

### Introduction

In June 2022 the Scottish Government introduced the [National Care Service \(Scotland\) Bill](#) to the Scottish Parliament, which aims to make Scottish Ministers accountable for social care, as they are currently for health care, within Scotland.

However, in 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill.

The Bill hasn't yet changed, the proposed amendments are currently being scrutinised by the Scottish Parliament's Health, Social Care and Sport Committee. The Committee will debate and vote on the amendments and if any are agreed a new version of the Bill will be drafted.

You can read more about the proposed amendments to the Bill on the [Scottish Government's website](#).

In this document we have answered a number of questions regarding the Scottish Government's proposals for a new National Care Service. The document is divided into eight sections, and you can go directly to one by selecting its hyperlink below. You can also go directly to a specific question by selecting its hyperlink.

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### National Care Service

#### What is the National Care Service?

The Scottish Government's ambition is for a National Care Service that ensures people of all ages can access the support that they need to live a full life by improving consistency and quality of provision.

Through the creation of a National Care Service, the Scottish Government aims to:

- transform people's experience of social care support and related services, strengthen prevention and community-based support and reform access
- continue integrating community health and social care and strengthen partnerships working with other services and agencies
- ensure that individuals can participate in their care design
- ensure people's needs are met holistically and driven by the outcomes that are important to them and their communities
- strengthen prevention, early intervention and end of life care.

It is envisaged that the National Care Service will comprise of reformed Integration Joint Boards known as National Care Service Local Boards which will be accountable to a new public body, known as the National Care Service Board, whose function is to oversee the local boards and the provision of services by the National Care Service to secure continuous improvement in the wellbeing of the people of Scotland in a way that is consistent with the National Care Service principles and the National Care Service strategy.

#### Why is a National Care Service being proposed?

In 2020 the Scottish Government commissioned the [Independent Review of Adult Social Care](#), and a report with recommendations was published in February 2021 (also referred to as 'The Feeley Review'). One of the recommendations was the setting up of a National Care Service, which the current Scottish Government pledged to do in their manifesto.

A national consultation on proposals arising from the initial Review was subsequently commenced by the Scottish Government in August 2021. Glasgow City Health and Social Care Partnership, the Integration Joint Board and Glasgow City Council separately participated in the consultation.

Following the recommendations and the national consultation, the Scottish Government introduced the [National Care Service \(Scotland\) Bill](#) to Parliament on 20 June 2022.

In 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill.

#### What is the National Care Service (Scotland) Bill?

[The National Care Service \(Scotland\) Bill](#) was introduced by the Scottish Government to the Scottish Parliament in June 2022 with the intention of reforming how social care and social work services are delivered. This includes making Scottish Ministers accountable for social care, as they are currently for health care, within Scotland.

The Bill sets out the principles of and establishes a new National Care Service for Scotland, and it allowed Scottish Ministers to transfer a range of services and functions from Local Authorities to the National Care Service subject to Parliamentary approval. As well as establishing the National Care Service, the Bill also proposes allowing information to be shared by the National Care Service and the National Health Service and introducing rights to breaks for unpaid carers and visiting rights for residents living in adult care homes (known as 'Anne's Law').

In 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill.

The proposed amendments will mean that care will continue to be delivered locally by reformed Integration Joint Boards and associated property and assets will remain the responsibility of Local Authorities.

The Scottish Parliament must analyse, consider, debate and finally vote on the Bill before it can become an Act or a law. This is done through various committees that will hear from experts, organisations and members of the public about what the Bill would do. The committees involved in the National Care Service (Scotland) Bill are listed below:

- [Health, Social Care and Sport Committee](#)
- [Finance and Public Administration Committee](#)
- [Local Government, Housing and Planning Committee](#)
- [Criminal Justice Committee](#)
- [Delegated Powers and Law Reform Committee](#)
- [Education, Children and Young People Committee](#)
- [Social Justice and Social Security Committee.](#)

The Bill hasn't yet changed, the proposed amendments are currently being scrutinised by the Scottish Parliament's Health, Social Care and Sport Committee. The Committee will debate and vote on the amendments and if any are agreed a new version of the Bill will be drafted. The new amended Bill will then be debated and voted on by the Scottish Parliament.

The National Care Service (Scotland) Bill is referred to as framework legislation because it proposes general principles of the National Care Service but leaves considerable detail to be laid out in future secondary legislation. The Scottish Government's intention is to 'co-design' these details alongside people who use and work in social care. Developing the detail of the National Care Service will take some time as it did when introducing legislation for Health and Social Care Integration.

[Contents of the Bill along with related information](#) and the [proposed amendments](#) are available on the Scottish Parliament website.

#### What are the key proposals of the National Care Service (Scotland) Bill?

The [National Care Service \(Scotland\) Bill](#) as it was introduced in 2022 proposed to reorganise how social care and social work services are funded and delivered in Scotland. It establishes a National Care Service, accountable to Scottish Ministers, with services designed and delivered locally.

