



## NCS Bill: Call for evidence

### includem submission

#### General questions

**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?**

We welcome the purpose “to improve the quality and consistency of social work and social care services in Scotland” and the importance placed on a human rights approach in the bill. The children, young people and families we support have faced major challenges in accessing support that is consistent and meets their needs – leading to greater hardship, relationship breakdown and experiences of stigmatisation. Ambitious systematic reform proposed in the bill could achieve the change needed and rebuild trust in the system. Through a national service, there is a potential to deliver greater consistency across local authorities and combat the postcode lottery in current access to support. However, unknowns particularly around poverty, the third sector and children’s services prevent us from taking a more confident stance.

It is unclear whether the NCS will have a legislative and actionable commitment to addressing impacts of poverty – recognised as a major contributor to health and wellbeing inequalities, particularly in childhood development stages. For low-income families, services are often experienced as complex and time consuming to access. Time pressures and practices prevent many professionals in statutory services to capacity to recognise and act on poverty-related challenges that families face, without the consistency needed to build trust and relationships. This leaves preventable challenges to develop into crisis for those most in need of support and creates growing long-term pressures on our social care and health systems. Without addressing poverty-related impacts on wellbeing and preventative approaches at the heart of this bill, addressing the root causes of challenges faced by children, young people and families will be overlooked. To ensure the bill will achieve its purpose, we ask that the committee to prioritise scrutiny of how the NCS will contribute to addressing poverty. This includes how the importance of addressing poverty-related challenges will be explicitly embedded in legislation, accountability and in practice.

To ensure quality and consistency, there needs to be a greater understanding of the role of the third sector and the importance of its support to social workers in statutory services. At includem, we work to bridge the gaps between home, education, justice, mental health and community according to the needs and strengths of those we support. We know from experience the value of holistic responses to improve wellbeing outcomes and fostering good relationships with public services and other community-based organisations. We welcome the option to reserve procurement processes for voluntary and third sector organisations and the recognition in the Policy Memorandum of the sector’s significant role in providing community health and social care services. Notably, current tendering practices create uncertainty for organisations providing support on the ground, and for the



people receiving it. Scrutiny of how procurement to the third sector can be improved in tendering for better quality and consistency of support would be of value – such as through multi-year contracting and longer bidding windows. This would allow for more thorough evidence and participation-based service design and better support for children, young people and families.

It is concerning that the children’s social services overview released alongside the bill lacks detail about the significant scope and role of third sector support in the current services delivery landscape in Scotland. If based on this limited understanding, decision making and allocation of resources will lack evidence on the true scale and cost of current services. In order to improve support through the NCS, we must first understand what current services are. We ask the committee to request a thorough scoping of children’s services that includes the major role of the third sector in Scotland and to ensure critical support to children, young people and families are not lost unintentionally in the transition to a national service. This is particularly important as preventative and more intensive support delivered by organisations like includem plays a major role in reducing pressures on existing public services.

Impacted by the appropriate delay on making a decision on the inclusion children services to undertake greater assessment, the bill focuses on older adults. Without a cross generational view and thorough recognition of the importance of early and preventative interventions, it will be challenging to enact a bill that truly sets a legislative foundation for a new care and support system for all of Scotland. Additionally, due to the tight timescales of making a decision on the inclusion of children’s services before the NCS is operational in 2026, it is unlikely there will be co-design work focused on children and young people. We know from our participative work that their needs are unique and different to those of adults. To improve their experiences of services, it is crucial that children and young people are seen as rights holders in their own right, and not simply passive recipients of support. We ask the committee to work with the Children and Young People’s Committee and organisations delivering children’s services, like includem, to assess how to ensure that there is parity of funding and focus between adult and children’s services and how this can be reflected in the NCS bill. There needs to be consideration of whether the NCS structures requires some delineation between adult and child & family services to help bring clarity. To achieve this, it is important to hear from those exclusively delivering children’s services, rather than those representing services who deliver both.

Greater clarity is needed on how other change drivers outside of legislative and structural will be used to improve services through the NCS - such as shifts in culture, practice and continuous learning and innovation. By considering all levers, we can ensure resources in its development are focused on making the greatest impact for those it seeks to support.

