

17 September 2024

Clare Haughey
Convenor
Health, Social Care and Sport Committee
The Scottish Parliament

Via Email: hscs.committee@parliament.scot

Dear Clare,

I welcome the Health, Social Care and Sport Committee seeking further views on the National Care Service (Scotland) Bill and draft amendments brought forward by Scottish Government.

Though involved in detailed policy discussions with Scottish Government and NHS partners, Local Government only received very limited and restricted sight of legislative amendments prior to their publication with Committee. COSLA therefore welcomes the opportunity to set out its views on the Scottish Government's legislative intent.

Following the Local Government, Scottish Government and NHS shared accountability agreement reached in June 2023, COSLA has constructively engaged with partners on the further development of a shared accountability approach to delivering National Care Service reform. Despite meaningful discussions around policy intent, and several welcome Bill provisions, Council Leaders express concern that the draft revised legislative approach outlined by Scottish Government does not effectively represent a clear model of shared accountability.

COSLA is in the process of seeking further engagement with Scottish Government to consider the opportunities to clarify the model of shared accountability and address the concerns of Local Government ahead of the formal Stage 2 process.

I believe there is a strong appetite across Scotland for improvement in our social care, social work and community health system, building upon the work of the Independent Review of Adult Social Care. As we consider longer-term governance reform, we must also ensure focus remains on the pressing challenges faced now across social work, social care and community health. The NCS Bill has brought a welcome elevation in the profile of social services in Scotland and the critical role care plays in supporting Scotland's people to live well. Nonetheless, this has not yet translated into care being appropriately valued, as those accessing and working in care support face ever-increasing financial sustainability and workforce pressures. Genuine and sustained improvement in Scotland's social services requires the prioritisation of care and recognition of its role as a key pillar of Scotland's diverse communities.

We continue to welcome discussions on effectively realising a funded Right to Breaks for Carers recognising the invaluable contribution carers make to Scotland; the importance of enhanced care home visitation rights to ensure lessons are learned from the Covid-19 pandemic and that there is appropriate recognition that care homes are people homes; as well as moves towards achieving an integrated care record to smoothen transitions in people's health and care experience.

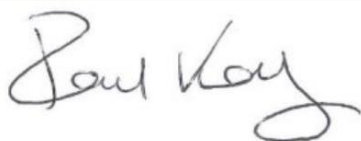
The NCS Bill has also provoked important discussions around the governance and accountability of social services. Following the shared accountability agreement, it had been our hope and expectation that the National Care Service would be delivered in a way which maximised the benefits of enhanced national strategic direction, whilst ensuring a continued role for local communities to best plan services to meet local needs. Regrettably, Scottish Government's draft amendments – and policy intent in several key areas – have the cumulative effect of eroding local decision-making and role of Local Government within social services.

We continue to believe that the creation of a National Care Service Board presents an opportunity to embed shared, whole system accountability and collaboration. Nonetheless, the system model outlined in draft amendments appears complex, punitive and narrowly focused on the monitoring of local systems, without the clear ability to translate local learning into national improvement. Several Bill amendments are particularly broadly drawn, and there is the continued risk of the overreliance of secondary legislation which will introduce key details without the necessary level of scrutiny.

Of course, the scope of the Independent Review of Adult Social Care did not cover children's, justice social work and homelessness services. Following publication of the NCS Bill, detailed research was undertaken in relation to children's and justice social work services explore the opportunities, challenges and views working across the delivery of services. There remains insufficient evidence to support the intention of Scottish Ministers to include children's, justice social work and homelessness services within the scope of the National Care Service Board. Such structural change presents the risk of distraction from improvement efforts currently underway in these areas. This includes current focus and efforts to Keeping the Promise and the Justice Social Work Improvement and Action Plan.

I thank the committee again for its work to date on the National Care Service and I look forward to hearing contributions from partners and stakeholders on the draft Stage 2 amendments.

Yours sincerely,

A handwritten signature in black ink that reads "Paul Kelly". The signature is written in a cursive, flowing style.

Cllr Paul Kelly
Health and Social Care Spokesperson