Some of the key proposals include:

- **New Local Care Boards:** New Care Boards that are directly accountable to and funded by Scottish Ministers will replace existing Integration Joint Boards. Care Boards will plan, commission and potentially deliver National Care Service services within their local area. The number of Care Boards and the geographical areas that they will cover have yet to be decided but the Bill requires that together they cover the whole of Scotland. The Bill allows Scottish Ministers to make decisions about the membership of Care Boards and what groups they are required to represent
- **Health and Social Care Services:** The Bill proposes to give Scottish Ministers powers to transfer a broad range of social care functions, including adult social care and social work services, from Local Authorities and Health Boards to the National Care Service subject to Parliamentary approval. The potential transfer of children's services and justice social work services require a further public consultation and the results to be laid before parliament alongside any regulations. Social care services related to homelessness have not been included in the scope of services within the National Care Service. Ministers will also be able to transfer healthcare functions from Scotland's National Health Service to the National Care Service.
- **Health and Social Care Workforce:** In connection with the transfer of social care services, it is proposed that Scottish Ministers can also transfer the staff who carry out those functions from the employment of a Local Authority to the National Care Service. However, the Bill does not allow for the transfer of staff who are employed by a Health Board. The exact details of which staff and the arrangements of any transfer have yet to be decided on.
- **National Social Work Agency:** A new National Social Work Agency will be established within the Scottish Government to provide national leadership, oversight, support and investment in the social work profession. The creation of the Agency is not specifically mentioned within the Bill but it is referred to within the Policy Memorandum that supports the Bill
- **Commissioning and Procurement:** Newly created Care Boards will be responsible for commissioning and procurement of goods and services as part of the National Care Service. Social care services that are currently provided directly by Local Authorities may be subject to a commissioning arrangement with the Care Board or the Care Board may take over direct delivery of the service, with staff transferring to the Care Board. The Bill also allows for the procurement of certain social care contracts to be restricted to voluntary organisations, meaning that only

voluntary organisations would be permitted to bid for these contracts.

As well as establishing the National Care Service, the Bill also proposes:

- establishing a scheme for sharing information, to facilitate a nationally consistent electronic health and care record and
- introducing rights to breaks for unpaid carers and visiting rights for residents living in adult care homes (known as 'Anne's Law').

However, in 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill. The proposed amendments will mean that care will continue to be delivered locally by reformed Integration Joint Boards and social care staff will continue to be employed by Local Authorities.

Key proposed amendments include:

- **Care Boards:** removed and replaced with provision to set up a National Care Service Board and NCS Local Boards (renamed IJBs)
- **Health and Social Care Services:** Local authorities and Health Boards to retain delivery functions and associated assets
- **Health and Social Care Workforce:** Staff will remain in the employment of local authorities

The Bill hasn't yet changed, the proposed amendments are currently being scrutinised by the Scottish Parliament's Health, Social Care and Sport Committee. The Committee will debate and vote on the amendments and if any are agreed a new version of the Bill will be drafted.

You can read more about the proposed amendments to the Bill on the [Scottish Government's website](#).

#### What services would be included in the National Care Service?

The [National Care Service \(Scotland\) Bill](#) proposes to give Scottish Ministers powers to transfer a broad range of social care functions, including adult social care and social work services from Local Authorities and community health functions from Scotland's National Health Service, to a National Care Service. The Scottish Government has not yet defined what would be included in community health services. However, the Minister for Mental Wellbeing and Social Care described it as "those services which are based in the community and provide the first point of contact, diagnosis and treatment".

In 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill. The proposed amendments will mean that care will continue to be delivered locally by reformed Integration Joint Boards.

The exact detail of which services would be included in the National Care Service are not stipulated in the Bill or the proposed amendments. The Scottish Government has committed to developing this detail through a co-design process alongside people who use and work in social care, including Health and Social Care Partnerships, Integration Joint Boards, Health Boards and Local Authorities among others.

The potential inclusion of children's services and justice social work services has been subject to review and consultation. The Scottish Government asked the Centre for Excellence for Children's Care and Protection (CELCIS) to carry out a research study on current Children's Services structures and delivery models in Scotland. All the [reports](#) of the findings of the research are available on the [CELCIS website](#). Research on justice social work services was conducted by IPSOS and the Scottish Government's [National Care Service Justice Social Work Research Report](#) is available on the government's website. Social care services related to homelessness have not been included in the scope of services within the National Care Service.

#### What are the timescales for implementation of a National Care Service?

There are three stages to a Bill going through the Scottish Parliament. The National Care Service (Scotland) Bill is at Stage 2, with MSPs and Scottish Government Ministers proposing changes ("amendments") to the Bill which will be considered and decided by the Health Social Care and Sport Committee. If any amendments are agreed at Stage 2, a new (amended) version of the Bill will be published and debated and voted on in parliament (stage 3). There are no current timescales available for when Stage 2 or Stage 3 will be complete.

The Scottish Parliament approved the Bill at Stage 1 on Thursday 29<sup>th</sup> February. You can view the [Stage 1 debate on the National Care Service \(Scotland\) Bill](#) on the Parliament website.

In a letter to the Finance and Public Administration Committee in December 2023, the Scottish Government included its [National Care Service Programme Business Case](#) and outlined a route map for implementation, should the Bill be approved by parliament at stage 3. Implementation will take a phased approach with the final phase expected to take place in 2030-31.

#### **What is a Care Board and what will it do?**

The [National Care Service \(Scotland\) Bill](#) proposed that new Care Boards, directly accountable to and funded by Scottish Ministers, would replace existing Integration Joint Boards. Care Boards would plan, commission and potentially deliver services on behalf of the National Care Service within their local area.

