

National Care Service Bill - Stage 1 Parliamentary Committee conclusions

Introduction

The National Care Service Scotland Bill has been being examined by a range of Parliamentary Committees as part of the Stage 1 scrutiny of the proposed legislation. This Briefing details the conclusions and recommendations that have been published so far. Six committees so far have published their responses. The lead committee for the Bill, the Health, Social Care and Sport Committee, is still considering its report which will be published before the Stage 1 vote on the Bill which has been put back to June 2023. There is a huge amount of criticism of the legislation which backs up UNISON's contention that the bill is unfit for purpose and should be withdrawn.

Scrutiny

There was a single call for written evidence, to which UNISON Scotland responded. Committees also held in person follow up sessions with some of the organisations who had supplied evidence. UNISON Scotland was invited to give further evidence to three of the seven committees looking at the Bill (Local Government, Social Care, and Criminal Justice)

The Committee reports are published as a letter to the chair of the lead committee – with the exception of that from the Finance and Public Administration Committee – whose demolition job on the Financial Memorandum was published as a stand alone report (which will therefore need to be responded to by Scottish Government)

"The Committee shares concerns raised by ..."

None of the committees are particularly keen on the Bill. All of them criticise the lack of detail, some of them explicitly condemn the 'legislate now – design later' approach taken by the Scottish Government. There are calls for any number of issues to be cleared up or published before the Bill goes any further. The lack of a business case is raised more than once. Similarly the financial assumptions, variously unrealistic or absent attract the attention of several committees not just the Finance Committee (see below). Again and again it is pointed out that the Bill is opposed by a huge range of bodies involved in social care, social work and community health.

Local Government, Housing and Planning Committee

The committee call for publication of a full business case for the NCS to be published, "This should set out how the national care service will improve services and outcomes for people receiving social care, and also how it will improve terms and conditions for the workforce." before the Bill is voted on. The Scottish Government is also asked to clarify ASAP how it intends to "utilise the powers in the NCS impacting the social care workforce...It is important to take action to allay the fears of the workforce, in order to avoid exacerbating existing challenges" They call for more detail about how powers to transfer assets will be used, and are sceptical of claims from the Scottish Government that setting up the NCS will be cost neutral for councils.



POLICY BRIEFING

KEY POINTS:

- Scottish Parliamentary Committees have been examining the National Care Service Bill
- Committees have been very critical of both what the Bill contains – and the lack of detail
- There is much criticism of the Scottish Government's 'legislate now – design later' approach .
- The sheer number of different failings outlined lend weight to UNISON Scotland's view that the Bill is unfit for purpose and should be withdrawn



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Education, Children & Young People Committee

"The Committee did not hear strong support for children's services being included under a National Care Service" and expressed concern about any subsequent transfer of Children's services being carried out via secondary legislation. "This is concerning. The Committee is strongly of the view that the process set out in the Bill is insufficient to allow for appropriate Parliamentary scrutiny."

The Committee are "extremely concerned" at the lack of detail on the cost impact provided in the Bill's Financial Memorandum and by the Minister. They "cannot form a clear view" on including children's services in an NCS.

Criminal Justice Committee

Quoting UNISON frequently the committee state that "It is clear from the evidence received that key stakeholders believe that there has been insufficient information available to them". As to whether the Bill as a whole should pass stage 1 "This Committee expresses no view" but are clear that "based on the evidence we have received so far the committee is not yet convinced that of the merits of transferring criminal justice social work into a National Care Service.

Finance and Public Administration Committee

The Finance Committee examined the Financial Memorandum published alongside the Bill which is meant to deal with the costs of the legislation. The Committee are harshly critical of virtually every aspect of the memorandum.

The Committee call for further detailed costings to be published and say that "the approach currently being taken of the Scottish Government responding to individual stakeholders' requests for clarification does not support transparency and proper scrutiny"

Amongst other things they say the lack potential cost estimates breaches Scottish Parliament Standing Orders, they criticise the lack of a business case, and say that the 'legislate first – design later' approach has "frustrated parliamentary scrutiny". The Committee points out that "no estimates of costings have been provided for VAT liability, transfer of assets and staff and the creation of a health and social care record, all of which have the potential to result in significant costs." The report culminates in a demand that the Scottish Government publish a new, more detailed and accurate Financial Memorandum before the Bill is voted on as "The Committee finds itself unable to assess the affordability of the Bill."

Delegated powers and law reform committee

One of the main tasks of this Committee is checking whether proposed powers within Bills to make secondary legislation are appropriate. In the case of the NCS Bill – the committee doesn't think they are. "The Committee believes the current approach significantly reduces the threshold for parliamentary approval and prevents MSPs from bringing forward detailed amendments. The Committee believes this is unacceptable and risks setting a dangerous precedent, undermining the role of the parliament." Consequently "The Committee does not believe the Bill should progress in its current form."

Next Steps

The above reports will be considered by the lead committee - which will publish its report before the vote on the Bill. This is scheduled for June – by which point many of the questions raised so far – not least the pensions future of staff transferred out of local government – will still be unanswered.

Additional reading

- [Local Government, Housing and Planning Committee report](#)
- [Finance and Public Admin Committee report](#)
- [Education, Children and Young People report](#)
- [Criminal Justice Committee report](#)
- [Delegated powers and law reform Cttee report](#)



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