This major reform could make real and lasting improvements to the lives of children, young people and families. Includem works to help those we support build a better life, and recognise that with the right funding, recognition and ambition, the NCS could help bring better quality and consistency to services in Scotland. We know this can only be done by working together with a common vision and understanding. We are happy to provide our expertise and experience to support the committee’s scrutiny of the bill and can be contacted for further information on any of the topics mentioned in this response.



**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?**

There are still many decisions around the NCS left unmade, to be decided in the co-design process and in secondary legislation – such as the inclusion of children’s services. As an organisation focused on supporting children, young people and families facing complex challenges, we are unable to comment on whether the Bill is the best way to improve the quality and consistency of services without further information.

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

Mandatory registration to the Care Inspectorate of all organisations to cover all services they provide could help ensure consistency in standards and transparency. Notably however, this must include support for smaller community-based organisations, as registration costs could form an impediment in comparison to larger organisations.

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

As discussed in our answer to question 1, there are a number of areas that require more explicit consideration in the bill. To form a stronger foundation, the bill should include:

- Addressing poverty-related root causes to health and wellbeing challenges as foundational to the NCS
- The role of the third sector and provisions to ensure funding supports the sustainability and consistency of support services
- A greater understanding and focus on the needs of children and young people and the value of early and preventative interventions in line with The Promise
- Guarantees for parity of funding and support between adult and children’s services
- Greater clarity on the co-design approach

Additionally, as a part of this major reform, the sector could benefit from a review of SSSC and Care Inspectorate registration categories to ensure they are suitable and appropriate for the different types of services that will be provided as part of the NCS.

**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?**

As this is a wide-scaling system change, outlining aspects of the NCS through secondary legislation is sensible to ensure necessary detail in different topic areas. However, without



clarity on which services will be included when the NCS becomes operational in 2026, the quality and depth of scrutiny is limited. It is important that this foundational legislation for the service is reflective of all its intended beneficiaries and stakeholders. Currently, the bill appears developed for adult care, with a focus on elderly care. This could have unintended consequences for the much wider scale of social work and care in Scotland that may be included, resulting in other beneficiaries being seen as secondary in both the funding and the structure of the NCS. For example, the bill does not appear to embed the findings of the independent care review – a crucial source of understanding for the system and support needs of care experienced children and young people. This brings risks of the primary legislation lacking key details and potential challenges in secondary legislation with maintaining consistency under lower-level scrutiny. Additionally, it remains unclear how co-design and research into children’s services will factor into this process.

Regarding care boards, more detail is needed on their powers, membership, duties, functions, relationship to other bodies and geographical remit. More information is needed on special care boards, and what their potential national functions could include. While the Policy Memorandum sets out that this will be considered in future secondary legislation, clarity is needed early on in developments so that organisation like includem can begin planning for this major shift.

**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?**

As discussed in our response to question 1, there are key challenges around decision making on the inclusion of children’s services. Due to its major impact on children and young people, this decision must be made with a full understanding of the services delivered across Scotland. Additionally, due to the delay in deciding on its inclusion, the bill doesn’t reflect children and young people as beneficiaries of the NCS - leading to fears that children’s services could be seen as additional, rather than a part of the foundation of the service. Further, more information is needed on the alternative to its inclusion to the NCS, to understand the nature of this decision. Finally, due to the limited time frames, it is unclear how the research commissioned on children’s services will feed into legislative developments, and whether children and young people’s views will be adequately considered with a co-design process.

More clarity is also needed in how Government ambitions that affect children’s services (such as the Promise, the UNCRC, early and preventative interventions, Fair Work and Living Wage) will be reflected in funding arrangements in tenders – with current cuts and requirements leading to competitive bidding processes that do not support the scale of these ambitions.



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?

It is a key concern that resource allocation is focused on structural change. The shift envisioned for those most in need of support can only be delivered with emphasis on addressing resourcing constraints and the practice and culture change needed across the system on the ground. Financial implications of decisions yet to be made could result in significant risks when the NCS becomes operational.