

CELGIS's Response to the Scottish Parliament's Health, Social Care and Sport Committee's call for views on 'National Care Service (Scotland) Bill (Stage 2) - Your views on draft amendments'

September 2024

CELGIS, the Centre for Excellence for Children's Care and Protection, is a leading improvement and innovation centre in Scotland. We improve children's lives by supporting people and organisations to drive long lasting change in the services they need, and the practices used by people responsible for their care.

CELGIS's overarching position in response

[CELGIS' Children's Services Reform Research study](#) (CSRR) found that children, young people, and families are facing longstanding gaps in access to and transitions between services, that the children's services workforce in Scotland is experiencing a range of ongoing and significant challenges, that there is a cluttered legislative and policy landscape, and that there are issues regarding sufficient and stable funding of services. These issues have contributed to the challenges around the implementation of UNCRC, GIRFEC and The Promise. We propose that these existing set of circumstances and contexts will not support or facilitate successful implementation of these policies, and must be addressed urgently. The CSRR study also highlighted that structural change alone is not sufficient to address these long-standing issues present in children's services. Given the fiscal challenges present in Scotland, it is unlikely that there will be capacity to put sufficient investment and resource in place to ensure that these long-standing issues can be addressed, and children, young people and families receive the support they need, when they need it. We are therefore unconvinced that structural reform alone at this time will establish the conditions needed to best support children, young people and families.

We are concerned that the proposed amendments have not addressed the lack of detail in the Bill's measures, as well as the delayed decision-making about the inclusion of children's services in the NCS. There needs to be further detail around Bill measures and clarity regarding whether children's services are to be included in the NCS. There are implications for these services being included or not, and so there must be sufficient resource in place to consult and plan for the impact of any changes, whether children's services are included in the National Care Service or not.

Any change to the structure and delivery of children's services must focus on creating the optimal conditions needed to improve the lives of the children, young people and families who need the support of services. The CSRR has identified a range of elements that contribute to developing these optimal conditions. Within the current financial and workforce contexts Scotland is

experiencing, we are not confident that a focus on structural changes (as set out by the National Care Service Bill and proposed amendments), is justified nor will it deliver what's needed for children and their families (Ottaway et al. 2023). Key learning from CSRR tells us that what is required is:

- A focus on realising rights and improving the participation of children, young people and families in decisions which affect their lives.
- Local, high quality and long-term funded service provision that is non-stigmatising and responsive to the wide range of needs of children and young people, families and communities
- Structures which actively enable the workforce to provide the help and support that children, young people and families need, and to work together in partnership seamlessly across service and system boundaries.
- Effective and wide-reaching measures to combat the poverty faced by many children and families.
- A sufficient and skilled workforce who have manageable workloads and receive the support they need from leaders at all levels.
- A simplified and aligned legislative and policy landscape

It will be necessary to take an approach to planning and implementing change that acknowledges the complexity of human relations and systems, makes the best use of existing evidence but also pays attention to emerging learning. The approach needs to use both technical strategies and innovation to overcome barriers and achieve sustainable outcomes, being supported by people skilled in complex change, sufficiently resourced and with a long-term commitment. Evidence from Strand 2 of the CSRR has also identified the foundations that must be in place in order to implement transformational reform:

- An understanding that transformational reforms are complex and take multiple years to complete.
- A clear vision for the reform which is then further articulated into a theory of change.
- Long-term, cross-party political commitment to the reform.
- Transformational leadership, with dedicated implementation staff and resources.

Answers to specific consultation questions

2. What is your view of the proposal to create a National Care Service Board, and the provisions about the role and functions of the Board (see in particular new Chapter 1B of Part 1, and new schedule 2C)?

- Strongly support
- **Tend to support**
- Partly support and partly oppose
- Tend to oppose
- Strongly oppose
- Undecided / no opinion

If the National Care Service (NCS) is to be established, and acknowledging our general concerns set out in response to question 9, we broadly support the proposal to create a National Care Service Board (NCS Board). This is on the condition that more detail is provided about how the NCS Board will function, including how it will work with other regulatory bodies (e.g. Care Inspectorate), how lived experience will be supported and meaningfully heard, and clarity from the outset on whether children's services will be included in the NCS, as without this children's services planning and improvement is at an impasse.

