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Item No: 10

Meeting Date: Wednesday 28th August 2024

Glasgow City Integration Joint Board

Report By: Jackie Kerr, Interim Chief Officer
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National Care Service: Stage 2 Amendments – Call for Views

Purpose of Report:

The purpose of this report is to seek approval from the Integration Joint Board (IJB) on the proposed approach to preparing the IJB's response to the Scottish Parliament's Call for Views on the proposed Stage 2 amendments to the National Care Service (Scotland) Bill.

Background/Engagement:

The report and recommendations from the Independent Review of Adult Social Care (IRASC) was published in February 2021. The Scottish Government subsequently commenced a national consultation on proposals arising from the initial IRASC in August 2021.

The National Care Service (Scotland) Bill (the Bill) was formally introduced to the Scottish Parliament on 20 June 2022 by Cabinet Secretary for Health and Social Care. The Health, Social Care and Sport Committee commenced a Call for Views on the Bill in June 2022.

The Partnership and the IJB participated in both the national consultation and Call for Views, submitting separate responses.

Following scrutiny by various Scottish Parliament committees and negotiations between Scottish Government and COSLA, the NCS Bill's Stage 1 debate took place on 29 February 2024 and the Bill progressed to Stage 2.

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Governance Route:	The matters contained within this paper have been previously considered by the following group(s) as part of its development. HSCP Senior Management Team <input type="checkbox"/> Council Corporate Management Team <input type="checkbox"/> Health Board Corporate Management Team <input type="checkbox"/> Council Committee <input type="checkbox"/> Update requested by IJB <input type="checkbox"/> Other <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>
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Recommendations:	The Integration Joint Board is asked to: a) note the content of this report; b) approve the approach to preparing the IJB's response described in section 4; and c) approve the proposal that the final response will be approved on behalf of the IJB by the Chair and Vice Chair.
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Relevance to Integration Joint Board Strategic Plan:

None

Implications for Health and Social Care Partnership:

Reference to National Health & Wellbeing Outcome(s):	None
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Personnel:	None
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Carers:	None
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Provider Organisations:	None
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Equalities:	None
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Fairer Scotland Compliance:	None
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Financial:	None
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Legal:	None
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Economic Impact:	None
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Sustainability:	None
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Sustainable Procurement and Article 19:	None
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Risk Implications:	None
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Implications for Glasgow City Council:	None
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Implications for NHS Greater Glasgow & Clyde:	None
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Direction Required to Council, Health Board or Both
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Direction to:

1. No Direction Required	<input checked="" type="checkbox"/>
2. Glasgow City Council	<input type="checkbox"/>
3. NHS Greater Glasgow & Clyde	<input type="checkbox"/>
4. Glasgow City Council and NHS Greater Glasgow & Clyde	<input type="checkbox"/>

1. Purpose

1.1. The purpose of this report is to seek approval from the Integration Joint Board (IJB) on the proposed approach to preparing the IJB's response to the Scottish Parliament's Call for Views on the proposed Stage 2 amendments to the National Care Service (Scotland) Bill.

2. Background

2.1. The report and recommendations from the [Independent Review of Adult Social Care \(IRASC\)](#) was published in February 2021. The Scottish Government subsequently commenced a [national consultation](#) on proposals arising from the initial IRASC in August 2021.

2.2. The [National Care Service \(Scotland\) Bill](#) (the Bill) was formally introduced to the Scottish Parliament on 20 June 2022 by Cabinet Secretary for Health and Social Care. The Health, Social Care and Sport Committee commenced a [Call for Views](#) on the Bill in June 2022.

2.3. The Partnership and the IJB participated in both the national consultation and Call for Views, submitting separate responses.

2.4. Following scrutiny by various Scottish Parliament committees (led by the Health, Social Care & Sport Committee) and negotiations between Scottish Government and COSLA leading to the development of a shared accountability model, the [NCS Bill's Stage 1 debate](#) took place on 29 February 2024 and the Bill progressed to Stage 2. See Figure 1 below for the progress of the NCS (Scotland) Bill to date.