However, in 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill.

[The proposed amendments](#) remove all references to the establishment of care boards from the Bill and will mean that care will continue to be delivered locally by reformed Integration Joint Boards, to be renamed “National Care Service Local Boards”, which will be accountable to a new public body known as the National Care Service Board. The scope and responsibilities of the new National Care Board and reformed Integration Joint Boards have yet to be defined.

The Scottish Government have stated that along with reforming Integration Joint Boards, they intend to bring forward further regulations on:

- The role of localities, including their remit and regulation of localities
- Chairing arrangements for the NCS local board
- Voting rights and wider arrangements to facilitate full inclusion of voices of lived experience in local decision making
- Local board committee structure and governance

The [Minister for Social Care, Mental Wellbeing and Sport](#) has also stated that the Scottish Government also intend to introduce legislation which would give Scottish Ministers the power to directly fund reformed integration authorities for specific purposes, such as regional and national commissioning of specialist services.

The Bill hasn't yet changed, the proposed amendments are currently being scrutinised by the Scottish Parliament's Health, Social Care and Sport Committee. The Committee will debate and vote on the amendments and if any are agreed a new version of the Bill will be drafted.

You can read more about the proposed amendments to the Bill on the [Scottish Government's website](#).

#### Who will be a member of Care Boards?

The [National Care Service \(Scotland\) Bill](#) stipulates that each Care Board must consist of a Chairing Member, a Chief Executive and 'ordinary members', all of whom will be appointed by Scottish Ministers. The Bill does not provide any details regarding the number of 'ordinary members' or the groups they are required to represent.

However, in 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill.

The proposed amendments remove all references to the establishment of care boards from the Bill and will mean that care will continue to be delivered locally by reformed Integration Joint Boards, to be renamed "National Care Service Local Boards", which will be accountable to a new public body known as the National Care Service Board. The scope and responsibilities of the new National Care Board and reformed Integration Joint Boards have yet to be defined.

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The Bill hasn't yet changed, the proposed amendments are currently being scrutinised by the Scottish Parliament's Health, Social Care and Sport Committee. The Committee will debate and vote on the amendments and if any are agreed a new version of the Bill will be drafted.

You can read more about the proposed amendments to the Bill on the [Scottish Government's website](#).

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### Legislation and Engagement

#### What is framework legislation?

The [National Care Service \(Scotland\) Bill](#) is referred to as framework legislation because it proposes general principles of the National Care Service but leaves considerable detail to be laid out in future secondary legislation.

Whilst the process of passing secondary legislation, for example to build further detail into framework legislation, allows for improvements and changes to be made more quickly than with primary legislation, it involves less opportunity for scrutiny from stakeholders and Members of Parliament. The Scottish Government has committed to consulting with stakeholders prior to seeking approval for any secondary legislation connected to the NCS Bill (for example, the composition of Care Boards).

The Scottish Government's intention is to co-design the details of the National Care Service alongside people who use and work in social care, including Health and Social Care Partnerships, Integration Joint Boards, Health Boards and Local Authorities among others.

#### What is the process for the Bill to become law?

The [National Care Service \(Scotland\) Bill](#) was introduced to the Scottish Parliament in June 2022. The Bill must be analysed, considered, debated and voted on by Parliament before it can become an Act or a law.

The stages of how a Bill becomes an Act (or law) are noted in the table below.

Stage	Description
Introduced	The Scottish Government presents the Bill to the Scottish Parliament, along with supporting documentation such as a Financial Memorandum, Explanatory Notes and a Policy Memorandum.
Stage 1 (general principles)	<p>The Bill is given to a lead committee, in the case of the National Care Service the lead committee is the Health, Social Care and Sport Committee. Other committees can also review the Bill and report to the lead committee. The lead committee is responsible for examining the Bill. It hears from experts, organisations and members of the public about what the Bill would do. It then writes a report about what it has heard and giving its own view of the Bill. This Stage 1 report usually makes a recommendation about whether the Parliament should support the main purpose of the Bill (the 'general principles'). All of this may take a few months.</p> <p>The Parliament then debates the Bill and decides whether it should go onto Stage 2 or be rejected.</p>
Stage 2 (amendments)	MSPs can propose changes to the Bill. The amendments are debated and decided on at a meeting of a committee (usually the lead committee). If any amendments are agreed, a new (amended) version of the Bill is published. This version is considered at Stage 3.
Stage 3 (amendments, debate and final vote)	MSPs can propose further amendments to the Bill, these are then debated and decided on in the Debating Chamber. There is then a debate and vote on whether to pass the Bill. If the Bill is not passed, it falls and cannot become law.
Turning the Bill into an Act	If the Bill is passed, it is normally sent for Royal Assent after about four weeks. Royal Assent is when the Bill gets formal agreement by the King and becomes an Act of the Scottish Parliament. Some Acts become law straight after Royal Assent, some only become law on a later date.

The National Care Service (Scotland) Bill is at Stage 2 of the process. The Scottish Parliament approved the Bill at stage 1 on Thursday 29<sup>th</sup> February. The [Committee Stage 1 reports](#) and the [Stage 1 debate on the National Care Service \(Scotland\) Bill](#) are available on the Scottish Parliament website.