Evidence from CELCIS' Children's Services Reform Research study (CSRR) suggests that some functions being led at a national level may support service delivery, including the development and implementation of national policy and guidance, workforce planning and data infrastructure (McTier et al.2023a). As such we are supportive of a national structure which contributes to the governance of the NCS. However, there is a need for further detail about how the NCS Board will operate.

The Bill sets out the activities that the NCS Board would deliver on, from developing standards and guidance, to providing support to local delivery partners. While these activities are appropriate for a governing body, they are extensive, and it is unclear how the NCS Board would be able to deliver on all of these.

The Bill states that board membership will include people with lived experience (both service users and unpaid carers). Further detail is required about how the diversity of lived experience will be represented, including the variety of children and families' experiences. This is important even if children's services are not included in the NCS as the experience of children, young people and their families/carers are vital in improving transitions into adult services and whole family support. Further information is also required about the structures and supports in place to ensure all voices on the NCS Board, especially those with lived experience, have equal opportunity to contribute to and influence decisions.

The Bill sets out the need for the NCS Board to work in partnership with Scottish Ministers, the National Social Work Agency (NSWA), and other national agencies. Evidence from the CSRR on the formation of Police Scotland offers important learning around the time it takes for new agencies to establish their identity and ways of working, before their roles, responsibilities and relationships with partner organisations can be fully developed (McTier et al. 2023a). Greater clarity is required in the Bill about how this change will be supported, including how the NCS Board, NSWA and Scottish Government are to work together, and how they will work with other national organisations, such as the SSSC, Care Inspectorate, Social Work Scotland, COSLA, NHS Education for Scotland and Audit Scotland, as well as NCS local boards.

3. What is your view of the proposal to establish National Care Service local boards and to remove other integration models (see in particular Chapter 1A of Part 1, and new schedules 2A and 2B)?

- Strongly support
- Tend to support
- Partly support and partly oppose
- Tend to oppose
- Strongly oppose
- Undecided / no opinion

If the NCS is established, we acknowledge the importance of local governance in understanding and responding to the needs of children, young people and families. However, we are unable to take a position on the proposal to establish NCS local boards as there is insufficient detail about how these boards will operate, the differences or continuity with previous governance arrangements, and whether learning from the implementation of previous integration arrangements will be incorporated.

The proposal to replace Integrated Joint Boards (IJBs) with NCS local boards and clarify board responsibilities, membership and voting arrangements would help bring a more uniform approach to governance arrangements. The change in name from IJBs to NCS local boards may increase stakeholder and public understanding of these structures, given the inaccessible and technical nature of the IJB term. Consistency in the composition and delivery of NCS local boards is not guaranteed and we suggest that valuable learning can be taken from the establishment of Local Scrutiny Panels (Henry et al. 2019), where a lack of clarity in the legislation on their form and function led to variations in how Local Scrutiny Panels operated alongside Police Scotland.

More information is required about the detail of the changes from IJBs to NCS local boards, including whether known challenges to the functioning of IJBs will be addressed. Increasing financial pressures, difficulties recruiting and retaining a skilled workforce, high turnover in senior leadership, insufficient data quality and availability to assess IJB performance, and a complicated model of governance with decisions made at IJB, council and health board level are among the challenges reported by Audit Scotland (2024).

More detail is also required about which services will be included in local NCS Boards, as there is currently variation in adult services delegated to IJBs (such as housing or criminal justice social work) and more variation in what children's health and/or social work services are delegated. As the Bill would not appear to specify the range of adult and children's services delegated to NCS local boards, these differences in local service arrangements would continue and make it difficult to communicate how structural reform is working in practice in local areas, as we have seen with the variation in HSCP arrangements (Anderson et al. 2023).

There is also a need for information on how NCS services will work with non-NCS services at a local level so the holistic needs of people who need support are

met. For example, if children's health and social work services are included in the NCS, how would these services work in an integrated manner with early learning and childcare, education, housing, and other related services children and families need? Evidence shows that the co-ordination of services which sit outside of integration structures (such as education) and integrated services is critical (McTier et al. 2023a).

4. What is your view of the proposed new provisions on monitoring and improvement (see new sections 12K and 12L) and on commissioning (see new section 12M)?

- Strongly support
- Tend to support
- Partly support and partly oppose
- **Tend to oppose**
- Strongly oppose
- Undecided / no opinion

The lack of information on these provisions, and the conflation of monitoring and improvement - two distinct activities, means that we would tend to oppose these in their current form.

