



National Care Service (Scotland) Bill – stage 1 debate Thursday 29 February 2024

About us

The Scottish Women's Budget Group (SWBG) is an independent analysis and campaign group that aims to promote gender analysis in public policy and public finance decisions through budgetary processes. SWBG brings together a wide range of women from across Scotland who have an interest in women's equality and want to achieve better gender equality in our society. We have focused on encouraging active gender analysis in the Scottish Budget process since 2000.

The National Care Service (Scotland) Bill

The SWBG welcomes the above Bill moving to a Stage 1 debate. While we welcome some elements of the Bill, such as the recognition of the important role that social care plays in the wellbeing of both individual's and wider society, there are several areas which we believe need clarified if the Bill is to deliver the transformative change required in this sector. This briefing outlines the key issues identified by SWBG.

Our key concerns are:

- There is still a lack of detail on how the National Care Service will operate and how it will improve people's access to care in practice. As a result, it is unclear if the figures contained within the financial memorandum will lead to the transformational change needed to meet the aspirations set out in the Bill.
- More detail is needed to evidence how the Bill will ensure that 'fair work' principles are consistently applied across care services and how this links with the funding required.
- Transformative change will only come when care is properly valued and invested in with people's human rights at the forefront of the new model. The Financial Memorandum and Equality Impact Assessment leave many questions about whether the aspirations set out in the General Principles of the Bill will make a difference in people's everyday lives or if it will merely widen the policy implementation gap in Scotland.
- The provision of unpaid care by family members or others still appears to underpin the delivery of care.
- The Bill needs to be developed taking into account the demographic challenges of Scotland's ageing population.

Fair work and gender inequality

The Bill sets out the links between the NCS and the “fair work” agenda, making explicit reference to the need for the workforce to be, “recognised and valued for the critically important work that they do”. Yet, the Bill barely mentions the requirement for fair work to be at the centre of the NCS. Considering the known failings in delivering fair work under the current social care system, evidenced by the fairwork convention¹, and the impact this has on the mainly female workforce, this is an unfortunate omission. Furthermore, the Bill fails to acknowledge the NCS’s potential to tackle gender inequality. This is a missed opportunity, particularly when 83% of the workforce are women, and issues around pay and working conditions have contributed to the current staffing crisis in the sector. The EQIA is also silent on how the development of the National Care Service could be a driver towards greater equality across Scotland, seeming to rely on the development of the NCS Charter as the means to address the inequalities built into the current system. Without robust gender analysis of the current issues and how the care sector contributes to gender inequality, we risk this Bill not addressing the sector’s well-known systemic issues.

The Bill presents a positive picture of care spending as an investment. While this is an important shift in narrative, one which recognises the role of care in society and the economy, there is not sufficient detail contained within the Financial Memorandum on how spending on the NCS Bill provisions will ensure fair work practices. Our Social Care Costing² research shows the requirement for substantial investment in social care. We believe an updated Financial Memorandum based on the actual proposals must be available for scrutiny and that it should clearly show the assumptions behind the figures contained within it. This should clearly indicate how the new system will prioritise recruitment, training, pay and terms and conditions of social care staff, including opportunities for career progression.

A Bill fit for purpose?

The NCS Bill has the potential to improve social care services in Scotland. The framing of care spending as an investment is a welcome step in placing care at the core of a wellbeing economy. However, the Bill currently offers insufficient detail to establish if it will be successful in improving the quality and consistency of social work and social care services in Scotland. The Bill does not provide the clarity required to understand how the NCS will operate in practice and how this links to an improvement in the delivery of services. Instead, the Bill tends to focus on management structures (i.e. the role of integration authorities and a National Care Service Board) which, based on similar experiences such as the creation of the Integrated Joint Boards and Health and Social Care Partnerships³, risks putting service delivery in second place. This raises questions as to whether the NCS will match the ambitions of the recommendations set out in the Independent Review of Adult Social Care.

¹ Fair Work Convention (2019) ‘Fair Work in Scotland’s Social Care Sector 2019’,
<https://www.fairworkconvention.scot/our-report-on-fair-work-in-social-care/>

² Scottish Women’s Budget Group (2023) ‘Towards a Transformative Universal Adult Social Care Support Service for Scotland’,
<Towards-a-transformative-universal-adult-social-care-support-service-for-Scotland.pdf> (swbg.org.uk)

³ Cerebral Palsy Scotland (2022) Response 196655462
[Response 196655462 to National Care Service \(Scotland\) Bill \(Detailed\) - Scottish Parliament - Citizen Space](Response_196655462_to_National_Care_Service_(Scotland)_Bill_(Detailed)_-Scottish_Parliament_-_Citizen_Space)

The published Financial Memorandum does not fully justify the level of investment committed is sufficient to place the NCS on an equal footing to the NHS and/or to meet care needs in Scotland. There is an opportunity within the Bill to offer better coverage of free care, ensuring access to care for those with critical needs while improving access for those with more moderate care needs.

The Scottish Women's Budget Group would like to see more explicit commitments to meeting unmet needs for care in Scotland. An updated Financial Memorandum should provide more detail as to how the new system will respond to demand for services, ensuring a quality, universal, accessible care service at the point of use. Additionally, the lack of robust provision in the Bill to ensure that those in need of care are provided with the necessary services is disappointing. We ask that the Bill be amended at Stage 2, placing a more robust duty on the Ministers to ensure the provision of care services in line with demand, and for gender budgeting to be embedded in all NCS budgets at the national and local level, increasing transparency and linking budgets to intended outcomes.

Role of unpaid carers and the NCS

We welcome the inclusion of the right to respite breaks for unpaid carers as part of the Bill as a further step towards valuing care. However, we are concerned about the continued overreliance on unpaid carers, which might be embedded in the development of the NCS. If the Bill was to be successful, one of the outcomes that we should see is a reduction in the reliance on unpaid care, which should lead to a reduction in those who are economically inactive due to caring responsibilities and a reduction in those who need respite breaks.

Population trends

An element that has not been given proper attention is the challenges that will come with the changes in Scotland's demographics. The Scottish Fiscal Commission outlined that an ageing population would increase demand for Health and Care services⁴, placing these sectors under further pressure. It is important that the Bill considers these challenges, and that a future NCS is designed and equipped to deliver appropriate services.

Conclusions

The general principles of the Bill mark a shift in the way in which care is considered. We particularly welcome the positive language around the valuation of care, which describes care as an investment in society as opposed to a drain. The aspirations in the Bill such as recognising that meeting individuals' needs is essential for achieving their human rights and that fair work principles should be key to the delivery of these services are laudable. Yet, there are still unanswered questions due to a lack of clarity about how the NCS will work in practice, how it will be funded and the level of funding that would create the type of transformational change required to impact positively on people's lives.

⁴ Scottish Fiscal Commission (2023) [Fiscal Sustainability Report – March 2023 – Scottish Fiscal Commission](#)