

EAST RENFREWSHIRE COUNCIL29 June 2022Report by Chief ExecutiveNATIONAL CARE SERVICE**PURPOSE OF REPORT**

1. To update Council on the progress of legislation regarding the setting up of a National Care Service.

RECOMMENDATION

2. Council is asked to note: -
- (a) the announcement of the start of the legislative process for a National Care Service;
 - (b) that the National Care Service will have implications for East Renfrewshire Council; and
 - (c) that further reports will be brought to Council as more information becomes available.

BACKGROUND

3. On 8 September 2021 Council noted the consultation on a national care service and that the formation of one is likely to have significant implications for all councils
4. Council noted the Scottish Government's extension of the deadline for responses from 18 October 2021 to 2 November 2021 and agreed to an Elected Member and Officer discussion on 23 September to explore the detail and provide initial comments.
5. A cross-party working group was convened on 18 October 2021 to discuss the Council's draft response to the consultation. On 27 October 2021 Council approved the response to the consultation.

REPORT

6. The National Care Service (Scotland) Bill was introduced to the Scottish Parliament on Monday 20 June and published on the 21 June. The Bill sets out a framework for community health, social care and social work from 2026 onwards. It will take some time to identify the full implications of the Bill
7. The stated aim of the Bill is to ensure that everyone can consistently access community health, social care and social work services, regardless of where they live in Scotland.

8. The Bill sets out principles for the National Care Service (NCS) and allows for the transfer of powers to Scottish Ministers to enable its establishment. The Bill provides for Scottish Ministers to become accountable for the delivery of adult social care and social work, in addition to their existing accountability for the NHS.

9. To enable the Scottish Government's commitment to 'co-design' of the NCS, the Bill itself only establishes a *framework* for future delivery. Much of the detail will be developed over the next few years through a programme of co-design, with further supporting regulations brought forward as necessary.

10. The co-design programme will involve partners and stakeholders and there is a commitment to put lived experience at the heart of the process. The process will have resource implications and the SG states that work to build the necessary capacity for the work will begin over the summer months - across government and with partner organisations (including HSCPs).

Local Care Boards

11. The Bill gives Scottish Ministers powers to: establish (and dissolve) local and special care boards and make provision about the membership of care boards and what groups they are required to represent. The care boards will plan and commission services for their local area.

12. The Scottish Government states that while national and local NCS structures will have the ability to employ staff, they do not anticipate that people who work in the services commissioned by the NCS will change employer.

13. Social care services currently provided in-house by local authorities, may continue under a commissioning arrangement with the care board. Alternatively, the care board may take over direct delivery, with staff transferring employment from the council to the care board. These will be decisions to be taken locally as the care boards are established and local authorities make choices about participation in new arrangements.

14. Health services will continue to be delivered by the NHS in partnership, as commissioned by the care board. For those involved in healthcare provision they do not expect the responsibility for clinical governance in the NHS to change or to be duplicated in the new arrangements.

15. There is a commitment to close working between the Scottish Government, local authorities, the workforce and trade unions to ensure that the impact on staff of any changes is considered fully.

Children and Families and Justice SW Services

16. The Bill does not stipulate on the transfer of children's and justice social work services to the NCS. Recognising that these areas were not specifically examined by the Independent Review of Adult Social Care, the Bill requires a further public consultation to be held involving partners, stakeholders and those with lived experience. The results of the consultation will be laid before Parliament alongside any regulations at a later date.

Information sharing and standards

17. The Bill gives Scottish Ministers the power to establish a scheme and standards for sharing information, to facilitate a nationally-consistent electronic health and care record. The intention is that this will help professionals to support individuals in a more co-ordinated way, and support national and local planning and commissioning.

NCS Charter of rights

18. The Bill also requires Ministers to create a charter of rights and responsibilities for social care under the new NCS, along with a more robust process for complaints and redress. Ministers may also establish regulations about the provision of independent advocacy services in connection with the services provided by the NCS.

Additional reforms

19. The Bill introduces a right to breaks from unpaid caring, and 'Anne's Law', giving visiting rights to residents living in adult care homes allowing them to maintain contact with family and friends.

20. It also makes changes to the powers of Health Improvement Scotland in relation to inspections.

21. These additional reforms can be implemented to before the NCS is established.

Implications for East Renfrewshire Council

22. The changes proposed are significant for the Council. Much work will need to be done over the next year to identify the scale of the changes and plan accordingly. However, it should be noted that the legislative process will take 12 months so the changes will not be immediate.

23. One of the most significant changes will be the governance of Social Work and social care services. At present these services are delegated to the Integration Joint Board with 4 elected members on the Board. The Chief Officer of the IJB and HSCP is employed by the Council with a secondary contract with the NHS. She is part of the management team of the Council. This structure will be replaced by Local Care Boards.

24. In terms of budget, the social care budget transferred to the IJB each year is circa £60m and this budget would be transferred to the National Care Service under the direction of Ministers. The cost and arrangements for support services, accommodation, and social care related services such as out Telecare systems, will require analysis and options appraisal.

25. Assuming the legislation is passed by the Scottish Parliament, some (or all) of the HSCP staff will be transferred to the new National Care Service through a TUPE arrangement. This will involve significant work for the Council.

26. The Council will also have to consider whether as part of local arrangements, we wish to continue to deliver services such as Care at Home and Bonnyton House as a commissioned service on behalf of a Local Care Board.

27. The biggest implication is likely to be for partnership working. As one of the first councils to form a Community Health and Care Partnership (CHCP) in 2007, we have a strong history of partnership working. The links between the Council and the NHS are excellent with our joint response to Coronavirus a great example. The HSCP work extremely closely with colleagues across the Council especially around education and young people's services and housing. Whatever the final design of the NCS, we must ensure that the strong partnership working, which focuses on improving outcomes for our residents is undiminished.

FINANCIAL IMPLICATIONS

28. The full budget implications are not yet known but the Council budget could reduce by circa 22%.

RECOMMENDATION

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REPORT AUTHOR

Lorraine McMillan, Chief Executive

Link to 27 October 2021 Council paper:

https://www.eastrenfrewshire.gov.uk/media/7041/Council-item-09-27-October-2021/pdf/Council_item_09_-_27_October_2021.pdf?m=637704930683500000