The main mechanism for monitoring and the improvement of services appears to be the Support and Improvement Framework. However, it is unclear:

- Who will develop the Framework, and whether service users and practitioners will be involved in its development
- What the Framework will include
- What data and evidence will be collected to evidence performance against the Framework, and how frequently this exercise would occur.

The Bill indicates that the NCS Board is the lead agency for the Support and Improvement Framework, with the NSWA also holding monitoring and improvement functions, but does not say how the roles and responsibilities of these agencies will interact with those of the Care Inspectorate and Health Improvement Scotland. The relationship between these agencies must be clarified. There should also be information on what role NCS local boards play the Support and Improvement Framework.

More widely, we are concerned about the conflation of monitoring and improvement functions. Monitoring activity typically centres on performance measurement, audit, inspection and scrutiny of regulatory functions, leading to remedial and enforcement actions where required. Such activity is consistent with the Care Inspectorate having the proposed power to forgo the issue of an improvement notice and instead make an application to the Sheriff Court to cancel registration. We would note that this appears to be focused on adult and older people's care homes and is unclear how this would impact on children's social care providers if children's services were included in the NCS.

Improvement work is different to monitoring. It requires the formation of trusting relationships between improvement centres (e.g. Iriss, CELCIS and CYCJ), service leaders and workforces being supported. Open and honest dialogue about current system, capacity and practice issues can occur, which can lead to tailored improvement supports being co-developed. A 2023 review of inspection, scrutiny and regulation in Scottish social care highlighted the challenges of balancing scrutiny and improvement activities, emphasising the need to focus on improvement activities (Bruce 2023). We do not believe the NCS Board can hold both monitoring and improvement functions.

Effective improvement work requires investment in services and the workforce. In the current context, where children, young people and families' needs are increasing and becoming more complex, the children's services workforce is in crisis, and there are cuts to financial budgets, it is not realistic to expect improvement without additional investment. We are therefore unconvinced that the NCS and its associated monitoring and improvement provisions will establish the conditions needed to best support children, young people and families.

5. What is your view of the proposed new provisions to designate a National Chief Social Work Adviser and for the creation of a National Social Work Agency (see new section 26A)?

- Strongly support
- **Tend to support**
- Partly support and partly oppose
- Tend to oppose
- Strongly oppose
- Undecided / no opinion

We remain supportive of the creation of a National Social Work Agency (NSWA), (CELCIS's [response](#) to the consultation on a proposed NCS), as well as the Bill's proposal to place the role and office of the National Chief Social Work Adviser on a statutory footing.

The proposed general functions of the NSWA as outlined in the Bill's Policy Memorandum are appropriate, including supporting and advancing the social work workforce, supporting improvement activity, and developing more consistent, national approaches to practice. However, we are concerned that the Bill does not provide sufficient detail to fully understand what the NSWA's functions will be and the relationships it will have with other national agencies. Evidence from the Children's Services Reform Research study (CSRR) was clear about the need for a more strategic approach to workforce planning, so we believe that social work workforce data and planning will be a particularly important area of work for the NSWA (McTier et al. 2023b).

Whilst the Bill states that the NSWA will be an executive agency, assurances about the independence of the NSWA from Scottish Ministers and the Scottish Government are required. The independence of the NSWA is particularly

important in relation to what its monitoring and improvement functions might be.

The Bill lacks information on the NSWA's relationships with other national agencies that already deliver on some of the proposed functions of the NSWA such as Social Work Scotland, SSSC, the Care Inspectorate, and national evidence and improvement centres such as Iriss, CELCIS and CYCJ. We ask for assurance that these agencies and centres would retain their independence under the proposed amendments and will be engaged at an early stage in agreeing their role and function

Clarity is also required about the role of the NSWA in relation to the children's social work workforce, regardless of whether children's services are or are not included in the NCS. If the NSWA will be carrying out improvement and/or scrutiny functions, this is even more critical. We would urge caution about any potential separation in the governance, planning and workforce support functions of children's social work, adult's social work, or justice social work. They are united by their focus on relational practice, and any social work with children involves work with adults, whether working with a child's parents and carers or supporting a child to access adult services as they grow up into adulthood.

7. What is your view of the Scottish Government's proposed approach to addressing the areas of further work outlined in the Minister's covering letter?

