

# Health, Social Care and Sport Committee

## 29th Meeting, 2023 (Session 6), 3 October 2023

### National Care Service (Scotland) Bill

#### 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. 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.
5. 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.

6. 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

7. 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 responses. 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.
8. 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.
9. 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

10. 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.
11. 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 timetable for completion of Stage 1 scrutiny of the National Care Service (Scotland) Bill.
12. A further letter from the Minister for Social Care, Mental Wellbeing and Sport on [17 April 2023](#) set out the Minister’s intention to seek a further extension to the Stage 1 deadline “beyond June”.
13. A new Stage 1 deadline of 31 January 2024 was subsequently agreed.

## Further updates from the Minister

14. The Minister wrote to the Committee to provide an [update on the National Care Service Bill on 12 July](#). This update included details of further co-design activity to

be undertaken over the summer period and the formation of an “initial consensus proposal between the Scottish Government and Cosla (on behalf of local government)...on a partnership approach that will provide for shared legal accountability” for social care.

15. This consensus proposal follows the [Verity House agreement](#) on closer cooperation between Scottish Government and local government signed in June 2023.
16. On 20 September, the Minister [wrote to the Committee again](#) to provide a further update on the National Care Service Bill. This indicated that reports on the regional co-design events held over the course of the summer [would be published on 27 September](#).
17. This letter states that, following the formation of an initial consensus proposal on shared legal accountability for social care, “officials from Scottish Government and Cosla, and NHS leaders, are continuing to work together to develop more detailed proposals which will in due course inform proposed Government amendments to the Bill”.
18. The letter further states: “In order to provide effective national oversight and governance of social work, social care support and community health, we are agreed that the National Care Service will have a national Board.”

## Today’s meeting

19. At today’s meeting, the Committee will take further evidence from the Minister for Social Care, Mental Wellbeing and Sport and supporting officials.
20. This evidence session will provide an opportunity for the Committee to gain a clearer understanding of the outcome of the Scottish Government’s regional co-design events and its ongoing discussions with local authorities, the NHS and trade unions.
21. It will also provide an opportunity for the Committee to explore potential implications for the Bill as introduced of the initial consensus proposal that, as part of the proposed National Care Service, legal accountability for social care services will be shared between the Scottish Government and local authorities.

### **Clerks to the Committee**

**28 September 2023**