

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

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NOTICE OF MEETING

A meeting of the **WEBCASTING TEST** will be held **VIA MS TEAMS** on **THURSDAY, 25 NOVEMBER 2021** at

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**ARGYLL AND BUTE COUNCIL
DRAFT RESPONSE TO NATIONAL CARE SERVICE CONSULTATION**

INTRODUCTORY REMARKS

Argyll and Bute Council welcomes the opportunity to respond to the Scottish although we are disappointed that Local Government was not involved in the development of the proposals prior to the publication of the document given the current statutory duties held by Councils and the significance of the emerging proposals. As a remote/rural Council, we feel that there has been a lack of consideration of the particular and unique challenges that we face as an authority, compared to those within more urban areas, when developing the proposals and would urge the Scottish Government to ensure that the impacts of this proposal are fully assessed in an Islands Impact Assessment and Fairer Scotland Duty Assessment. For example, being able to provide consistent provision to all our residents and communities is a significant issue for a remote/rural area like Argyll and Bute and there is a concern that consistency could compound the inequities in current service provision that currently exist. To give an Argyll and Bute example it is not practically possible to deliver the same level of service in the same way on Coll as it is in Helensburgh.

The Council has concerns about the current proposals and the time and disruption that would be caused by such significant change. The Council feels that building on existing structures, responsibilities and good practice, whilst tackling the barriers to improvement would be more effective. Local Government can make a positive and active contribution to the shared objective of improved social care and this Council would encourage Scottish Government to engage with COSLA in shaping the proposals to harness the positive contribution that Argyll and Bute and other councils can bring to the discussion.

The Council also believes that the period of consultation is unnecessarily short given the scale of implications for social work/ care service users, carers, staff in the sector, provider organisations and for local government as a whole. It is also being carried out at a time of unprecedented pressure on public services as they seek to recover from the impact of the pandemic.

this document as the format of the consultation document and question set is considered to be limited and too simplistic to

arrangements should enable carers to benefit as much as possible from the range of care and non-care support services available to them where they live. This is especially acute where carers live in remote rural and island communities where the range of supports available is likely to be much narrower than in more populous areas.

4. Using data to support care

The Council agree that there should be a nationally consistent, integrated and accessible electronic social care and health record and that information about health and care needs should be shared across the services that provide support. However, the Council are of the view that the creation of a NCS is not required in order to simplify the current arrangements. Careful consideration needs to be given to data sharing arrangements and this can be driven at a national level, however, this does not need to be achieved through the application of new legislation to require all care services to provide data as specified by a NCS. Whilst it would be reasonable to have a set of common data standards and definitions there is no need for legislation to allow this to happen. The Scottish Government currently have a number of data sharing arrangements with Social Work where data is provided to them on a regular basis and although this could be enhanced, constitution of a NCS is not a pre-requisite for this to happen.

5. Complaints and putting things right

The Council believes that a charter of rights and responsibilities seems a reasonable approach, however it would not be appropriate to have a complaints handling system in place that would overlap or conflict with the Scottish Public Services Ombudsman (SPSO) who already carries out the regulatory function in terms of the model Complaints Handling Procedure.

This system provides a two-stage complaints procedure for most public services in Scotland allowing matters to be resolved, where possible at a local level to ensure engagement and accountability where services are delivered. The SPSO

complaints or remove the ability to engage locally with the service provider diminishes local engagement and the ability to resolve matters and to learn and evolve services through the experience of its users. This would be a major departure from the outcomes of the Local Governance Review, the four pillars set out by the Christie Commission and the recent legislation on the European Charter of Local Self Government which support the idea that services are designed and delivered as locally as possible.

It would be helpful to understand the rationale for proposing a new complaints system for Social Care/Social Work, and what the perceived issues are with complaints handling across the various channels to support the proposals.

6. Residential care charges

Firstly, the Council would like to highlight a material error in the third paragraph of

deliver better outcomes and it is incorrect to suggest that local leadership has been a key problem with regard to social care support when there are other, key factors at play such as significant underfunding of the sector over a period of time, which has led to resourcing issues.

The Council believe that the creation of NCS is counter to the localism and community empowerment agenda that the SG has been progressing over the period. Taking decision making and democracy away from local communities has the potential to be damaging and counterproductive. Local knowledge, systems, services and workforces are best placed to identify the specific needs of people and communities within a local authority area.

Scope

The Council are of the view that the following services should remain the statutory responsibility of local authorities and decisions on whether these services are delegated to IJBs/CHSCBs should remain locally determined to reflect the local context:-

- Adult social work and social care services
- Children and Families social work and social care services
- Mental Health Services
- Community Justice services
- Alcohol and Drug Services

In respect of _____, the Council would welcome some clarity on the precise definition and scope in the context of these proposals. It is not clear from the information within the consultation documentation what this includes, therefore making it difficult to fully comment.

Secondly, the Council do not support _____ within a NCS and have significant concerns in this regard. For example, disrupting _____ planning and coordination, by moving the service _____

could drive distance between Education and Children The Council does not support the NCS proposals but if necessary suggests that an alternative model to the proposals is adopted under a single local authority department/service. This model has already been adopted by several local authorities who, unlike the Argyll and Bute model, have not delegated Children and Families Social Work functions to the HSCP. It would appear that such models work well and are a natural partnership. Such a model would assist services in the delivery of existing national policies and legislation in respect of children and young people, including GIRFEC, Children and Young People (Scotland) Act 2014, and the Mental Health (Care and Treatment) (Scotland) Act 2003.

Furthermore, there is a particularly close relationship between Education and additional support needs, child protection, and equalities for children and young people which should continue.

It is suggested that this alternative would appear to be a more effective means of delivering fairly straightforward to implement a single model such as this for all local authorities by making the necessary amendments to the existing Public Bodies (Joint Working) (Scotland) Act 2014 legislative scheme (i.e. by removing children and families social work functions from the list of functions that may be delegated).

National Social Work Agency

The Council oppose the suggestion that a NSW Agency should have a lead role in setting a national approach to terms and conditions, including pay.

There is also a need to ensure there is no duplication between what NCS is doing and what employers do/what employers are legally required to do. It is unclear what the relationship would be between NSW Agency and the numerous other bodies who undertake such work at present, for example SSSC.

It would be helpful to have national standards and best practice, but the purpose of this in the context of the other bodies, employers and providers, needs to be considered and the added value for our communities needs to be clear.

There are no clear benefits to a NSW Agency having a role nationally in respect of workforce planning as there are already integrated workforce plans for HSCPs, which include social work and social care. These feed into national integrated HSCP workforce plans which in turn inform national initiatives and priorities. Centralising workforce plans risks losing connection with local labour market information and situations, particularly in remote areas like Argyll and Bute.

8. Reformed IJBs – Community Health and Social Care Boards (CHSCBs)

The Council are opposed to the suggestion that CHSCBs should be the sole model for local delivery of community health and social care. The formation of the National Care Service, as it is currently outlined, would have considerable implications for local decision making. The proposals appear to stand contrary to the outcomes of the Local Governance Review, the four pillars set out by the

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