish Parliament - Citizen Space](#)

² [National Care Service \(Scotland\) Bill - Your Views on the Bill \(parliament.scot\)](#)

timetable for completion of Stage 1 scrutiny of the National Care Service (Scotland) Bill.

13. The newly appointed Minister for Social Care, Mental Wellbeing and Sport responded to this letter on [17 April 2023](#).
14. The letter outlines the Minister’s intention “that the Minister for Parliamentary Business will seek Parliament’s approval, via parliamentary Bureau, to extend the Stage 1 deadline beyond June”.
15. The letter explains the justification for seeking a further extension to the Stage 1 deadline as being “to use the time ahead of the Stage 1 debate to find compromise and reach consensus with those who have raised concerns during the Stage 1 scrutiny undertaken so far”.

Today’s meeting

16. Further to the letter to the Committee of 17 April 2023, at today’s meeting, the Committee will take evidence from the Minister for Social Care, Mental Wellbeing and Sport and supporting officials.
17. This evidence session will provide an opportunity for the Committee to gain a clearer understanding of the nature and focus of the Scottish Government’s planned “engagement and co-design activities through summer” and potential implications for the Committee’s ongoing Stage 1 scrutiny of the National Care Service (Scotland) Bill.

Clerks to the Committee

4 May 2023