

REPORT

EIJB Consultation Response – National Care Service

Edinburgh Integration Joint Board

18 October 2022

Executive Summary	The purpose of this report is to update the Edinburgh Integration Joint Board (EIJB) on the consultation response on the National Care Service Call for Views.
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Recommendations	<p>It is recommended that the Edinburgh Integration Joint Board:</p> <ol style="list-style-type: none"> Note the EIJB consultation response which has been approved by the Chair and Vice Chair of the EIJB and submitted to the Scottish Parliament. This approach is in line with the agreed consultation protocol agreed by the EIJB in May 2021.
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Directions

Direction to City of Edinburgh Council, NHS Lothian or both organisations	No direction required	✓
	Issue a direction to City of Edinburgh Council	
	Issue a direction to NHS Lothian	
	Issue a direction to City of Edinburgh Council and NHS Lothian	

Report Circulation

- This report has not been circulated to any other governance committee prior to submission to the EIJB.

Main Report

- The National Care Service Bill allows Scottish Ministers to transfer social care services from local authorities to a new National Care Service (NCS). This may include children's and criminal justice social work services. It also allows the

transfer of health services from the National Health Service (NHS) to the NCS. Health and care services that are transferred could be delivered nationally or locally via Care Boards.

3. The Scottish Parliament's Health, Social Care and Sport Committee and other committees are looking at the details of the Bill and have asked for views from the public. The call for views opened on the 8 July 2022 and ran until the 2 September 2022.
4. The EIJB had a workshop on the 22 August to develop its response to the Call for Views. There were 42 questions contained within the Call for Views and due to the scope and range of the questions, the EIJB only provided responses to those questions that would have the most direct impact on the EIJB. Due to the deadline for the Call of Views, the EIJB response was signed off by the Chair and Vice Chair of the EIJB and submitted to the Scottish Parliament on the 2 September 2022 in line with the consultation protocol agreed by the EIJB in May 2021. The finalised version of the consultation response is included at appendix 1 for awareness.

Implications for Edinburgh Integration Joint Board

Financial

5. There are no financial implications arising from this report.

Legal / risk implications

6. There are no legal or risk implications arising from this report.

Equality and integrated impact assessment

7. There are no equality or integrated impact assessments required as a result of the information contained within this report.

Environment and sustainability impacts

8. There are no environment or sustainability impacts arising from this report.

Quality of care

9. There are no quality of care issues arising from this report.

Consultation

10. Key stakeholders have been involved in the development of the consultation response.



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Background Reports

None

Appendices

Appendix 1 National Care Service Call for Views Response.

Appendix 1 – National Care Service Call for Views

General questions about the Bill

The Policy Memorandum accompanying the Bill describes its purpose as being “to improve the quality and consistency of social work and social care services in Scotland”. Will the Bill, as introduced, be successful in achieving this purpose? If not, why not?

EIJB members met on the 22nd of August to consider a response to the National Care Service Call for views. There was not full attendance of EIJB members at this meeting so this response will include the views of those that did attend. There are instances where views of members were slightly varied so this response intends to capture this where possible.

Members of the EIJB support the purpose of the Bill. The intention to co-design the process and the emphasis on paid carers. The main point members would highlight is that there is a lack of detail on several key areas and would welcome further consultation. Members recognise that much work is in plan to develop currently missing detail but have commented where there are concerns.

The Bill and proposals will only deliver real change if adequate staff and resources are allocated to the National Care Service (NCS). Members would highlight that there requires to be a level of local decision making to allow a response to local needs and develop local innovative solutions to issues.

The concept and practice of integration of health and social care is referenced within the vision and policy memorandum and is not referenced in the draft Bill.

Members support that the principles of integration continues and evolves appropriately to ensure that there are no organisational disconnects between healthcare and those within the NCS, including specialist hospital care and services designed to support people in the community.

There is merit in explicitly acknowledging, in the principles or elsewhere, that health and care are strongly associated, and that this association can be expected to continue to grow in the decades ahead as Scotland’s population becomes relatively older.

Members would highlight that there is a concern that the implementation of the NCS will have on the social work profession. There is a risk that the coherence and independence of the profession may be undermined by the creation of the NCS.

Members would ask for clarity on what Local Authority staff will transfer to the NCS and how this will be done. Further detail on this is required as the uncertainty will not help with recruitment and retention of staff.

Members would stress that what isn't specifically mentioned in the Bill is the importance of prevention and the ways that might be accomplished in the future. Currently a range of local authority services contribute to the prevention agenda / wellbeing (e.g., leisure, housing, public transport, cleansing, roads and pavements, parks). It is important to ensure connections are maintained with services that are outwith NCS.

In the draft Bill the concept of the 'outcome' of services provided is only briefly alluded to, albeit it is referenced in the supporting documents. A strengthening of the importance of achieving good outcomes for people would be welcome.

Is the Bill the best way to improve the quality and consistency of social work and social care services? If not, what alternative approach should be taken?