#### Are there any other documents I can read about the Bill?

The Scottish Government has published a number of documents, sometimes called memorandums, which support the [National Care Service \(Scotland\) Bill](#), including:

- **Explanatory Notes** explaining the legal effect of the Bill
- **Policy Memorandum** explaining why the Bill is being proposed
- **Delegated Powers Memorandum** explaining why delegated powers are included in the Bill
- **Financial Memorandum** setting out the expected costs of the Bill
- **Statement of Legislative Competence** confirming that the Scottish Government believes that the changes to the law are changes that the Parliament has the power to make and
- **Scottish Parliament Research on the Bill.**

[All supporting documents](#) are available on the Scottish Parliament website.

The Scottish Government's [proposed draft amendments to the Bill](#), along with supporting documents, are also available on the Scottish Parliament's website.

The Scottish Parliament held committee sessions on the Bill, hearing from experts, organisations and members of the public about what the Bill would do. The [Committee reports](#) are available on the Scottish Parliament's website.

#### How will the detail of the National Care Service be developed?

The [National Care Service \(Scotland\) Bill](#) was introduced to the Scottish Parliament as framework legislation in June 2022, meaning it provides a broad outline of what the National Care Service will look like but leaves much of the detail to be developed through future secondary legislation.

The Scottish Government has committed to developing the detail of the National Care Service through a co-design process alongside a range of stakeholders, particularly with people who access support, those who deliver it and unpaid carers. This will include Health and Social Care Partnerships, Integration Joint Boards, Health Boards and Local Authorities among others.

To begin the work of co-designing the National Care Service, the Scottish Government recently opened applications to join a [Lived Experience Expert Panel](#) and a [Stakeholder Register](#). The initial co-design sessions will explore the following 5 themes:

- information sharing to improve health and social care support, which may include areas such as data sharing
- realising rights and recognising responsibilities, which may include work to develop a National Care Service Charter
- keeping health and social care support local, this may consider Care Boards, geography and board representation
- making sure my voice is heard, this may include areas such as advocacy and complaints
- valuing the workforce, which may include issues such as ethical commissioning.

The Scottish Government intend for the co-design work to continue throughout the course of the parliamentary term to continue to inform the design, delivery and continuous improvement of the National Care Service over the coming years.

The Lived Experience Expert Panel and Stakeholder Register will remain open throughout the process, allowing anyone with an interest in any future themes to join the panels at any time to take part in co-design activities.

#### How is the Scottish Government getting the views of those involved?

Following the [Independent Review of Adult Social Care](#), the Scottish Government carried out a [national consultation](#) on its proposals for the National Care Service. Glasgow City Health and Social Care Partnership and Integration Joint Board and Glasgow City Council separately participated in the consultation.

In July 2022, the Scottish Parliament's Health, Social Care and Sport Committee published its [Call for Views](#) (consultation) on the [National Care Service \(Scotland\) Bill](#), and [Glasgow City Health and Social Care Partnership](#), [its Integration Joint Board](#) and [the Council](#) submitted responses to it that are available on the Scottish Parliament's website. [Social Work Scotland's response](#) and [all other ones](#) are also available. [A summary report of all responses](#) has been published by the Scottish Parliament as well.

Towards the end of 2022, the Scottish Parliament commenced committee sessions on the Bill, hearing from experts, organisations and members of the public about what the Bill would do. Their reports are available to view on the [Scottish Parliament's website](#).

The Scottish Government has committed to developing the National Care Service through a co-design process alongside a range of stakeholders, particularly with people who access support, those who deliver it and unpaid carers. This will include Health and Social Care Partnerships, Integration Joint Boards, Health Boards and Local Authorities among others.

To begin the work of co-designing the National Care Service, the Scottish Government opened applications to join a [Lived Experience Expert Panel](#) and a [Stakeholder Register](#).

#### **How can patients, service users and carers get involved in the co-design of a National Care Service?**

The Scottish Government has committed to developing the detail of the [National Care Service \(Scotland\) Bill](#) and designing the National Care Service through a co-design process alongside a range of stakeholders, particularly with people who access support, those who deliver it and unpaid carers.

Patients, service users and carers can get involved in the co-design of the National Care Service by registering to join the Scottish Government's [Lived Experience Expert Panel](#).

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#### **Service Delivery and Provision**

##### **Will social care services be delivered by Care Boards?**

Under the initial proposals social care or health services transferred to the National Care Service could be delivered nationally or locally through Care Boards. At a local level, Care Boards would replace existing Integration Joint Boards to shape and deliver care in line with the vision set by the National Care Service and Scottish Ministers. The [National Care Service \(Scotland\) Bill](#) also allows Scottish Ministers to establish 'Special Care Boards' that could provide certain services at a national level for all of Scotland.

However, in 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill.

The proposed amendments remove all references to the establishment of care boards from the Bill and will mean that care will continue to be delivered locally by reformed Integration Joint Boards, to be renamed “National Care Service Local Boards”, which will be accountable to a new public body known as the National Care Service Board. The scope and responsibilities of the new National Care Board and reformed Integration Joint Boards have yet to be defined.

The Bill hasn’t yet changed, the proposed amendments are currently being scrutinised by the Scottish Parliament’s Health, Social Care and Sport Committee. The Committee will debate and vote on the amendments and if any are agreed a new version of the Bill will be drafted.

You can read more about the proposed amendments to the Bill on the [Scottish Government’s website](#).

