

National Care Service Briefing

October 2024

In September 2024, [Council Leaders withdrew their support from the Scottish Government's National Care Service proposals](#). This decision was taken on the basis that the draft Bill does not address the challenges being faced across social services and that Local Government's concerns that the model outlined does not represent a meaningful partnership, and instead risks the removal of local decision-making and introducing greater complexities.

This briefing seeks to provide a high-level overview on how the National Care Service has evolved and COSLA Leaders' concerns with the draft legislation being considered by the Scottish Parliament.

Background:

- [The National Care Service \(Scotland\) Bill was introduced by the Scottish Government in June 2022](#). The Bill proposed transferring responsibility for social care and social work from local authorities to care boards overseen by Scottish Ministers. The NCS also incorporated community health and, subject to consultation, proposed the inclusion of children's and justice social work services.
- [Responding to the Bill](#) in the autumn of 2022, Council Leaders expressed the need for reform and sustainable investment, but expressed concern that transferring the local government workforce and responsibilities risked significant destabilisation of services, the local insight and accountability in shaping services.

COSLA Leaders & Scottish Ministers National Care Service Agreement:

- Following concerns from Local Government, trade unions, wider partners and several parliamentary committees, Scottish Government committed to reconsidering how the NCS should be delivered.
- In June 2023, COSLA Leaders and Scottish Ministers reached an [initial agreement around "shared accountability" for the NCS](#), which would see councils retain core responsibilities and its workforce, whilst a new NCS national board would be created to provide enhanced strategic leadership and oversight.

Parliamentary Deliberations:

- MSPs agreed the general principles for the NCS bill in February 2024, though [Parliament's Health, Social Care and Sport Committee had requested the Scottish Government bring forward more details for its proposals](#), including a revised draft Bill to facilitate additional stakeholder evidence.
- Scottish Government published a [revised draft NCS Bill in June 2024](#). Despite policy engagement, Local Government was not provided with an opportunity to meaningfully contribute to the development of the revised draft legislation.

Council Leaders' concerns with the revised National Care Service Bill

There have been significant discussions between spheres of Government on the NCS since April 2023. From February 2024, Council Leaders expressed concern at the Scottish Government's intended approach across several areas and sought changes to reach consensus. Following publication of the revised draft Bill by the Scottish Government, [COSLA Leaders agreed a response to the subsequent parliamentary consultation](#), which noted Local Government's concern with the model introduced. COSLA Leaders took the decision to withdraw support for the NCS Bill in September 2024, following no forthcoming change of approach from Scottish Government and considering the need to prioritise sustainable action to overcome pressures faced by services. Whilst withdrawing support for the NCS, Council Leaders reaffirmed Local Government's commitment to continue valuable improvement discussions, such as the creation of a National Social Work Agency & enhanced rights for unpaid carers.

Key concerns include:

- **The Bill does not address the sustained pressures faced by social work, social care and health:** services face sustained pressures and in receiving the recognition and resource required. In July 2024, the [Accounts Commission reported](#) that integration authority funding decreased by £65m (1% in real terms when excl. COVID-19 funding), with the funding gap set to triple in 2023/24.
- **The Bill risks the removal of key local decision-making and local accountability, whilst introducing new complexities:** there had been hope that an NCS, delivered on a shared accountability basis, could have created a strong enabling environment for local services, backed by enhanced national leadership and support. Instead, the NCS model outlined in draft legislation risks a restrictive centralised model which removes key local decision-making, prioritises increased national monitoring and reporting, without a clear demonstration of how local learning would be translated into improvement.
- **Lack of strong evidence basis to expand the NCS to include children's, justice social work and homelessness services:** There remains insufficient evidence to support the Scottish Government's intention to expand the scope of the NCS. Such structural change presents the risk of distraction from improvement efforts currently underway in these areas, including focus on Keeping the Promise and the Justice Social Work Improvement and Action Plan.

The [Children and Young People's Commissioner](#) has noted their inability to [support the NCS proposals](#), citing that the inclusion of children's services into the NCS has not been properly considered from the perspective of children's rights.

- **Increasing opposition and concern to the NCS Bill from key partners:** the NCS Bill is opposed by all Local Government trade unions, whilst [Social Work Scotland](#) has expressed the view that the NCS Bill will not act as a vehicle for delivering improvements to vital public services which require sustained investment alongside reform to overcome current and future challenges, with the governance outlined in draft amendments risking even greater complexity.