



REPORT TO: East Lothian Integration Joint Board

MEETING DATE: 24 October 2024

BY: Chief Officer

SUBJECT: IJB Responses in the Lothian area to the National Care Service Consultation

1 PURPOSE

- 1.1 To inform East Lothian Integration Joint Board (IJB) members of the responses of the Lothian IJBs to the recent consultation regarding proposals for the establishment of a National Care Service (NCS).

2 RECOMMENDATIONS

The IJB is asked to:

- 2.1 Note the scale of the response from across Scotland and from many statutory, non-statutory and voluntary sector bodies and others to the consultation.
- 2.2 Note the East Lothian, Midlothian, West Lothian and Edinburgh summary responses to the consultation and the issues raised.
- 2.3 Note that the Health, Social Care and Sport Committee will produce a report on the consultation in due course. When available, this will be shared with IJB members.

3 BACKGROUND

- 3.1 The Scottish Government introduced the National Care Service (Scotland) Bill in June 2022. East Lothian IJB responded to the consultation on this Bill.
- 3.2 The Parliament's Health, Social Care and Sport Committee published its Stage 1 report on the 2022 Bill in February 2024, with the Scottish Parliament then voting to approve the general principles of the Bill.

- 3.3 During Stage 1 scrutiny, the Scottish Government indicated it would propose amendments to the Bill at Stage 2. These amendments were subsequently published and consulted on by the Health, Social Care and Sport Committee, with the consultation ending on 20 September 2024.
- 3.4 East Lothian IJB responded to the Stage 2 Bill consultation, with a report on this provided to 26 September IJB.
- 3.5 The 148 responses to the consultation for which respondents gave permission for publication are available on the Scottish Parliament website¹. All further responses (the number of which is unknown) will be included in the committee's analysis. No date has been given for when the Health, Social Care and Sport Committee will report on the consultation outcomes.
- 3.6 Published responses came from IJBs, local authorities, health boards, HSCPs, COSLA, third sector bodies, statutory bodies, royal colleges, individuals, trades unions, and professional and other representative groups.
- 3.7 Some responses followed the format of the consultation, recording support, or opposition, as follows, with comments invited for each of 8 questions and in a further comments section:
- Strongly support
 - Tend to support
 - Partly support and partly oppose
 - Tend to oppose
 - Strongly oppose
 - Undecided / no opinion
- 3.8 Some responses provided narrative only to indicate the reasoning for support or opposition to the individual proposals.
- 3.9 In view of the number and complexity of the published responses, it is not possible to provide a full analysis of all 148 returns. In addition, information is not publicly available on an unknown number of unpublished responses.
- 3.10 The Health, Social Care and Sport Committee will analyse all the published and unpublished responses to produce their final report.
- 3.11 Table 1 below summarises the responses of the 4 Lothian areas, indicating where consensus occurs with East Lothian and presents the additional commentary each IJB provided. East Lothian IJB has stronger opposition than its neighbours to more of the NCB proposals.

¹ https://yourviews.parliament.scot/health/national-care-service-stage-2-call-for-views/consultation/published_select_respondent

Table 1 – Lothian IJB responses to the Stage 2 consultation
Agreement with East Lothian's response