#### **Will Care Boards be able to commission goods and services?**

The [National Care Service \(Scotland\) Bill](#) proposes that newly created Care Boards will be responsible for commissioning and procurement of goods and services as part of the National Care Service. Social care services that are currently provided directly by Local Authorities may be subject to a commissioning arrangement with the Care Board or the Care Board may take over direct delivery of these services, with staff transferring to the Care Board.

The Bill also allows for the procurement of certain social care contracts to be restricted to voluntary organisations, meaning that only voluntary organisations would be permitted to bid for these contracts.

However, in 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill.

The proposed amendments remove all references to the establishment of care boards from the Bill and will mean that care will continue to be delivered locally by reformed Integration Joint Boards, to be renamed “National Care Service Local Boards”, which will be accountable to a new public body

known as the National Care Service Board. The scope and responsibilities of the new National Care Board and reformed Integration Joint Boards have yet to be defined.

#### **When will a decision be made about whether children's services and justice social work are included in the National Care Service?**

The potential inclusion of children's services and justice social work services has been subject to review and consultation. The Scottish Government asked the Centre for Excellence for Children's Care and Protection (CELCIS) to carry out a research study on current Children's Services structures and delivery models in Scotland. All the [reports of the findings of the research](#) are available on the CELCIS website. Research on justice social work services was conducted by IPSOS and the Scottish Government's [National Care Service Justice Social Work Research Report](#) is available on the government's website.

A final decision on the inclusion, or not, of children's services and justice social work services is expected in 2024.

#### **Will Local Authorities still be responsible for delivering services?**

The [National Care Service \(Scotland\) Bill](#) as it was introduced in 2022 allows, but does not necessitate, Scottish Ministers to transfer a range of social care services and functions, including adult social care and social work services, from Local Authorities to the National Care Service subject to Parliamentary approval.

However, in 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill.

The proposed amendments will mean that care will continue to be delivered locally by reformed Integration Joint Boards, to be renamed "National Care Service Local Boards", which will be accountable to a new public body known as the National Care Service Board. The scope and responsibilities of the new National Care Board and reformed Integration Joint Boards have yet to be defined.

The Bill hasn't yet changed, the proposed amendments are currently being scrutinised by the Scottish Parliament's Health, Social Care and Sport Committee. The Committee will debate and vote on the amendments and if any are agreed a new version of the Bill will be drafted.

You can read more about the proposed amendments to the Bill on the [Scottish Government's website](#).

#### **How will implementation of the National Care Service affect local authorities and the other services they provide?**

The implementation of a National Care Service will have implications for all Local Authorities across Scotland, as well as Health and Social Care Partnerships, Integration Joint Boards and Health Boards.

In 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill.

The proposed amendments will mean that care will continue to be delivered locally by reformed Integration Joint Boards, to be renamed "National Care Service Local Boards", which will be accountable to a new public body known as the National Care Service Board. The scope and responsibilities of the new National Care Board and reformed Integration Joint Boards have yet to be defined.

The Bill hasn't yet changed, the proposed amendments are currently being scrutinised by the Scottish Parliament's Health, Social Care and Sport Committee. The Committee will debate and vote on the amendments and if any are agreed a new version of the Bill will be drafted.

At this stage any implications are not fully understood because, as a 'framework' piece of legislation, the detail of the [National Care Service \(Scotland\) Bill](#) is not yet drafted or decided on, and it will be developed over the months and years to come.

The Scottish Government has however committed to developing the detail of the Bill in a co-produced way with the range of stakeholders who will be impacted by it or have an interest in it, including Health and Social Care Partnerships, Integration Joint Boards, Local Authorities and Health Boards among others. Glasgow City Council, Health and Social Care Partnership and Integration Joint Board intend to fully participate in consultations and co-design opportunities and are committed to providing ongoing communications on developments and progress, and any implications the Bill will have.

#### **How will this affect out of hours Social Work Services and other services we deliver across more than one Local Authority?**

The creation of the National Care Service will have an impact on health and social care services. The extent of how it will affect any service, including out of hours social work services, is not yet fully understood because as framework legislation the [National Care Service \(Scotland\) Bill](#) provides a broad overall plan for the NCS and leaves much of the detail to be decided on through future secondary legislation.

The Scottish Government has committed to developing the detail of the Bill alongside a range of stakeholders, including Health and Social Care Partnerships, Integration Joint Boards, Local Authorities and Health Boards. Glasgow City Council, Health and Social Care Partnership and Integration Joint Board intend to fully participate in consultation and engagement opportunities with the Scottish Government.

#### **What is the integrated health and social care record?**

As well as establishing the National Care Service, the [National Care Service \(Scotland\) Bill](#) also proposed establishing a scheme to enable sharing of care records between the National Care Service and the National Health Service. The sharing of records in this way will be an Integrated Health and Social Care Record.

The Scottish Government intend to build, test and iterate the creation of the integrated health and social care record over the coming years.

#### **What does the Bill say about unpaid carers?**

As well as establishing the National Care Service (NCS), the [National Care Service \(Scotland\) Bill](#) also proposes introducing rights to breaks for unpaid carers.

The Bill allows for changes to the Carers (Scotland) Act 2016 to ensure that carers get the support that they need to take sufficient breaks from providing care, and it places a duty on local authorities to provide that support and ensure that it is not subject to local or national eligibility criteria.