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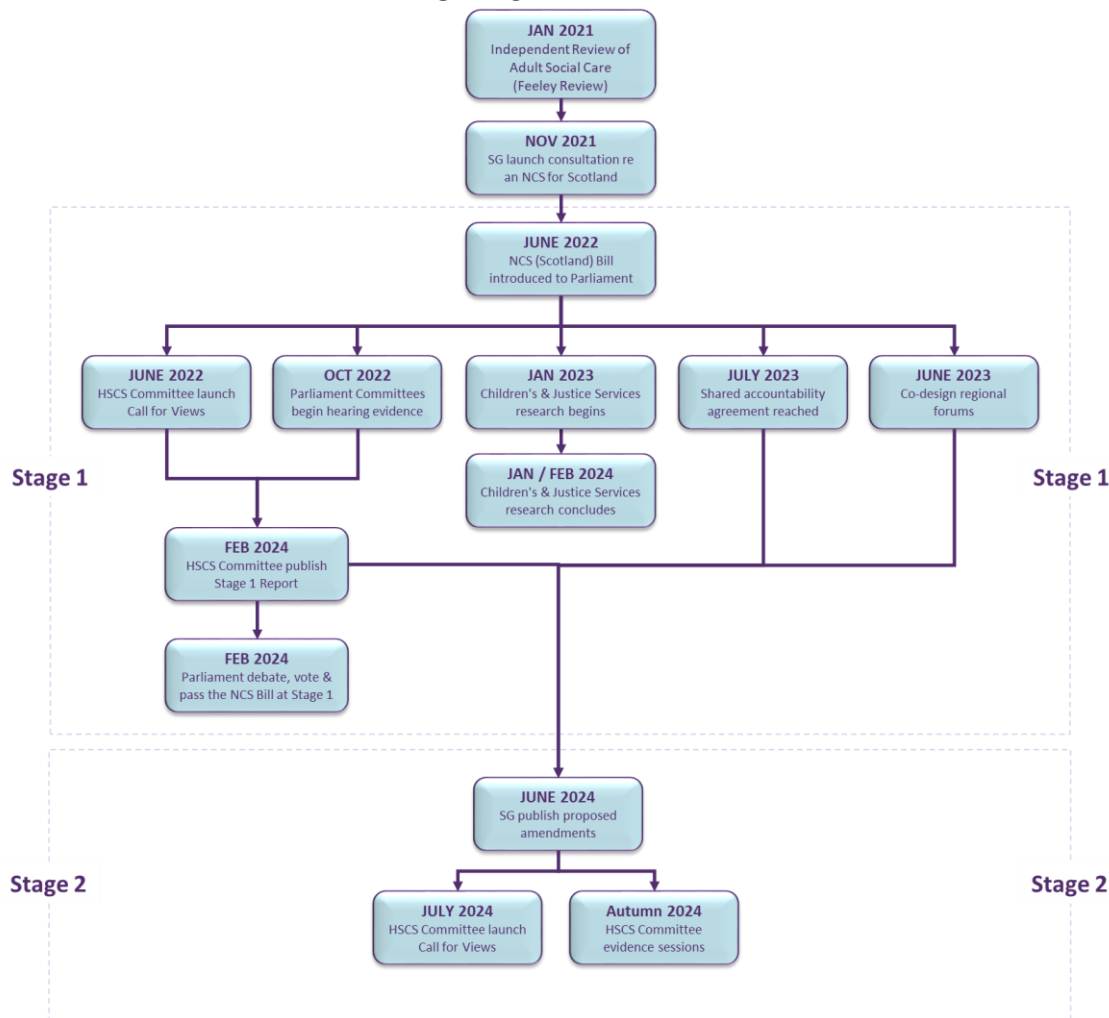


Fig 1: Progress of the NCS (Scotland) Bill

3. Overview of Proposed Draft Stage 2 Amendments

- 3.1. At the end of June 2024, the Health, Social Care and Sport Committee received a [letter from the Minister for Social Care, Mental Wellbeing and Sport](#) along with a set of documents including versions of the NCS Bill with the Scottish Government's proposed draft Stage 2 amendments.
- 3.2. The draft Stage 2 amendments to the Bill include changes that reflect:
 - The Shared Accountability Agreement that was reached in June 2023 between Scottish Government and COSLA, and further discussions between Scottish Government, COSLA and NHS health boards that concluded in November 2023.
 - Scottish Parliament's consideration of the NCS Bill at Stage 1 and the recommendations made by the Health, Social Care and Sport Committee in its Stage 1 report.
 - Scottish Government's ongoing engagement and co-design work with stakeholders, including Lived Experience.
 - The financial context.

