

# The Care Reform (Scotland) Bill



## Introduction

On 10 June, the [Care Reform \(Scotland\) Bill](#) was passed. This briefing gives an overview of its provisions.

## Context

The bill contains what is left of the National Care Service Bill after the government abandoned its plans for a National Care Service at the start of this year (see [Briefing 150](#)). Sections on fair work, ethical commissioning and procurement and sectoral bargaining in social care have been added, together with parts on needs assessment and market monitoring. The core parts of the original Bill, to do with creating a National Care Service, were deleted and, to reflect this, the bill was re-named. Most of the provisions will not come into force until regulations/secondary legislation are introduced.

Alongside the bill, the government is creating a non-statutory advisory board, with members appointed by Ministers, to advise it on how to improve the standard and consistency of care provision. An [Interim Advisory Board](#) with an independent chair, Susan Douglas Scott, began meeting in May 2025.

## Overview of the legislation

### Delivery and regulation of social care: new duties on councils

- to provide 'sufficient' breaks from caring for adult and young carers, specifying that this duty must not be subject to any local or national eligibility criteria.
- to set out plans to promote the take-up of financial or other support by carers.
- where a disabled person moves home, to provide a service at least equivalent to that which was being provided by the local authority they moved from, *while also*:
- giving Ministers power to set prescribed timescales for the preparation of carers' support plans and young carers' statements by local authorities, and for conducting social work assessments for persons with a terminal illness.

**Anne's Law** – places a duty on care home providers to facilitate visits to and from care home residents, except in the most extreme circumstances. Ministers must prepare a code of practice to provide guidance on fulfilling these duties.

**Independent advocacy** – Ministers must introduce regulations regarding the provision of, and standards for, independent advocacy services as well as advice and information about social care services, and also collect and report data on these services at least once every five years.

**Digital Care Record & Information Standards** - Ministers must exercise their powers to create a digital integrated care record for each person receiving health and care services. Ministers must establish an information sharing scheme across care settings to make information more readily accessible to people about their care and publish information standards.

## KEY POINTS:

- The Care Reform (Scotland) Act was passed on 10 June.
- It places new duties on local authorities in relation to support for unpaid carers and continuity of services for disabled people.
- Ministers must define fair work in social care and promote, monitor and report on it.
- Guidance on sectoral bargaining in social care must be published within 2 years.
- A National Social Work Agency will be created.



## Contact UNISON's Bargaining & Campaigns team:

Susan Galloway  
[s.galloway@unison.co.uk](mailto:s.galloway@unison.co.uk)

Stephen Low  
[s.low2@unison.co.uk](mailto:s.low2@unison.co.uk)

Nicola Morris  
[n.morris@unison.co.uk](mailto:n.morris@unison.co.uk)

## New duties on Ministers

**Fair work** – Ministers must publish a strategy for monitoring and promoting fair work in the social care sector. This must define what fair work is and monitor whether it is being achieved. It must contain an action plan for promoting fair work which must be reviewed. This strategy must be produced within 18 months of the bill's enactment.

**Sectoral bargaining** – Ministers must prepare and publish guidance for contracting authorities on sectoral bargaining in social care procurement within 2 years. The Act sets out in detail the matters the guidance must cover, including the steps to be taken by contracting authorities to ensure contracted providers comply with collective agreements. Contracting authorities must 'have regard to' this guidance.

**Needs Assessment** – Ministers must publish a national assessment of *projected* social care needs for a 10 year-period, the first report to be delivered before the end of 2026, and thereafter updated every 5 years.

**Market monitoring** – Ministers must publish a report every 3 years on the state of the social care market, to include a breakdown of provider type, levels of profit made by private operators & operators' tax status. For this purpose Ministers 'may require a person to supply them with information that is under the person's control', and will have powers of enforcement to deal with non-compliance.

**Procurement & ethical commissioning** – contracts may be reserved for 'not for profit' organisations meeting certain qualifying criteria, and Ministers will be able in future to modify the types of contract and the types of contractors this applies to. The threshold for the application of the 2015 public procurement regulations is modified. Contracting authorities must include in their procurement strategy a statement on how its approach to procurement will be consistent with the [Integration Authority's](#) strategic aims. Guidance will be produced on the fair treatment of workers, including workers recruited from overseas, in commissioning.

**Regulation** – strengthens the powers of the SSSC and the Care Inspectorate to require information of employers, makes it easier to cancel a care service registration and enables Health Care Improvement Scotland involvement in inspections.

**Adult Protection** - strengthens provisions for health services to disclose concerns to relevant bodies and provide information on request to adult protection committees and allows Ministers to specify persons who must be allowed to attend adult protection committee meetings.

**National Social Work Agency** – will be created and the role of the National Social Work Adviser placed on a statutory basis with a requirement for them to be a registered social worker.

## Summary

The Government [claims](#) that this bill (cost: [over £35m](#)), provides "a roadmap for the improvement of social care, social work, and community health services for generations to come." While it contains some widely supported measures for carers and care home residents, the bill largely tinkers around the edges. It does not address the underlying reasons for social services being on their knees. We set out our view of these [here](#). The escalating budget shortfalls in [local authorities](#) and [IJBs](#) are responsible for the rationing of social care and the closure and withdrawal of services across Scotland. The financial costs of many of this bill's provisions remained unknown or unclear when Parliament's Finance Committee held its final scrutiny session [on 27 May](#). The full implications of the new duties on local authorities will only be understood once the regulations are brought forward but, for the aims to be met, Government must fully fund these.

## Additional reading

- [Care Reform \(Scotland\) Bill as passed on 10 June](#)
- [UNISON briefing 150: National Care Service Abandoned – Feb 2025](#)
- [The Care Reform \(Scotland\) Bill \(Formerly National Care Service \(Scotland\) Bill\) – the final hurdle – SPICe Spotlight | Solas air SPICe](#)
- [UNISON's alternative: Towards a REAL National Care Service](#)
- [UNISON briefing 152: National Social Work Agency Update – March 2025](#)