Consultation questions	East Lothian IJB	Midlothian IJB	West Lothian IJB	Edinburgh IJB
1. Proposed NCS strategy.	Strongly oppose	Strongly oppose	Tend to support	Tend to support
2. Proposal to create an NCS Board, views on its role and functions.	Strongly oppose	Strongly oppose	Tend to oppose	Partly support and partly oppose
3. Proposal to establish NCS local boards and to remove other integration models.	Strongly oppose	Strongly oppose	Tend to oppose	Undecided/ no opinion
4a. Proposed new monitoring and improvement provisions.	Strongly oppose	Strongly oppose	Partly support and partly oppose	Tend to support
4b. Proposed new commissioning provisions.	Tend to oppose	Tend to oppose	Tend to support	Tend to support
5. Proposed National Chief Social Work Adviser and proposed National Social Work Agency.	Strongly oppose	Tend to support	Tend to support	Strongly support
6. Proposed amendments to the Public Bodies (Joint Working) (Scotland) Act.	Strongly oppose	Partly support and partly oppose	Partly support and partly oppose	Tend to support
7. Proposed approaches to addressing areas of further work outlined in the Minister's covering letter:				
7.1 Direct funding	Strongly support	Partly support and partly oppose	Tend to support	Tend to support
7.2 Inclusion of children's services	Strongly oppose	Partly support and partly oppose	Tend to oppose	Strongly support
7.3 Inclusion of justice social work	Partly support and partly oppose	Partly support and partly oppose	Tend to oppose	Strongly support
7.4 Anne's Law	Tend to support	Partly support and partly oppose	Tend to support	Strongly support
8. View of the initial draft of the NCS Charter.	Tend to oppose	Tend to support	Tend to support	Strongly support

<p>9. Other comments</p>	<ul style="list-style-type: none"> • Proposed shared accountability arrangements will add further (unnecessary) complexity to governance as well as extra administrative bureaucracy. • A cost/benefit analysis is needed for the Bill. • The Bill's focus on governance, structures and processes does not address the key levers for improvement. • It should focus on: eradication of poverty, disadvantage and discrimination and create services to provide early support and to prevent trauma and harm. • Monies set aside for the NCS should be reallocated into services now, to minimise the impact of current and impending service reductions. • Children's services should remain within a joint directorate with Education. • The changes risk confusing an already complex and bureaucratic social care landscape. • Any changes must be clearly linked to the improvement of individual and population-level outcomes. 	<ul style="list-style-type: none"> • The ambitions of the Feeley report are some way from what the NCS proposals have become. • More is required in relation to clear direction, governance, and rigorous planning. • The delivery of change needs: <ul style="list-style-type: none"> - Outcomes-focused strategic aims evaluated through integrated data. - Consolidated and streamlined legislation, with clarity of role, function, accountability and relationships between all partners. - Integrated operational delivery with a single workforce. - Directly managed local teams to meet local need - An end to one year funding offers that limit strategic planning. - Direct funding that reflects the needs of local populations and demographics. 	<ul style="list-style-type: none"> • Recognition that reform is needed in the social care system. • Support the NCS Bill ambition to improve care services and principles within. • No clear, evidence-based argument that major structural change will generate improvement. • Long term under-investment in social care has contributed to the longstanding challenges faced by the system. • Additional funding could support significant improvements within current arrangements, while retaining local accountability. • Structural change without additional resources is unlikely to result in any change in the quality of services offered to people across Scotland. • Serious concerns about the affordability of the commitments, and the cost of the new arrangements. 	<ul style="list-style-type: none"> • Concerns over lack of detail regarding funding. • The creation of the NCS will not by itself improve outcomes. • The system is currently underfunded. Significant new investment across health and social care is needed or the NCS will not be delivered.
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4 ENGAGEMENT

- 4.1 There is no engagement required in connection with this paper. Online and in-person engagement was carried out with East Lothian IJB members in the preparation and subsequent approval of the response to the stage 2 consultation.

5 POLICY IMPLICATIONS

- 5.1 There are no policy implications arising from this paper.

6 INTEGRATED IMPACT ASSESSMENT

- 6.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

7 DIRECTIONS

- 7.1 There are no implications for Directions arising from this report.

8 RESOURCE IMPLICATIONS

- 8.1 There are no financial, personnel, or other resource implications arising from this report.

9 BACKGROUND PAPERS

- 9.1 [Report to East Lothian IJB](#) presenting the response to the National Care Service Stage 2 Consultation.

AUTHOR'S NAME	Paul Currie
DESIGNATION	Interim General Manager, Strategic Integration
CONTACT INFO	paul.currie@nhs.scot
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