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- 3.3. Members should note that the Shared Accountability Agreement means that Local Authorities and Health Boards will retain service delivery functions and the associated staff and assets. The proposed Stage 2 amendments therefore removes reference to the transfer of Local Authority staff and assets from the draft Bill.
- 3.4. Stage 2 amendments include new parts of the Bill setting out requirements for a National Strategy, specifically that Scottish Ministers must have a publicly available strategy document which sets out the main challenges that the NCS institutions are to focus on addressing and the action that the Scottish Ministers propose to take, and consider actions that the NCS institutions should take, to address those challenges.
- 3.5. In reviewing a strategy document Scottish Ministers are to have regard to the NCS principles; consult the public, the NCS Board, NCS local boards, local authorities, and health boards. However Scottish Ministers will not be required to consult with the NCS Board or NCS Local Boards when preparing the first strategy document.
- 3.6. The Scottish Ministers are to review the NCS strategy within the period of 5 years. If, following a review, a new strategy document is not prepared Scottish Ministers must make publicly available a statement explaining why in their view the latest one remains appropriate.
- 3.7. Stage 2 amendments include the establishment of a National Care Service Board, along with proposals to reform Integration Authorities and establish National Care Service Local Boards.
- 3.8. The National Care Service Board will be a new public body whose function is to oversee the NCS Local Boards (see para 3.12) and the provision of services within the scope of the NCS. The NCS Board may make arrangements to provide, or secure the provision of, goods, services or works for a number of other public bodies - Scottish Ministers, a NCS local board, a local authority, a health board, a special health board.
- 3.9. The NCS Board must:
 - comply with any direction issued to it by the Scottish Ministers
 - have regard to any guidance issued to it by the Scottish Ministers
 - have a publicly available support and improvement framework describing the actions the Board may take when it identifies a need for improvement
 - have a publicly available Corporate Plan documenting how it intends to fulfil its general purpose and how it intends to meaningfully involve stakeholders in its decision making
 - prepare in respect of each financial year a statement of accounts
 - prepare and make publicly available a report of its activities during the year.
- 3.10. Key activities for the Board will be guided by co-design and stakeholder engagement but it is expected to consist of:
 - developing standards and guidance
 - reviewing and seeking delivery assurance on local strategic plans and ethical commissioning strategies

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- monitoring system performance to ensure consistent, fair, human rights-based social work, social care support and community health services, underpinned by effective complaints and enhanced advocacy provision for people
 - maintaining a support and improvement framework which will aim to provide support to local areas when monitoring indicates that standards are not being met with powers of intervention, when required, as a last resort
 - national commissioning and procurement by agreement for complex and specialist social care services, including prison social care
 - seeking assurance on public protection arrangements for those services under the NCS
 - ensuring meaningful involvement for stakeholders and people with lived experience in decision making
 - overseeing multi-agency national workforce planning for NCS services (only social care workforce, not NHS staff. The NSWA will lead on workforce planning for social workers and social work students)
 - monitoring portability of care packages across Scotland and UK territorial boundaries
 - providing market shaping and financial oversight of social care providers
 - providing support to local delivery partners.
- 3.11. Members of the NCS Board will be appointed by Scottish Ministers and must include a Chief Executive. As a minimum membership must include:
- Representative of Scottish Ministers
 - Representative of local authorities
 - Representative of Health Boards
 - Individual who is accessing or has accessed NCS service(s)
 - Individual who is providing or has provided NCS service(s)
 - Unpaid carer
- 3.12. Reformed Integration Authorities will be renamed “NCS Local Boards” and will oversee the planning and delivery of social care, social work and community health in their local area, and will be accountable to the NCS Board. A NCS Local Board is to appoint, as a member of staff, a Chief Officer and may employ other staff, although it is not clarified to which roles.
- 3.13. NCS Local Boards, Local Authorities and Health Boards are to have regard to NCS Board guidance, comply with NCS Board directions arising from the Boards monitoring and improvement function and take account of feedback from the NCS Board in their review of local strategic plans.
- 3.14. To support the amendments to the Bill, the Scottish Government have also proposed amendments to the Public Bodies (Joint Working) (Scotland) Act 2014 which include:
- renaming Integration Joint Boards as National Care Service Local Boards.
 - removing the integration model options that do not entail delegation to a new corporate body.
 - removing restrictions that the delegation of functions is applicable to persons of 18+ years only.