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## Finance and Resources

### How much will establishing a National Care Service cost?

The Scottish Government has set out its financial forecast for the National Care Service in the [Financial Memorandum](#) that supports the [National Care Service \(Scotland\) Bill](#).

In 2022 the Scottish Government estimated the cost of the Bill provisions to be up to £527 million over five years.

However, in 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in February 2024 the Scottish Government provided the Finance and Public Administration Committee with an update on the total cost estimate of the Bill provision under the shared accountability agreement. The updated costs total up to an estimated £2,192 million over a 10-year period.

<u>Year</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>	<u>2029-30</u>	<u>2030-31</u>	<u>2031-32</u>
<u>Cost Estimate</u>	£13m	£11 - £13m	£13 - £17m	£32 - £46m	£45 - £64m	£64 - £115m	£105 - £353m	£158 - £438m	£210 - £524m	£229 - £609m

#### **Will the cost of setting up a National Care Service impact on current health and social care spending?**

The Scottish Government has set out their financial forecast for the National Care Service in the [Financial Memorandum](#) that supports the [National Care Service \(Scotland\) Bill](#).

As the Bill provides a broad overview of the National Care Service with much of the detail still to be developed, the costings offer an estimated value range only. This makes it difficult to understand any financial implications establishing the National Care Service may have.

The Scottish Parliament's Finance and Public Administration Committee published its [report on the Financial Memorandum](#), raising concerns in relation to the costings.

#### **What will happen to health and social care property and assets?**

The [National Care Service \(Scotland\) Bill](#), as it was introduced in 2022, allows Scottish Ministers to transfer social care services and their property and liabilities associated with those functions, from a Local Authority to the National Care Service.

However, in 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill.

The proposed amendments will mean that care will continue to be delivered locally by reformed Integration Joint Boards and associated property and assets will remain the responsibility of Local Authorities.

The Bill hasn't yet changed, the proposed amendments are currently being scrutinised by the Scottish Parliament's Health, Social Care and Sport Committee. The Committee will debate and vote on the amendments and if any are agreed a new version of the Bill will be drafted.

You can read more about the proposed amendments to the Bill on the [Scottish Government's website](#).

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### Staff and Employment

#### Will Local Authority staff transfer to the National Care Service?

In connection with the transfer of social care services, the [National Care Service \(Scotland\) Bill, as it was introduced in 2022](#), gives Scottish Ministers powers to transfer the staff who carry out those functions from the employment of a Local Authority to the National Care Service.

However, in 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill. The proposed amendments will mean that care will continue to be delivered locally by reformed Integration Joint Boards and social care staff will continue to be employed by Local Authorities.

The Bill hasn't yet changed, the proposed amendments are currently being scrutinised by the Scottish Parliament's Health, Social Care and Sport Committee. The Committee will debate and vote on the amendments and if any are agreed a new version of the Bill will be drafted.

You can read more about the proposed amendments to the Bill on the [Scottish Government's website](#).

#### Will staff have a new employer?

The [National Care Service \(Scotland\) Bill, as it was introduced in 2022](#), gave Scottish Ministers powers to transfer the staff who carry out social care functions from the employment of a Local Authority to the National Care Service. The Bill did not allow for the transfer of staff who are employed by a Health Board.

However, in 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill. The proposed amendments will mean that care will continue to be delivered locally by reformed Integration Joint Boards and social care staff will continue to be employed by Local Authorities.

The Bill hasn't yet changed, the proposed amendments are currently being scrutinised by the Scottish Parliament's Health, Social Care and Sport Committee. The Committee will debate and vote on the amendments and if any are agreed a new version of the Bill will be drafted.

You can read more about the proposed amendments to the Bill on the [Scottish Government's website](#).

#### **Will staff's Terms and Conditions or pension be affected?**

The [National Care Service \(Scotland\) Bill, as it was introduced in 2022](#), gave Scottish Ministers powers to transfer the staff who carry out social care functions from the employment of a Local Authority to the National Care Service. The Bill did not allow for the transfer of staff who are employed by a Health Board.

However, in 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill. The proposed amendments will mean that care will continue to be delivered locally by reformed Integration Joint Boards and social care staff will continue to be employed by Local Authorities.

The Bill hasn't yet changed, the proposed amendments are currently being scrutinised by the Scottish Parliament's Health, Social Care and Sport Committee. The Committee will debate and vote on the amendments and if any are agreed a new version of the Bill will be drafted.

You can read more about the proposed amendments to the Bill on the [Scottish Government's website](#).

#### **What will happen to staff employed by the Council who do not transfer to the National Care Service?**

The [National Care Service \(Scotland\) Bill](#) as originally introduced provided Scottish Ministers with the powers to transfer social care staff from the employment of a Local Authority to the National Care Service (NCS).

The implications of the Bill and potential transfer, or not, of staff were not fully understood because as framework legislation the Bill did not provide any detail on which staff or services could or could not be transferred to the National Care Service. The Bill and supporting documents outlined that decisions about the transfer of staff would be taken once the structure and governance of Care Boards and their localities had been decided.

However, in 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill. The proposed amendments will mean that care will continue to be delivered locally by reformed Integration Joint Boards and social care staff will continue to be employed by Local Authorities.

