

## **Purpose of Briefing**

This briefing provides an overview of the Scottish Government's National Care Service (Scotland) Bill, which aims to make Scottish Ministers accountable for social care, as they are currently for health care, within Scotland.

The briefing is split into seven sections, select a hyperlink below to go to that section:

- [Background](#)
- [Vision for the National Care Service \(NCS\)](#)
- [Key Proposals of the National Care Service](#)
- [Designing with the People of Scotland](#)
- [Governance Structure](#)
- [On-going Communications](#)
- [Useful Links](#)

## **Background**

### **Independent Review of Adult Social Care**

In 2020 the Scottish Government commissioned the Independent Review of Adult Social Care (IRASC), and [a report with recommendations](#) was published in February 2021 (also referred to as 'The Feeley Review').

The Scottish Government subsequently commenced [a national consultation](#) on proposals arising from the initial IRASC in August 2021, which included the development of a National Care Service (NCS) for Scotland. Both our Health and Social Care Partnership (HSCP) and Integration Joint Board (IJB) separately participated in the consultation.

### **National Care Service (Scotland) Bill**

The Cabinet Secretary for Health and Social Care formally introduced the National Care Service (Scotland) Bill to the Scottish Parliament on 20 June 2022 (referred to as the 'Bill' in this briefing). [Contents of the Bill along with related information](#) is available on the Scottish Parliament website.

The Bill sets out the principles of and establishes the new NCS for Scotland, and it will allow Scottish Ministers to transfer a range of services and functions from Local Authorities to the NCS subject to Parliamentary approval.

The Scottish Government has committed to establishing a functioning National Care Service by the end of this parliamentary term in 2026.

### **Vision for the National Care Service (NCS)**

The Scottish Government's ambition is for a NCS 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 NCS, 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.

### **Key Proposals of the National Care Service**

The Bill proposes to reorganise how social care and social work services are funded and delivered in Scotland. It establishes a NCS, 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 deliver NCS 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 NCS 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 NCS. Ministers will also be able to transfer healthcare functions from the NHS to the NCS.
- **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 established
- **National Social Work Agency:** A new National Social Work Agency (NSWA) will be established within the Scottish Government to provide national leadership, oversight, support, and investment in the social work profession. The creation of the NSWA 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 NCS. 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.

To further improve health and social care support for those who rely on it, the Bill also:

- provides Scottish Ministers with the powers to establish a scheme for sharing information, to facilitate a nationally consistent electronic health and care record
- introduces rights to breaks for unpaid carers and visiting rights for residents living in adult care homes.

## Designing with the People of Scotland

The National Care Service (Scotland) Bill will have implications for our HSCP and IJB, including our partner organisations Glasgow City Council and NHS Greater Glasgow and Clyde. At this stage any implications are not fully understood because, as a 'framework' piece of legislation, the detail of the Bill is not yet drafted or decided on, and it will 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-produced 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. The Scottish Parliament recently published its [Call for Views](#) (consultation) on the National Care Service (Scotland) Bill and our IJB, HSCP and the Council have submitted responses to it, as we did for the initial national consultation on the NCS. Our [HSCP's response](#) and our [IJB's response](#) to the Call for Views, as well as [other responses](#), are now available on the Scottish Government's website.

Our HSCP and IJB intend to fully participate in all future engagement and consultation opportunities.

## Governance Structure

Within Glasgow City we have started to set up a programme of works, with officers from across the Glasgow City Council Family and our HSCP, to co-ordinate activity related to the proposals for a NCS.

This programme of works is being overseen by a National Care Service Steering Group, which is chaired by the Chief Executive of the Council and attended by senior staff from our HSCP and other Council services.

Our HSCP is providing programme management support for this work.

A number of workstreams are being developed to focus on particular areas of the proposals and how they might impact on our HSCP and wider Council services, and to ensure due diligence is carried out. These workstreams are being supported by officers from various areas of expertise across the Council and HSCP including:

- Governance
- Legal

- Commissioning and Procurement
- Finance
- HR
- CSWO / Social Work Professional Governance.

### **On-Going Communications**

As work progresses with the Bill, you may have questions or concerns about what implications the Bill may have for our HSCP and partner organisations. The Scottish Government is at an early stage with the Bill, and it will be some time before the detail is worked out and decided on, and for any implications to be fully understood. But please be assured that our HSCP and IJB intend to fully participate in all engagement opportunities with the Scottish Government and are committed to providing you with ongoing communications on developments and progress as we move forward.

### **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/overview>
- **National Care Service (Scotland) Bill Supporting Documents**  
<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/>