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- 3.15. Further to amendments to the primary legislation, it is also the Scottish Government's intention to utilise existing regulation making powers in the Public Bodies (Joint Working) (Scotland) Act 2014 to bring forward further regulations regarding:
- The role of localities, including their remit and regulation
 - Chaining arrangements for the NCS Local Board
 - Voting rights and wider arrangements to facilitate full inclusion of lived experience in local decision making
 - Local Board committee structure and governance.
- 3.16. Scottish Ministers are to designate one of its civil servants as the National Chief Social Work Adviser and to organise other members of their staff into the National Social Work Agency (NSWA). It is intended that the NSWA will be a new public body, an executive agency with a Chief Executive and staffed by civil servants directly accountable to Ministers.
- 3.17. The Minister has noted that there a number of areas where further work is needed to confirm which legislative approach would best deliver the intended changes. Those areas are:
- Direct funding: giving Scottish Ministers power to directly fund NCS Local Boards for specific purposes, such as commissioning specialist services. Ministers want to make sure any changes brought forward are fully understood and do not create unintended consequences for the existing funding model.
 - Inclusion of children's services: Minister has stated her preference is for inclusion in NCS and has proposed an amendment to the Public Bodies (Joint Working) (Scotland) Act 2014 to provide Ministers the power to delegate functions for under 18s. It has been noted that further work is needed, including ensuring any changes align with The Promise implementation plan (2024-30) timescales. Further updates will be provided to parliament before the formal deadline for lodging Stage 2 amendments.
 - Inclusion of Justice Social Work: Minister's preference is for inclusion at national and local level to ensure alignment with other areas of social work. Policy development on inclusion is ongoing, so no proposed amendments currently available.
 - Anne's Law: Scottish Government remains committed to delivering Anne's Law within the NCS Bill but are looking at possible alternative routes to deliver this more quickly following suggestions from Parliament.

4. Approach to the Stage 2 Call for Views

- 4.1. In July 2024, the Health, Social Care and Sport Committee opened a [Stage 2 Call for Views](#) on the draft amendments. The deadline for submission of responses is 20 September 2024.
- 4.2. As with previous NCS consultations, the Partnership and IJB will submit separate responses and officers are working with colleagues in Glasgow City Council in relation to the Council's response.
- 4.3. Members were provided with an overview and update of the draft NCS amendments at the IJB's Development Session on 14 August 2024.

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- 4.4. It is proposed that officers collate a draft response on behalf of the IJB which incorporates feedback from that development session, along with reiteration of views expressed by the IJB in its response to the national consultation in 2021 and the Call for Views in 2022 where these have not been addressed in the Stage 2 amendments.
- 4.5. Officers will present the draft response to IJB members at the Development Session scheduled for 4 September 2024, for members to consider, offer further views and provide feedback.
- 4.6. Following that Development Session, officers will collate a final response for approval by the Chair and Vice Chair on behalf of the IJB.
- 4.7. Once approved, officers will submit the IJB response to the Scottish Parliament on or before the deadline of 20 September 2024.

5. Recommendations

- 5.1. The Integration Joint Board is asked to:
 - a) note the content of this report;
 - b) approve the approach to preparing the IJB's response described in section 4; and
 - c) approve the proposal that the final response will be approved on behalf of the IJB by the Chair and Vice Chair.