

National Care Service Bill Update

Introduction

The General Principles of the NCS Bill were approved by Parliament on 29 February. This briefing summarises where things stand and what happens next.

What's happening?

Despite the Bill passing Stage 1, the Government has already abandoned the National Care Service plans set out in the legislation it introduced to parliament nearly 2 years ago. For almost a year now the Government has been working out what to do instead. Rather than building a consensus about the best way forward for a National Care Service,¹ the government decided to push through the Bill as introduced and make major amendments later. At every stage UNISON has urged the government, to take the time necessary to develop a plan for a National Care Service that will tackle the roots of the crisis, one in which everyone can have confidence, and at the same time start to deliver sectoral bargaining and the effective voice and improved terms and conditions that care workers urgently need. More fundamentally UNISON continues to argue for profit to be removed from care and for [a real National Care Service](#).

What will a National Care Service look like?

Despite the Bill being endorsed at Stage 1, we still don't know the detail of this. In its [Stage 1 report](#) of 22 February 2024 the Parliament's Health Social Care and Sport Committee – the lead scrutiny body – expressed concern that "...the Scottish Government has so far been unable to articulate and communicate a model of how the proposed National Care Service would operate."¹ The lack of detail means the [Parliament's Finance Committee](#) still has concerns about the risks involved and could not have confidence in the revised Financial Memorandum.¹

The NCS Bill was effectively rail-roaded through Stage 1 by SNP and Green MSPs who chose to ignore the widespread concerns still being expressed from both inside and outside parliament about the government's plans and the approach being taken. The government rejected attempts from other parties to allow more time for information to be provided and consensus reached before Parliament voted.

What do we know?

In early October 2023, the government announced it was abandoning the core purpose of the bill which was centralisation and further outsourcing (see [UNISON e-briefing](#)). This includes the transfer of statutory duties, staff and assets out of councils and health functions out of the NHS, and the creation of ministerially appointed local Care Boards. The risks posed to UNISON members in local authorities and health boards and the threat to remaining direct public provision of social services have therefore been lifted.

KEY POINTS:

- Despite its core contents being abandoned and major concerns continuing, the National Care Service Bill passed Stage 1 on 29 February.
- The endorsement of the Lead Committee was conditional on the Government providing its amendments in writing by 29 March and guaranteeing sufficient time for scrutiny at Stage 2.
- UNISON urged MSPs to vote against the General Principles.



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In its place, some more modest structural changes were announced in early December (set out in [Briefing 139](#)) at an estimated cost of £354m over 10 years, instead of the £1.6 billion cost of the original plans. The key changes are:

- There will be “shared legal accountability” for social care between national and local government – the details of which have not yet been explained.
- The existing Integration Authorities (IAs)/Integration Joint Boards (IJBs) will be reformed rather than Care Boards created.
- A National Care Service Board will be established, to which IJBs will be accountable in terms of their strategic planning, performance, and finances. It was confirmed the day before the Stage 1 vote that this would include as a minimum representatives from local and national government, the NHS and people with lived experience.

The crucial issue is whether these changes are likely to deliver the ambitions and aspirations for a National Care Service set out in the [General Principles of the Bill](#), for a Service which will realise human rights, be centred upon early intervention, promote human dignity, guarantee the financial stability of services and be an ‘exemplar’ of fair work.¹

To date no-one has been invited to give a view on this. The scrutiny that was undertaken by 7 parliamentary committees over a year overwhelmingly relates to proposals which have now been abandoned.

Based on what little available information is available, UNISON would have concerns about any changes likely to dilute even further the limited democratic accountability currently provided by Integrated Joint Boards and to undermine local government control over the services delegated to IJBs/HSCPs (e.g. through a requirement for children’s services and justice social work to be delegated).

What happens now?

The lead committee’s recommendation that the Bill proceed at Stage 1 was heavily qualified and conditional on the Government addressing substantial concerns contained [in its report](#). In order to undertake effective scrutiny of the Bill the Committee demanded clarity and transparency about the Government’s intentions. It called on the Government to:

- publish the full text of any amendments the government intends to lodge at Stage 2, a marked-up version of the Bill as introduced incorporating these amendments in a highlighted format, and an updated Policy Memorandum and Explanatory Notes ideally prior to 26 February and no later than 29 March.
- The Committee also asked for additional time to take further oral and written evidence from key stakeholders prior to the formal process of considering amendments at Stage 2.

In response, the Minister for Social Care, Maree Todd, [pledged on 28 February](#):¹

- To facilitate ‘significant further scrutiny’ of the Bill at Stage 2 by the Health Social Care and Sport Committee;
- To produce the written information requested ‘*as quickly as possible*.’
- To set up an Expert Legislative Advisory Group to support the next stage of the bill.

Additional reading

- [UNISON Stage 1 Briefing for MSPs](#)
- [UNISON Briefing 139: the Government’s Revised Plans for a National Care Service](#)
- [SPICe spotlight: Does the end of Stage 1 bring clarity for the proposed NCS?](#)
- [A timeline of Scotland's National Care Service \(\[healthandcare.scot\]\(http://healthandcare.scot\)\)](#)

The timescales for Stage 2 of the Bill are currently being discussed but in line with the Minister's commitment this stage of the parliamentary process should be considerably lengthened.

Summary

The parliamentary process takes place amidst a crisis in care. Around the country social care is in a state of collapse. Demand and the complexity of need is rising, councils, health boards and IJBs are dealing with massive budget deficits (cuts), providers are handing back contracts or closing doors due to staff shortages. People are waiting for the care they need and for systems that work for them not against them, and care workers are waiting for the sectoral bargaining, better pay, terms and conditions and the effective voice at work they were promised more than four years ago.

The Government has raised expectations amongst individuals who depend on social care and their organisations that they will experience transformational change as a result of this Bill. No one is convinced that this plan to revamp the bureaucracy can deliver this.

ACTION FOR BRANCHES

Promote UNISON's alternative REAL National Care Service and the steps needed to end profit from care and invest in rebuilding properly resourced inhouse capacity. As our report commissioned from APSE says:

"A National Care Service that does not incorporate a renewal of public sector provision will miss a major opportunity to move away from a market that increasingly works at the expense of the Scottish public and economy. Allowing a market model to continue, will mean care workers will remain underpaid and retain pressure on companies at the delivery level to follow a lowest-cost model".

- Share and discuss the report in your branch (links on the right).
- Circulate the report to your local councillors and IJB members and arrange to discuss it.
- Ask them to support UNISON in developing a National Insourcing Strategy.

Additional reading

- [Towards a REAL National Care Service for Scotland – full report](#)
- [Towards a REAL National Care Service - summary](#)



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