The Bill hasn't yet changed, the proposed amendments are currently being scrutinised by the Scottish Parliament's Health, Social Care and Sport Committee. The Committee will debate and vote on the amendments and if any are agreed a new version of the Bill will be drafted.

You can read more about the proposed amendments to the Bill on the [Scottish Government's website](#).

Glasgow City Council and the Health and Social Care Partnership are committed to providing ongoing communications on developments and progress, and any implications the Bill will have on staff and services.

#### **Why are Health Board staff not in scope for transfer to the National Care Service?**

The [National Care Service \(Scotland\) Bill](#) as originally introduced aimed to make Scottish Ministers accountable for social care, as they are currently for health care, within Scotland. The Bill proposed to transfer responsibility for social care functions and the staff who carry out those functions from Local Authorities across Scotland to the National Care Service.

Health Boards are already accountable to Scottish Ministers, and it is anticipated that they will continue to provide health services commissioned by local Care Boards. This is different from the position with social care support, where the Bill proposes to move accountability from Local Authorities to Scottish Ministers.

However, in 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill. The proposed amendments will mean that care will continue to be delivered locally by reformed Integration Joint Boards and social care staff will continue to be employed by Local Authorities.

The Bill hasn't yet changed, the proposed amendments are currently being scrutinised by the Scottish Parliament's Health, Social Care and Sport Committee. The Committee will debate and vote on the amendments and if any are agreed a new version of the Bill will be drafted.

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### Glasgow City Council and Health and Social Care Partnership

#### What would the National Care Service mean for health and social care integration?

The [National Care Service \(Scotland\) Bill, as it was introduced in 2022](#), will have implications for Health and Social Care Partnerships, Integration Joint Boards, Local Authorities and the National Health Service. A National Care Service as proposed in 2022 saw Integration Joint Boards replaced by Care Boards that were directly accountable to and funded by Scottish Ministers.

However, in 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill.

The proposed amendments will mean that care will continue to be delivered locally by reformed Integration Joint Boards, to be renamed "National Care Service Local Boards", which will be accountable to a new public body known as the National Care Service Board.

National Care Service Local Boards will oversee the planning and delivery of social care, social work and community health in their local area, and will be accountable to a new National Care Service Board. The full scope and responsibilities of the new National Care Board and reformed Integration Joint Boards have yet to be defined.

The Scottish Government have also indicated that as part of reforming Integration Joint Boards they intent to utilise existing regulation making powers to bring forward further regulations on:

- The role of localities, including their remit and regulation of localities
- Chairing arrangements for the NCS local board
- Voting rights and wider arrangements to facilitate full inclusion of voices of lived experience in local decision making

- Local board committee structure and governance

At this stage any implications aren't fully understood because, as a 'framework' piece of legislation, the detail of the Bill is not yet drafted or decided on, and it'll be developed over the months and years to come. This will take some time as it did when introducing legislation for Health and Social Care Integration.

The Scottish Government is however committed to developing the detail of the Bill in a co-designed way with the range of stakeholders who will be impacted by it or have an interest in it, including HSCPs, IJBs, Health Boards and Local Authorities among others.

Glasgow City Health and Social Care Partnership and its Integration Joint Board intend to fully participate in future engagement and consultation opportunities.

The Bill hasn't yet changed, the proposed amendments are currently being scrutinised by the Scottish Parliament's Health, Social Care and Sport Committee. The Committee will debate and vote on the amendments and if any are agreed a new version of the Bill will be drafted.

You can read more about the proposed amendments to the Bill on the [Scottish Government's website](#).

#### **What would the National Care Service mean for Integration Joint Boards?**

The [National Care Service \(Scotland\) Bill](#) will have implications for Health and Social Care Partnerships, Integration Joint Boards, Local Authorities and the National Health Service. A National Care Service as proposed in 2022 saw Integration Joint Boards replaced by Care Boards that were directly accountable to and funded by Scottish Ministers.

However, in 2023 the Scottish Government, COSLA and the NHS entered into an initial agreement which changed the scope of the Bill and in June 2024 the Scottish Government published proposed draft amendments to the Bill.

The proposed amendments will mean that care will continue to be delivered locally by reformed Integration Joint Boards, to be renamed "National Care Service Local Boards", which will be accountable to a new public body known as the National Care Service Board.

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The Bill hasn't yet changed, the proposed amendments are currently being scrutinised by the Scottish Parliament's Health, Social Care and Sport Committee. The Committee will debate and vote on the amendments and if any are agreed a new version of the Bill will be drafted.

You can read more about the proposed amendments to the Bill on the [Scottish Government's website](#).

### How is Glasgow City Council and the Health and Social Care Partnership planning for the National Care Service?

Glasgow has established a programme for the National Care Service to support the work of the National Care Service as proposals are developed by the Scottish Government, with officers from Glasgow City Council and Health and Social Care Partnership. The programme sets out to:

- ensure the Council (including the Health and Social Care Partnership) is fully engaged in the Scottish Government's development of the National Care Service, including participation in consultation and engagement activity and co-design
- ensure that risks and issues arising from the implementation of the National Care Service to the Council, its services, partners, and citizens are clearly understood, documented and where possible mitigated or escalated
- ensure that staff, partners, and stakeholders are kept informed about the implementation of the National Care Service, the activity being taken by the Council to engage with this and any resulting changes to service delivery.

