



The Scottish Parliament
Pàrlamaid na h-Alba

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Dear Kevin,

Follow-up to your attendance at HSCS Committee, 20 December 2022

I am writing further to your attendance at the Health, Social Care and Sport Committee on Tuesday, 20 December, to give evidence as part of the Committee's Stage 1 scrutiny of the National Care Service (Scotland) Bill.

Listed below are questions Members did not have an opportunity to ask during the session, or areas where you gave specific commitments to provide the Committee with further information in writing. We would be grateful to receive a follow-up response from you on these points in writing:

Immediate concerns in social care and rationale for the Bill

- What is the Government's planned timeframe for overall implementation of the Bill?
- How do you intend to address the growing disparity in social care wages for externally commissioned staff (when compared to public sector wages) as the cost of living continues to rise?
- Given that you have said that local accountability will remain, and that you are already accountable for social care, can you explain what difference the Bill will make for people using services if they have concerns, or feel that their needs are not being met?

Co-design, timing, implementation and evaluation

- What do you consider to be the overarching purpose and objectives of creating a National Care Service? Could you add more detail about what 'improving consistency and quality' will mean in practice? For example, witnesses have

highlighted that despite Ministers being responsible and accountable for the NHS, services between and within health board areas vary significantly.

- What do you consider to be a realistic timeframe for completing co-design? Do you envisage the co-design process as something that will need to be completed before structural changes, such as the creation of care boards, can take place? Or do you envisage the co-design process and these structural reforms as running alongside one another?
- During the meeting, you gave a commitment to provide the Committee with full details of the Scottish Government's planned approach to co-design, including what specific aspects of the Bill's implementation this will cover, intended outcomes from this approach as well as details of those stakeholders you have been consulting with on co-design to date. The Committee looks forward to receiving this detail from you in writing.
- Many witnesses told the Committee that they had been engaging for years on setting out what reform is required. The Government also had a long-running programme considering social care reform before the pandemic. Could you also set out how the codesign process will incorporate and reference this engagement and work?
- You also gave a commitment to update the Committee on estimated costs of delivering entitlement to maternity pay for all social care staff.
- During the meeting you set out challenges, largely to do with the number of providers, with tracking and monitoring social care staff pay increases. Without any material change in the landscape of providers, how will the NCS and more specifically the provisions set out in the Bill ensure public funds are fully traceable?
- During the meeting it was pointed out that many people receiving care and support or who are carers find it challenging and onerous, as well as costly, to be involved in co-design work and events. How do you intend to support all those who wish to be involved, and what are the estimated costs for this work?

Principles of the proposed NCS

- What value do the principles of the NCS add to pre-existing principles as enacted through other legislation?
- How will you reassure people that their rights to self-directed support and independent living will be realised?
- What mechanisms will be used to ensure that the principles are upheld by the Scottish Ministers, by care boards and by providers?
- How will the Bill assist in social care being viewed as an investment in society rather than a cost to it, as set out in the principles?

Charter, complaints and independent advocacy

- How will the complaints process envisaged as part of the creation of a national care service relate to existing complaints processes and structures? Is there a risk of creating confusion or unnecessary duplication by implementing these provisions of the Bill?

Structural reform and care boards

- During the meeting, you undertook to provide the Committee with further detail in writing on the make-up and remits of care boards, including whether these will be

commissioning bodies, delivery bodies or both. The Committee looks forward to receiving this additional detail from you in writing.

- What is your planned timeframe for having new structures (e.g. care boards etc.) in place?
- What evidence do you have that the structural reforms proposed will directly improve outcomes for individuals?
- How will integration principles be upheld and silo mentality avoided in the creation of new discrete public bodies in the shape of the proposed new care boards?

Commissioning, regulation, procurement and fair work

- What progress is being made towards full implementation of the Fair Work Convention's recommendations made in 2019?
- Certain witnesses giving evidence to the Committee have described the level of detail on ethical commissioning in the Bill as "thin". Are you open to considering the inclusion of more prescription and detail on ethical commissioning?
- How would the Bill's provisions reform the remit of national regulators and current national standards and registration requirements to create greater consistency and quality of services? What further national oversight is envisaged?
- Is there any plan to establish a further body 'to support and invest in' the social care profession (as distinct from social work), as described in relation to the NSW in para. 75 of the PM?

Continuity of integration and transition: Community health, mental health, homelessness

- Would you accept (as the Committee has heard from many witnesses) that there is a need for much greater clarity around how the Government will manage the process of transition from existing to new structures? If so, how can this greater clarity be provided?
- What do you intend will happen to existing integration joint boards as part of this structural reform process?
- How will the transfer of social work staff be managed in a way that ensures adult and child protection responsibilities remain clearly located.
- What is the timeline for transferring social work services for adults to care boards?

Anne's Law and breaks for carers

- Are you in a position to share the revised directions for Anne's Law provisions with the Committee?
- What is being done to address the barriers to the effective implementation of the Carers Act, and why do so few carers have carer support plans in place. What is being done to raise awareness of carers' rights under the Act?

Deadline for response

To enable the Committee to factor your response into its ongoing scrutiny of the Bill, I would request that you send this to the Committee **no later than Friday, 20 January**.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Gillian Martin'.

Gillian Martin MSP
Convener, Health, Social Care and Sport Committee