Inclusion of children's services

- Strongly support
- Tend to support
- Partly support and partly oppose
- **Tend to oppose**
- Strongly oppose
- Undecided / no opinion

Whatever decision is made about the inclusion of children's services in the NCS, there will be upheaval to local structures and services. In the current financial and workforce contexts Scotland is experiencing, we are not confident a focus on a structural change, such as the inclusion of children's services in an NCS, is justified, nor will it deliver what's needed for children and their families. We also note there is insufficient detail in the Bill amendments about what their inclusion would comprise. Key remaining questions include:

- What is meant by 'children's services', which specific health, social care and social work services would be included?
- Would third sector services, critical in preventative and specialist care service delivery, be included?
- How would shared accountability operate between NCS and other services such as early learning and childcare, schools, housing and other services important to children and young people's health and wellbeing?

More detail, and presented within a theory of change, could help to resolve these questions, setting out what the inclusion of children's services would mean for children, young people and their families, including how it would support implementation of the UNCRC, GIRFEC and The Promise. Notwithstanding the caveats that integration spans many different components and takes time to achieve, CELCIS's CSRR study found no consistent statistical evidence of an association between structural integration of Scotland's different HSCP or IJB structures and improvements in outcomes in the available children's outcome indicators (Anderson et al. 2023). Furthermore, our CSRR international case studies highlighted concerns about children's services being marginalised in all-age structures due to the much greater scale of and demand for adult services. These concerns had led to a deliberate separation of children's services in the case study countries we looked at (McTier et al. 2023a).

Despite these significant concerns, there are some theoretical potential benefits from the inclusion of children's services in the NCS. The needs of children, their parents and carers could be more cohesively understood and met by a single NCS structure, with holistic family planning particularly important for disabled children and parents, and for children affected by parental mental health, substance use and domestic abuse. The inclusion of children's services could also facilitate smoother transitions between child and adult services as people grow into adulthood.

If children's services are included in the NCS, advancing planning for adults' services first may add to the perception of children's needs being marginalised. Given this, we believe the decision on children's services inclusion must be taken as soon as possible so children, young people, families, children's services leaders and practitioners can meaningfully engage in the future planning of children's services now, rather than be kept waiting in uncertainty.

References

Anderson, M., Soraghan, J., Bowman, A., Anderson, C.A., Young, E., McTier, A., Ottaway, H. (2023) [Children's Services Reform Research: Mapping Integration and Outcomes Across Scotland: A Statistical Analysis](#), CELCIS; Glasgow

Audit Scotland (2024) [Integration Joint Boards: Finance and performance 2024](#).
Bruce, S (2023) [Independent Review of Inspection, Scrutiny and Regulation of Social Care in Scotland](#). Scottish Government; Edinburgh.

Henry, A., Malik, A. and Aydın-Aitchison, A., 2019. Local governance in the new Police Scotland: Renegotiating power, recognition and responsiveness. *European Journal of Criminology*, 16(5), pp.573-591.

McTier, A., Mackinnon, K. and Ottaway, H. (2023)a [Children's Services Reform Research study: Case Studies of Transformational Reform Programmes](#), CELCIS; Glasgow

McTier, A., Manole, M., Scott, J., Young, E., Fowler, N., McIver, L., Anderson, C.A., Porter, R. and Ottaway, H. (2023)^b [Children's Services Reform Research: Scotland's children's services landscape: The views and experiences of the children's services workforce](#) CELCIS; Glasgow

Ottaway, H., McTier, A., Manole, M., Anderson, M., Porter, R., Scott, J., Young, E., Fowler, N., Soraghan, J., McIver, L., Anderson, C.A., MacKinnon, K., (2023) [Children's Services Reform Research: Learning and Implications for Scotland Concluding Report](#), CELCIS; Glasgow

Henry, A., Malik, A. and Aydın-Aitchison, A., 2019. *Local governance in the new Police Scotland: Renegotiating power, recognition and responsiveness*. *European Journal of Criminology*, 16(5), pp.573-591.

Please also note CELCIS' 2021 response to the Scottish Government's consultation on 'A National Care Service'

<https://www.celcis.org/knowledge-bank/search-bank/celciss-response-national-care-service-consultation>

The following webpage provides more information about the background, and summaries of CELCIS's Children's Services Reform Research study:

<https://www.celcis.org/our-work/research/childrens-services-reform-research-reports>