

UPDATE ON THE NATIONAL CARE SERVICE BILL

October 2023

Since its introduction in June 2022, UNISON has campaigned for the [NCS Bill](#) to be withdrawn. We want to work constructively with the Scottish Government and other partners to bring forward a new Bill that will meet with much wider support.

UNISON's campaign has been effective. The pressure to which we contributed has caused the Government stop and re-think its plans. The Stage 1 vote originally due in March 2023 has been postponed 3 times and is now scheduled for January 2024. The Minister has confirmed the reason: "...we were pretty much in a situation in which we could not move forward because the level of opposition to the bill was so great." (Maree Todd speaking to the Health, Social Care & Sport Committee on [3 October 2023](#)).

Sixteen months after the Bill was introduced, MSPs have still not voted on its principles. The continued 'pausing' of the Bill over summer 2023 allowed the Scottish Government to enter discussions with UNISON and other trade unions and with COSLA to find a way forward.

UNISON's campaign has played a crucial role in achieving this turnaround. Our campaigns to Kick Profit out of Care and protect pensions mobilised UNISON members and activists and made sure their voice was heard. This was vital, for without the support of the workforce it was very difficult for the Bill to proceed.

Changes being suggested

The most significant change announced by the Scottish Government so far is an assurance that the core part (and main purpose) of the Bill – the removal of statutory duties and responsibilities from local authorities – will be dropped. Duties, staff and assets will all remain in local government. **If** this commitment is honoured then it removes the greatest threat to the workforce and to directly provided public services.

If delivered on, it means the intended centralisation of powers, budgets, staff and services would not go ahead. By the same principle any transfers out of the NHS would not proceed. The [partnership arrangement](#) announced with COSLA over the summer promise instead 'shared legal accountability' for services. The text of this agreement has not been published merely a press release indicating an agreement in principle. The Minister has explained this means:

- The creation of a National Care Board for stronger national governance
- The existing IJB network will continue but will 'evolve and strengthen'.

What happens now

The lack of detail in the Bill which was one of the main problems, continues. There remains great uncertainty over both the detail of the Government's new intentions and how exactly these will be delivered. The Minister has admitted that:

- What 'shared legal accountability' means is still being 'worked through'.
- No conclusions have been reached about amendments discussed with the trade unions.
- There will be 'a strong role' for the workforce in the governance and delivery of services but no commitments can be made as discussions continue.
- There is still "some detail to work through on what exactly ethical commissioning strategies will look like"

Parliamentary procedure means the Bill cannot be amended at Stage 1.

*This means the Bill will need to be presented and voted on by MSPs in January **as it is**. In other words, a Bill that threatens direct public provision of social services and the employment security, pensions and pay and conditions of the social services workforce, while doing nothing to address profit in care, and next to nothing to deliver Fair Work and saying nothing about sectoral bargaining for social care staff in private providers.*

Continuing concerns

- The Government has not explained *how* it intends to make changes to the Bill.
- It will present a revised Financial Memorandum and a 'Policy Note', but these will be provided **just 4 weeks** before the vote, and there may be no chance to scrutinise these.

In other words, we - and MSPs - are still being asked to accept a 'pig in a poke'.

UNISON's position remains that the best way forward is for the Bill to be withdrawn. If they won't do that then UNISON (and others) are calling on the Scottish Government to set out the detail of amendments it will make to the Bill at Stage 2 – BEFORE the Stage 1 vote.

We view this as essential to provide certainty and transparency about what an amended Bill will look like, and the clarity that is needed by MSPs to enable them to vote on the Bill as it stands.

Actions for branches

- Branches should use this briefing **to write to their MSPs** asking them to request the Government publishes its proposed amendments as soon as possible and definitely *before* the vote on the Bill at Stage 1.
- UNISON members are encouraged to do the same.

Any comments or questions please contact:

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