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Agenda Item: 13

Integration Joint Board

Date of Meeting: 19 February 2025.

Subject: National Care Service – Update.

1. Purpose

1.1. To update the Integration Joint Board on the latest developments relating to the National Care Service Bill, following the announcement by the Minister for Social Care, Mental Wellbeing and Sport to Parliament on 23 January 2025.

2. Recommendations

The Integration Joint Board is invited to note:

2.1. The implications of the Ministerial announcement on 23 January 2025 regarding removal of Part 1 of the National Care Service Bill, as outlined in section 4 of this report.

3. Background

3.1. The detailed background of the evolution and development of the National Care Service Bill has been discussed by the Integration Joint Board previously. For further background, however, the most recent consultation submission from the Orkney Integration Joint Board, submitted on 20 September 2024, is attached as Appendix 1.

3.2. The submission took the opportunity to highlight some of the inconsistencies within the draft Bill and raised concerns about the uncertainty that remained in relation to the wording of some sections and what the Government's future intention regarding the practical application of these would have been. In addition, the response aimed to cover some of the key implications of the legislation for Orkney, as an island authority.

4. Implications of the Ministerial Announcement

4.1. The Minister's announcement to remove Part 1 of the Bill is a significant one. The planned structural reform, which would have seen the creation of a National Care Service as a public body, with direct accountability to Scottish Government, has now been removed from the Bill. Integration Joint Boards will no longer be replaced by Local Care Boards and accountability for delivery will remain at a local level.

4.2. The Minister did announce her intention to establish a non-statutory National Care Service Advisory Board.

4.3. Membership of the Advisory Board will include:

- People who access and deliver support.
- Trade unions.
- NHS leadership.
- Local councils.
- Integration Joint Boards (IJBs).
- The third sector.
- Scottish Government representatives.

4.4. The Board's aspiration will include ensuring that people with lived experience of accessing care or being a carer have a strong voice on the Board and that their interests are at the heart of the Board's work. It is anticipated that this will be reflected in the choice of Chair for the Board.

4.5. The Minister's intention is that the Board will develop a Support and Improvement Framework, structured like a ladder. Where agreed standards are not being met, this framework will offer progressive and targeted support to those areas to help them improve.

4.6. The Advisory Board will advise on how Ministers might use their existing powers of guidance, direction and funding in cases where agreed standards are still not met after support has been offered. The framework will work alongside a wider support offer available to all local areas. It will help to ensure consistent, fair, high-quality services for everyone. This approach will mean that there is a shared understanding of what "good" looks like. It will also give a systematic, open and transparent approach to tackling problems in local areas quickly, when they first emerge and before they become a crisis.

4.7. Furthermore, there will be scope for the Advisory Board to advise Ministers about national priorities for integrated health and social care services. This could include:

- Delivery of the National Carers Strategy.
- Improving support for the workforce and advancing Fair Work.
- Delivery of Self-Directed Support.

4.8. It is the Minister’s intention to have the National Care Service Advisory Board established and have its initial meeting by the end of March 2025.

4.9. Although Part 1 of the Bill has been removed, Parts 2 and 3 remain and this includes legislation to govern the following areas:

- Anne’s Law (the right for families to visit loved ones in residential care establishments).
- Ethical Commissioning.
- Independent Advocacy.
- Right to breaks for Carers.
- Information Sharing.
- The establishment of a National Social Work Agency.

4.10. There has been almost universal agreement across Scotland relating to the above-noted sections of the Bill, however, there remains some concerns particularly related to the funding of some elements. The right to breaks for carers, for example, is likely to have significant cost implications if the aspiration of the Bill is to be truly realised.

5. Contribution to quality

Please indicate which of the Orkney Community Plan 2025 to 2030 values are supported in this report adding Yes or No to the relevant area(s):

| | |
|---|------|
| Resilience: To support and promote our strong communities. | Yes. |
| Enterprise: To tackle crosscutting issues such as digital connectivity, transport, housing and fuel poverty. | Yes. |
| Equality: To encourage services to provide equal opportunities for everyone. | No. |
| Fairness: To make sure socio-economic and social factors are balanced. | No. |
| Innovation: To overcome issues more effectively through partnership working. | Yes. |
| Leadership: To involve partners such as community councils, community groups, voluntary groups and individuals in the process. | Yes. |
| Sustainability: To make sure economic and environmental factors are balanced. | No. |

6. Resource and financial implications

6.1. There are no direct financial implications arising from this report.

6.2. As the Bill, in its revised form, progresses through Parliament it will be important to ensure that the financial memorandums accompanying the respective aspects of the Bill are robustly scrutinised.

7. Risk and equality implications

7.1. The potential risk arising from the implications of the Minister's recent announcement continues to be around the level of funding that will be made available to local systems to deliver the aspiration contained within the legislation.

7.2. This report is for information and relates to proposed changes to the National Care Service (Scotland) Bill which is currently being considered by the Scottish Parliament. Therefore, an Equality Impact Assessment is not required at this stage.

8. Direction required

Please indicate if this report requires a direction to be passed to:

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| NHS Orkney. | No. |
| Orkney Islands Council. | No. |

9. Escalation required

Please indicate if this report requires escalated to:

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| NHS Orkney. | No. |
| Orkney Islands Council. | No. |

10. Author and contact information

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