

ANGUS COUNCIL

SPECIAL ANGUS COUNCIL – 28 OCTOBER 2021

NATIONAL CARE SERVICE CONSULTATION RESPONSE

REPORT BY MARGO WILLIAMSON, CHIEF EXECUTIVE

ABSTRACT

This report outlines the proposed arrangements for the Angus Council submission to the Scottish Government consultation “A National Care Service for Scotland”.

1. RECOMMENDATIONS

It is recommended that the Council:

- (i) Notes the detail of the proposals set out in the National Care Service Consultation
- (ii) Considers Angus Council’s proposed response as detailed at Appendix 1
- (iii) Determines and agrees Angus Council’s formal response to the National Care Service Consultation
- (iv) Authorises the Chief Executive to submit Angus Council’s agreed response by 2 November 2021.

2. ALIGNMENT TO THE COUNCIL PLAN

Given the wide-ranging nature of the national consultation and this draft response, the report is relevant to all aspects of the Council Plan 2021-24 priorities.

3. BACKGROUND

On 1 September 2020, the First Minister announced an Independent Review of Adult Social Care in Scotland as part of the Programme for Government. 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, which can be accessed at <https://www.gov.scot/groups/independent-review-of-adult-social-care/>, reported in January 2021 (the Feeley Report) and made recommendations for change. These recommendations reached across a range of local authority portfolios. Reference was made to the need for change to be aligned to implementation of “The Promise” (<https://thepromise.scot/>) and to take account of Criminal Justice Social Work Services.

On 9 August 2021, the Scottish Government launched a consultation setting out proposals for the future delivery of social care in Scotland. The press release at its launch, referred to the proposals as “the biggest public sector reform for decades, since the creation of the National Health Service”. The full consultation document can be accessed at [A National Care Service for Scotland - Consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-care-service-for-scotland-consultation/pages/10-introduction.aspx).

The consultation was initially scheduled to run to 18 October 2021 and was subsequently extended to 2 November 2021. Thereafter, the consultation notes the intention for a Bill to be introduced in the Scottish Parliament in summer 2022. It is expected to take at least a year for the Bill to be scrutinised with the intention being that the National Care Service will be fully functioning by the end of the current Parliamentary term (2026).

Appendix 1 outlines a proposed Angus Council response to the National Care Service consultation based on the foundation principle of retaining local democratic accountability and delivery responsibility for services.

4. PROPOSALS

It is proposed that the draft response at Appendix 1 is considered and approved for submission by the Chief Executive on or before 2 November 2021.

5. FINANCIAL IMPLICATIONS

5.1 Whilst there are no direct financial implications arising from the recommendations in this report the changes proposed in the consultation are likely to have far reaching consequences for the Council's budgets, staff and funding arrangements in future.

5.2 The consultation provides very little information to help assess what these future financial implications might be at either a national or a local level meaning that the costs and funding of the proposed new service and what this may mean for local authorities is uncertain.

5.3 The Feeley Report recommended increased investment of £0.66bn (20%) and the NCS Consultation gives a commitment to increase investment in social care by 25%. This appears to recognise the need for additional investment compared to current arrangements. The consultation suggests that investment in early intervention/prevention will achieve better use of resources. It is not clear if this alone will free up the resources required for the additional investment proposed.

5.4 The Feeley report suggested options to pay for the investment, however the Consultation document makes no reference to this aspect leaving it unclear what the anticipated cost of the proposals are, and how this will be paid for.

5.5 The Consultation document outlines an intention to move away from the current system where measures are taken to control demand and costs so that services are delivered within available budgets. The proposals indicate a new system which seeks to avoid demand control measures and expand entitlement. Such an approach involves increased financial (and system capacity) risk and may serve to increase demand and associated additional cost.

5.6 The new layers of governance proposed will add cost, at least in the short term. Transition costs are likely to be significant and will include the need for expenditure on information technology, human resources, legal services, procurement, budget and accounting disaggregation. The approach to capital investment and treatment of assets is unclear at present.

5.7 Ultimately, the proposal to create a National Care Service is for a fundamental shift in the control of social work and social care funding and spending from the local authority to a national service. Much more detail will have to be provided before an informed assessment of what these proposals mean financially for Angus Council can be made.

5.8 There are however some significant financial risks arising from the Consultation document for Council to be aware of including:

- Dis-economies of scale on remaining services especially back office services
- Funding allocations for remaining local authority services, including children and justice social work services if these are retained given the +25% funding commitment increase for social care
- Fairness in budget/accounting disaggregation arrangements could be a contentious area
- Local authorities could be expected to retain responsibilities for the workforce and direct delivery of services, without any strategic or budgetary control

5.9 Realism and transparency on costs and funding should be a key part of the next phase of developing the proposals in the Consultation document but we may not have that level of transparency until the Financial Memorandum to accompany the proposed Bill is produced.

6. OTHER IMPLICATIONS

6.1 There are a range of significant workforce, legal and operational implications arising which are referred to throughout Appendix 1. The exact nature of the implications cannot be more fully assessed until detail regarding the formal proposals are provided by Scottish Government, including detail regarding the future legal responsibilities and accountabilities of the local authority, any revised approach to entitlements to services, and the accompanying financial package.

6.2 Such further information should include further information relating to a detailed review of the legal responsibilities that currently sit with local authorities in terms of children's, justice and adult social care, including those directly placed upon local authority Chief Social Work Officers. It would make sense for such responsibilities to be transferred to such bodies or persons with the strategic decision-making, financial and operational responsibility for the delivery of these services. There is a risk for local authorities of retaining responsibility and accountability with no direct access to resource or strategic decision-making powers to direct provision.

7. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment is not required as this is a consultation response only.

8. CONSULTATION

A schedule of consultation events was organised by Scottish Government at a national level in relation to the proposals contained in "A National Care Service for Scotland". There have also been local events held by various Angus Community Planning Partnership groups, by the Integration Joint Board, as well as a specific briefing for elected members at which views were shared. The officers involved in developing this response attended a wide range of these events to inform this draft response, this involved hearing the views of supported people.

All members of the Council's senior leadership team have been consulted in the preparation of this report, including the Statutory Officers.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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List of Appendices:

Appendix 1 - DRAFT AC National Care Service Consultation Response



Equality Impact/Fairer Scotland Duty Assessment Form

Name of Proposal:

National Care Service Consultation Response

Is this only a **screening** Equality Impact Assessment Yes

If Yes, please choose from the following options **all** reasons why a full EIA/FSD is not required:

(i) It does not impact on people Yes

This is a response to a consultation there is no direct impact on people at this stage.

(ii) It is a percentage increase in fees which has no differential impact on protected characteristics
NA

(iii) It is for information only NA

(iv) It is reflective e.g. of budget spend over a financial year NA

(v) It is technical NA

If you have answered yes to any of points above, please go to **Step 16**, and sign off the Assessment.

FAIRER SCOTLAND DUTY

Not required.

Sign off and Authorisation.

Prepared by: Kathryn Lindsay, Director Children, Families and Justice/ Chief Social Work Officer

Reviewed by: Doreen Phillips, Equalities Officer, 23 September 2021

Approved by: Margo Williamson, Chief Executive, 8 October 2021