An overview of the Glasgow City Council and Health and Social Care Partnership National Care Service governance structure is noted in the table below:

Group	Description
Steering Group	Overseeing and providing strategic direction and leadership to the development and implementation of our programme, which is chaired by the Council's Chief Executive and attended by senior staff from our Health and Social Care Partnership and other Council services.
Co-ordination Group	To support the Steering Group and oversee the co-ordination, monitoring and reporting of the workstreams.
Workstreams	Focusing on key areas of National Care Service proposals and how they may impact the Council and Health and Social Care Partnership. The workstreams include: <ul style="list-style-type: none"> <li>• Legal</li> <li>• Human Resources and Engagement (including a Communications subgroup)</li> <li>• Finance (including Assets and Liabilities)</li> </ul>

	<ul style="list-style-type: none"> <li>• Services and Governance (including a Commissioning subgroup)</li> <li>• Chief Social Work Officer.</li> </ul>
HSCP Executive Group and Working Group	Bringing together all care group operations and business support functions across the HSCP.

Programme management support to the National Care Service programme is being provided by Glasgow City Health and Social Care Partnership.

#### Will this impact on Glasgow City Health and Social Care Partnership's existing plans for improvement and transformation?

The [National Care Service \(Scotland\) Bill](#) is a 'framework' piece of legislation, the detail of the Bill is not yet drafted or decided on, and it'll be developed over the months and years to come. This will take some time as it did when introducing legislation for Health and Social Care Integration.

The Scottish Government is however committed to developing the detail of the Bill in a co-designed way with the range of stakeholders who will be impacted by it or have an interest in it, including HSCPs, IJBs, Health Boards and Local Authorities among others.

Glasgow City Health and Social Care Partnership and Integration Joint Board are committed to engaging in future consultation and co-design opportunities, whilst continuing to deliver health and social care services and improvements across Glasgow. Glasgow City Integration Joint Board is working towards delivering the [Strategic Plan](#) for 2023-26 which outlines its vision and priorities for health and social care in Glasgow and how they will be delivered by the Health and Social Care Partnership and partners over the three year period.

#### How will Glasgow City Health and Social Care Partnership communicate updates and progress?

Both Glasgow City Health and Social Care Partnership and the Council are committed to providing ongoing communications on developments and progress, and any implications the [National Care Service \(Scotland\) Bill](#) will have.

A communications strategy has been developed, which includes regular briefings and a dedicated webpage for the National Care Service on Glasgow City Health and Social Care Partnership's website: [glasgowcity.hscp.scot/nsc](https://glasgowcity.hscp.scot/nsc).

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### Regulation

#### What is the National Social Work Agency?

The Scottish Government proposes to establish a new National Social Work Agency as part of the National Care Service at a national level.

The National Social Work Agency's objectives will be to support and invest in the social work profession by providing national leadership and overseeing and supporting social work in the following areas:

- education (pre and post-qualifying)
- improvement (by establishing a Centre of Excellence) and scaling up good practice
- workforce planning
- training and development

The proposals for the National Social Work Agency do not extend to the social care staff.

#### What impact will the National Care Service have on the Scottish Social Services Council?

The Scottish Government has advised that the implementation of the National Care Service will have little impact on the Scottish Social Services Council.

The Scottish Social Services Council will sit outside the framework for the National Care Service and will continue to operate as the independent professional regulator for the social work and social services workforce in Scotland.

#### Will the Care Inspectorate still be the independent regulator to Scottish care services?

The Scottish Government has confirmed that the Care Inspectorate will continue to operate as the independent regulator for Scotland's care services. It will sit outside the framework of the National Care Service but work in collaboration with it in relation to the delivery of social care services in Scotland.

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#### Other

##### How can I find out more?

There are several useful links noted below that provide further information on the proposals of the [National Care Service \(Scotland\) Bill](#).

##### Useful links

- **National Care Service**  
<https://www.gov.scot/policies/social-care/national-care-service/>
- **National Care Service (Scotland) Bill**  
<https://www.parliament.scot/bills-and-laws/bills/National-Care-Service-Scotland-Bill>
- **National Care Service (Scotland) Bill Supporting Documents**  
<https://www.parliament.scot/bills-and-laws/bills/national-care-service-scotland-bill/introduced>
- **National Care Service (Scotland) Bill - Draft Stage 2 Amendments**  
<https://www.parliament.scot/ncs-stage-2-list-of-draft-amendments>
- **National Care Service (Scotland) Bill Scottish Parliament Committee Reports**  
<https://www.parliament.scot/bills-and-laws/bills/national-care-service-scotland-bill/introduced>
- **National Care Service – Your Views on the Bill (and Responses)**
  - <https://yourviews.parliament.scot/health/ncs/>
  - [https://yourviews.parliament.scot/health/national-care-service-bill/consultation/published\\_select\\_respondent](https://yourviews.parliament.scot/health/national-care-service-bill/consultation/published_select_respondent)
- **Independent Review of Adult Social Care**  
<https://www.gov.scot/groups/independent-review-of-adult-social-care/>
- **A National Health Care for Scotland: Consultation**  
<https://www.gov.scot/publications/national-care-service-scotland-consultation/pages/2/>
- **National Care Service Co-design**  
<https://www.gov.scot/publications/design-the-national-care-service/>