Members would emphasise that much of what the Bill is trying to achieve could be done through existing structures and governance. It welcomes the focus on equalities and inclusion in the Bill, however this can only be achieved if the proposals in the Bill are fully funded and staffed. It is recognised that the full implementation of the Bill is going to be a gradual process to ensure consistency. Members would like to highlight the importance that each authority starts from a fair and equitable financial base on the inception of the NCS.

Are there any specific aspects of the Bill which you disagree with or that you would like to see amended?

Members feel that there is a lack of focus on integration within the Bill, and this could result in services becoming fragmented. Members would highlight that care doesn't only encompass social care or carers and would highlight there are wider links with Edinburgh Leisure, Public Health, Third Sector organisations to deliver health and care services.

There is a concern about aligning Primary and Community Health Services into the NCS and creating fragmented primary and secondary health services. There were diverging views on whether Children's and Criminal Justice Services should be included in the NCS. Members would highlight that looking at bringing other services into the NCS later will cause disruption and may not result in streamlined and integrated pathways.



Is there anything additional you would like to see included in the Bill and is anything missing?

Members feel there is a lack of detail in the Bill such as information relating to workforce, finance, resource and membership of the board. However, members look forward to being engaged in the co-design of shaping the NCS. Members fear about the impact of these proposals on the existing workforce (especially as there is a lack of detail within the Bill) and the significant lack of detail on the funding to support delivery of all proposals contained within the Bill.

Do you have any general comments on financial implications of the Bill and the proposed creation of a National Care Service for the long-term funding of social care, social work and community healthcare?

Members are concerned that there is a lack of clarity and detail on how the proposals within the Bill will be funded. There is no acknowledgement within the Bill or financial memo that the current level of funding is not sufficient to deliver social care services and Local Authorities (& other bodies) are having to make difficult choices. The EIJB is currently running with a structural budget deficit since its inception this has been exacerbated since additional income and funds have not been in line with the ongoing increase in costs and with year-on-year demographic growth, as well as committed spending commitments. The Bill does not provide any detail on how these will be addressed or factored in.

There are further questions that require to be addressed within the Bill around whether individuals will be expected to fund part of their care. There are currently variations of rates between Local Authorities and the removal of charging will provide great consistency, but this will cause a further deficit in the budget that needs to be addressed.

Establishment and abolition of care boards (Sections 4 and 5 / Schedules 1 and 2)

Please provide your comments on these sections of the Bill in the box provided.

Members feel that the Care Boards sound very similar to existing IJBs and it's not entirely clear what the purpose of setting up these new bodies would be. There is a view that the focus on restructuring of governance may become priority rather than actual service delivery. There is a significant lack of detail on what Care Boards will do, what services will sit under Care Boards, what staff will sit under care boards / NCS to take an informed view.

Further clarity is required on which elements will be retained or transferred to Care Boards as there seems to be an option to choose what is retained / transferred which does not create consistency and potentially creates a postcode lottery.



Clarity is required on the make-up of Care Board as there is no specific mention of health representation on the Board and how this Board will link with NHS Boards in terms of governance. Members would emphasise that it is crucial that there is a relationship between Care Boards and NHS Boards. It is important that the mutual and inter-dependent interests of both organisations are visibly represented at a corporate level and an explicit commitment to this would be welcomed. Due to the importance of getting this right (alongside other areas contained within the Bill), it is important there is further consultation on the Bill as further details emerge.

Strategic planning and ethical commissioning (Chapter 2)

Please provide your comments on this part of the Bill in the box provided.

Members agree in principle with ethical commissioning, and it should be recognised that it is not just about ethical rights for service users, but further clarification is needed on the practical implementation.

Consideration should be given to how ethical commissioning will affect the cost of providing services and how it will drive the market. Whilst members support the principles of ethical commissioning it is likely that this will result an increased cost for an undefined gain.

Further detail is required on:

- What is meant by geographical area?
- Will this be aligned to health boards or local authorities?

Members are concerned that by implementing the Bill, it doesn't improve care services, it just creates a different operating structure.

Independent advocacy (Section 13)

Please provide your comments on this section of the Bill in the box provided.

Members agree that co-design and standardisation across Scotland is a positive step as the current system has levels of variation, however the bill lacks detail on how it will be funded and the timescales for implementation.

As part of the implementation of independency advocacy and brokerage services, it is important to communicate to service users what is available and make it socially acceptable to ask for help before people get to crisis point (especially carers).

Further detail is required on capacity, staffing, budget, resources, and assets, to support the implementation of independent advocacy.



Right to breaks for carers (Sections 38 and 39)

Please provide your comments on these sections of the Bill in the box provided.

Members support the principles underpinning the right to breaks for carers and it is important that there is not a postcode lottery. However, there are major pressures and a shortage of respite care and little articulation within the Bill about how this will be delivered and funded. It is unclear how the Bill will help support and improve those rights. The Bill needs to define the purpose of a “right to breaks for carers”