

Response of The Royal College of Physicians of Edinburgh to the Scottish Parliament's Health, Social Care and Sport Committee Call for Views on the National Care Service (Scotland) Bill.

General questions

1. 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?

In order to ensure our response to this consultation was as holistic as possible we sought the views of members of the College's Lay Advisory Committee (LAC) as well as Fellows with specific and significant experience and expertise in this area.

While the RCPE very much welcomes many of the aims of the Bill and, of course, supports all efforts to improve the quality and consistency of these services, Fellows and LAC members had differing views over whether the Bill would achieve this. Many questioned how the proposed new system would work in reality on the ground and whether it would genuinely help tackle the significant and persistent challenges relating to the social care sector such as lack of capacity and associated delayed discharge and staff recruitment.

Some supported the proposed national approach as the best way to end the post code lottery in provision and quality of care, while others remained wholly unconvinced that a national system which still relied on local care boards and local providers to deliver services would lead to the required improvements. As the RCPE stated in the previous consultation, one of the challenges of implementing a National Care Service is that there are very varied needs in different parts of the country – some areas of Scotland are much more remote and rural than others. How to respond appropriately to this diversity within a national system must be a key issue in terms of how the local care boards operate and the flexibility they have.

Some Fellows and Committee members also remained concerned at the risk of outcomes and delivery within the National Care Service becoming increasingly politicised due to Ministers having direct responsibility for the service.

The RCPE welcomes in particular the inclusion of “Anne's Law” in this legislation which we consider is a hugely positive milestone in the journey to strengthen rights and ensure people living in care homes are supported to see and spend time with those most important to them. The human rights based approach embedded within the Bill is also welcome.

The RCPE understands that the process for establishing a new National Care Service and that becoming operational will take some considerable time. We are clear that the Scottish Government must not wait for this but must continue to take an urgent and focused approach to key issues like recruitment and delayed discharge. The RCPE remains committed to working constructively with Ministers to tackle these challenges.



2. 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?

Again there were mixed views here among Fellows and Lay Committee members. Some felt the Bill was an acknowledgement that the Integrated Joint Board system had not performed as well as hoped and questioned how the Bill's new proposals- which some described as simply creating a different version of this bureaucracy- would improve on this in reality. It was suggested by one Committee member that a more logical step might have been for the Scottish Government to bring local social service delivery into the territorial Health Boards and to ensure that the annual funding of these new Health and Social Care Boards was in the form of an overall health and social care budget with high level priorities laid down by the Government, and "local" priorities determined by the expanded Health and Social Care Boards.

Other Fellows suggested the new care boards should not necessarily only be based on current individual local authority boundaries but could use larger coterminous boundaries.

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

We have no specific comments additional to those provided in the answers above.

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

Some Fellows indicated they would like to see clear reference in the Bill to the anticipated balance, relationship and connection between acute Health and Social care professionals in the sense that the equal input of, and assessment by, professionals from 'both sides' is crucial in ensuring an understanding of an individual's health and social care needs to enable either the appropriate setting is identified eg residential, nursing, or the appropriate services are delivered if the individual remains within their own home.

As the RCPE suggested in the consultation ahead of the Bill's publication, an additional challenge which may benefit from a strategic approach is recruitment – which must be considered as a key part of the discussion on establishing a National Care Service.

The RCPE considers that it would also be helpful if greater reference to discharge into the community and the importance of seamless transitions therein was made. In addition, some wished to see detail in the Bill of what the National Care Service might enable in terms of the greater professionalization and training of social care workers and how the service will work with the relevant existing regulatory bodies on training.

5. The Scottish Government proposes that the details of many aspects of the proposed National Care Service will be outlined in future secondary legislation rather than being included in the Bill itself. Do you have any comments on this approach? Are there any aspects of the Bill where you would like to have seen more detail in the Bill itself?



The RCPE considers that as much detail as possible should be included in the Bill but we understand too that it is often normal Parliamentary practice to outline details as they specifically relate to a Bill's provisions in secondary legislation.

6. The Bill proposes to give Scottish Ministers powers to transfer a broad range of social care, social work and community health functions to the National Care Service using future secondary legislation. Do you have any views about the services that may or may not be included in the National Care Service, either now or in the future?

Given the significance of some of these changes, the RCPE considers that it would be appropriate for the Scottish Government to consider primary legislation in order to allow for the greatest possible scrutiny of the proposed changes.

7. 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?

The RCPE recognises that the Bill involves significant financial implications and considers that appropriate, sustained and long term funding is fundamental to achieving its aims. We note that the Scottish Government states there is uncertainty around costs and we would concur with this.

The RCPE believes that the focus must be on the patient, with resource shared across the National Care Service and underpinned with a robust governance framework, and funding following the patient through all parts of the care system.

8. The Bill is accompanied by the following impact assessments:
- Equality impact assessment
 - Business and regulatory impact assessment
 - Child rights and wellbeing impact assessment
 - Data protection impact assessment
 - Fairer Scotland duty assessment
 - Island communities impact assessment

Do you have any comments on the contents and conclusions of these impact assessments or about the potential impact of the Bill on specific groups or sectors?

The RCPE generally welcomes and supports the conclusions of these impact assessments and believes they are appropriate.

Financial memorandum questions



The following questions are for respondents with a specific interest in the financial memorandum accompanying the Bill. Respondents are free to choose to respond to all, some or none of these questions.

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

The RCPE did participate in the previous consultation exercise but did not comment on the financial assumptions.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the financial memorandum (FM)?

N/A

3. Did you have sufficient time to contribute to the consultation exercise?

Yes.

4. If the Bill has any financial implications for you or your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

N/A

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

The RCPE considers that these are generally reasonable but recognises there is a very real degree of uncertainty around all these estimates.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

N/A

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?

The RCPE considers that these are generally accurate based on current knowledge and information but understands the Scottish Government will need to monitor these costs very closely going forward.

Additional comments.

The RCPE is aware that the costings provided in the Financial Memorandum did not at this stage include all of the recommendations by the Independent Review of Adult Social Care to which the Scottish Government had committed, for example expanding provision and removing some care charges. It is hoped that information on the possible cost implications of these subjects will be made available in early course and the College welcomes the Government pledge to provide this.

On the subject of the National Care Service Charter, while there were mixed views on how useful it might prove in practice, there was support for any Charter being closely aligned to the relevant European human rights charters. There was general support for the proposals in relation to a complaints system.

In terms of health and social care information sharing, the RCPE fully supports care records being shared between the proposed National Care Service and the National Health Service; this is vital to the success of the service.