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## SCOTTISH BORDERS COUNCIL RESPONSE TO A NATIONAL CARE SERVICE FOR SCOTLAND CONSULTATION

Report by Director Social Work & Practice

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### SCOTTISH BORDERS COUNCIL

28 October 2021

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#### 1 PURPOSE AND SUMMARY

- 1.1 The purpose of this report is to seek approval from members regarding Scottish Borders Council's proposed response to the Scottish Government's consultation on the National Care Service (NCS).
- 1.2 Following publication of the report of the Independent Review of Adult Social Care in February this year, in August 2021, the Scottish Government published its consultation on the creation of a NCS in Scotland. The proposals set out within the consultation document are significant and will result in a fundamental change to the role of local government in Scotland, if implemented.
- 1.3 The scope of services proposed for inclusion in the NCS is also far broader than was initially anticipated and includes services relating to adult social care, children's services, community health, addiction, justice, and social care in prison.
- 1.4 Following discussion with Members, a draft Council response has been prepared and this is attached as Appendix A for Council's consideration and approval.

#### 2 RECOMMENDATIONS

- 2.1 **I recommend that Council approves the draft consultation response attached as *Appendix A* as the Scottish Borders Council response to a National Care Service for Scotland Consultation**

### **3 BACKGROUND**

- 3.1 In February this year, the report on the findings of the Independent Review of Adult Social Care was published. The report found issues with implementation of social care policy and was critical of current commissioning & procurement activity.
- 3.2 Amongst the recommendations, to help drive improvement in the sector, was the establishment of a NCS in Scotland. The report recommended that a NCS take over responsibility for the strategic aspects of social care planning and commissioning from local government. Local government would instead become a care provider alongside the private and voluntary sectors and would be commissioned to deliver services on behalf of the NCS.
- 3.3 In August, the Scottish Government published its consultation on the creation of a NCS in Scotland. The proposals set out within the consultation document are significant and will result in a fundamental change to the role of local government in Scotland, if implemented. The scope of services proposed for inclusion in the NCS is also far broader than was initially anticipated and includes services relating to adult social care, children's services, community health, addiction, justice, and social care in prison.
- 3.4 The consultation was launched on 9 August 2021 with an initial deadline for responses of 18 October 2021, which was thereafter extended to 2 November 2021.

### **4 THE COUNCIL RESPONSE**

- 4.1 The approach to a Council consultation response was discussed with political group leaders. Political group leaders noted that the response should:
  - If possible, comprise a single consultation response from Scottish Borders Council, accepting that professional associations and other stakeholders within the Scottish Borders may wish to make their own representations.
  - Refute any inaccuracies and address any gaps presented in the consultation documents.
  - Not be constrained by the questions set but should be drafted as a thematic response.
  - Where appropriate, highlight the positive outcomes and current good practice by the Council and more broadly across the sector.
- 4.2 Members have had the opportunity to provide feedback on an earlier draft consultation response document, and officers have sought to incorporate this feedback into the present draft response set out in Appendix A.
- 4.3 Appendix A is now presented for approval as the Scottish Borders Council Response to the National Care Service for Scotland Consultation. Subject to Council approval, the response will be finalised and submitted to Scottish Government in advance of the formal deadline for responses on 2 November 2021.

## **5 IMPLICATIONS**

### **5.1 Financial**

As the present report is concerned with a response to a Scottish Government consultation, there are no costs attached to any of the recommendations contained in this report. However, if implemented the proposals in the consultation document would have very significant consequences for the Council's finances. As far as is possible, the draft consultation response (Appendix A) seeks to identify these consequences.

### **5.2 Risk and Mitigations**

Given the significance of the proposals within the consultation document on a National Care Service for Scotland for councils generally and Scottish Borders Council specifically, the chief risks associated with this report are that the Council either fails to respond to the consultation or submits a response which fails adequately to address the issues raised by the consultation from a Council standpoint and a Scottish Borders' perspective. The draft consultation response (Appendix A) which is submitted for Council approval is intended to address these risks.

### **5.3 Integrated Impact Assessment**

As the present report is concerned with Scottish Government proposals on a National Care Service for Scotland set out within a consultation document, no Integrated Impact Assessment has been undertaken. The position will be revisited once Scottish Government's intended way forward is formally articulated, and it is expected that Scottish Government will undertake appropriate integrated impact assessments of its proposals.

### **5.4 Sustainable Development Goals**

As the present report is concerned with Scottish Government proposals on a National Care Service for Scotland set out within a consultation document, no specific Council contribution to the UN SDGs has been identified.

### **5.5 Climate Change**

As the present report is concerned with Scottish Government proposals on a National Care Service for Scotland set out within a consultation document, no specific climate change implications are currently identified.

### **5.6 Rural Proofing**

This report does not relate to a new or amended policy or strategy promoted by Scottish Borders Council. However, the proposals set out in the consultation document could have implications for rural areas, and where it has possible to highlight this, the draft response (Appendix A) seeks to do this.

### **5.7 Data Protection Impact Statement**

There are no personal data implications arising from the proposals contained in this report.

### **5.8 Changes to Scheme of Administration or Scheme of Delegation**

There are no implications for the Scheme of Administration or Scheme of Delegation arising from the proposals contained in this report.

## 6 CONSULTATION

- 6.1 The Director (Finance & Corporate Governance), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications and any comments received will need to be incorporated into the final report.

### Approved by

**Stuart Easingwood**

**Director Social Work and Practice**

### Author(s)

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**Background Papers:** [Independent Review of Adult Social Care; Consultation on a National Care Service for Scotland](#)

**Previous Minute Reference:** N/a

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Michael Cook can also give information on other language translations as well as providing additional copies.

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