

Agenda Item	
Report No	HCW/20/21

HIGHLAND COUNCIL

Committee: The Health, Social Care and Wellbeing Committee

Date: 11 August 2021

Report Title: National Care Service for Scotland Consultation

Report By: Executive Chief Officer – Performance and Governance

1. Purpose/Executive Summary

1.1 This urgent report to Committee has been produced to draw Members' attention to a major Scottish Government consultation, issued yesterday "A National Care Service for Scotland" and to set out initial proposals for the Council's approach to responding.

2. Recommendations

Members are asked to agree:

- i. the approach outlined in section 5;
- ii. that the proposals are of such significance that the consultation response should be remitted to Council, with an update report provided to the next meeting on 9 September 2021; and
- iii. to approach COSLA to seek an extension on behalf of all Scottish local authorities to the Scottish Government's deadline of 18 October 2021.

3. Implications

3.1 The implications of the Scottish Government's consultation are likely to be significant and comprehensive and so will take some time to work through as a Council and with our partners. Given it was only issued yesterday afternoon, it is too soon to reach a position on any of the proposals. A fuller assessment of the implications in terms of resource, risk, legal, community, equalities and so on will be provided as part the report to Council on 9 September 2021.

4. Background

- 4.1 On 1 September 2020 the First Minister announced that there would be an Independent Review of Adult Social Care in Scotland as part of the Programme for Government. The Review was chaired by Derek Feeley, a former Scottish Government Director General for Health and Social Care and Chief Executive of NHS Scotland. Mr Feeley was supported by an Advisory Panel of Scottish and international experts and published the report after carrying out consultation with stakeholders.
- 4.2 The Scottish Government stated that “the principal aim of the review was to recommend improvements to adult social care in Scotland, primarily in terms of the outcomes achieved by and with people who use services, their carers and families, and the experience of people who work in adult social care. The review took a human-rights based approach.”
- 4.3 The Independent Review concluded at the end of January 2021 and its report was published on 3 February 2021, generating widespread support for the ethos and values expressed albeit there was some concern about how the proposed national care service would operate. A consultation on the detail review’s proposals has been anticipated since then but what has come forward is much broader than previously signalled and includes the impact such proposals would have upon children’s services, justice services, healthcare, social work and social care, nursing, prisons, alcohol and drug services, and mental health services.
- 4.4 There had been no indication to councils directly, or through Cosla, that the Scottish Government was intending to broaden the review of adult care services in this way. Cosla issued a critical press statement on 9 August in response to the publication of the consultation and this is attached at Appendix 1.
- 4.5 The deadline date for consultation responses is 18 October 2021.

5. Approach

- 5.1 The Scottish Government has published a series of virtual engagement events, from Monday 16 August to 4 October which cover the following strands:
- All aspects of the Consultation
 - Improving care for people
 - Community Health and Social Care Boards
 - Scope of NCS
 - Commissioning of Services
 - Regulation
 - Fair work and valuing the workforce

There will be officer representation at each of these events. However, these sessions are open to all stakeholders – service users, elected members, public bodies, members of the public etc (link: <https://consult.gov.scot/health-and-social-care/a-national-care-service-for-scotland/>) and it is unclear whether there will be any specific sectoral engagement opportunities.

- 5.2 Given the significant potential impact of the proposals, it is suggested that the consultation is remitted to full Council for consideration. A proposed engagement approach, plus an assessment of potential implications, would therefore come forward

to Council on 9 September for Member approval. These will consider the impact on Council services; on the partnership in place with NHS Highland; on the social work profession, on service users and on local democracy.

- 5.3 The consultation is currently due to close on 18 October which is in the middle of the October recess period and so there are no Council or Committee meetings scheduled. Consequently, it is proposed to seek Cosla's support to request an extension to the deadline for Council responses so that it falls beyond the school holiday/recess period. If that is not successful it may be necessary to seek Member approval on 9 September for a special Council meeting ahead of 18 October to formally approve the Council response.

Designation: Executive Chief Officer – Performance and Governance

Date: 10 August 2021

Author: Kate Lackie, Executive Chief Officer – Performance and Governance

Background Papers:

- National Care Service for Scotland Consultation <https://consult.gov.scot/health-and-social-care/a-national-care-service-for-scotland/>
- Appendix 1 - COSLA response

COSLA STATEMENT 9 AUGUST 2021

The Consultation on the National Care Service which was launched today cuts straight through the heart of the way Scotland is governed COSLA President Councillor Alison Evison said today (Monday).

“The Consultation launched today cuts through the heart of governance in Scotland – not only does it have serious implications for Local Government – it is an attack on localism and on the rights of local people to make decisions democratically for their Place. It once again brings a centralising approach to how decisions which should be taken locally are made.

“We welcomed large parts of the Independent Review of Adult Social Care and have been keen to get on and deliver, however the vision this consultation sets out goes beyond the Feeley Report. It isn’t evidence based and will take years to deliver – years when we should be making improvements which will benefit all users of social care services.

“Councils know their communities and all the evidence suggests that local democratic decision making works. Councils have shown time and time again during the last 18 months of the pandemic that we can deliver for the communities we serve when we are trusted and resourced to do so.

“It is deeply concerning that the consultation is also a considerable departure from the recommendations of the independent review set up to look at Adult Social Care.

“The lack of prior engagement with Local Government is not new – the partnership between the Scottish Government and Local Government which we have been seeking to build, continues to elude us in practice and it is the communities we serve who are losing out.

“Let’s be clear - this is not a “thinly veiled” attack on Local Government – there is no subtlety to it and, sadly for local communities, the ‘onion peel’ of Local Government services by this Government shows no sign of letting up.

“On behalf of the communities we serve, COSLA and Local Government will engage constructively with the Consultation process. People may be surprised by the extent of services covered by this Consultation and I would urge as many as possible to respond to it, as this could really be the end for anything other than central control in Scotland.

“We all want better services for our communities, nobody more so than Local Government and that is what Local and National Government should be working on collectively for our communities.”

ends