



1 November 2021

A National Care Service for Scotland – Consultation Response

Children in Scotland

Giving all children in Scotland an equal chance to flourish is at the heart of everything we do.

By bringing together a network of people working with and for children, alongside children and young people themselves, we offer a broad, balanced, and independent voice. We create solutions, provide support, and develop positive change across all areas affecting children in Scotland.

We do this by listening, gathering evidence, and applying and sharing our learning, while always working to uphold children's rights. Our range of knowledge and expertise means we can provide trusted support on issues as diverse as the people we work with and the varied lives of children and families in Scotland.

Children in Scotland is pleased to be able to respond to the National Care Service (NCS) for Scotland consultation. Our response focuses on children's social work and social care services and the proposal to integrate these as part of a new National Care Service.

Over the past few months, we have been engaging with organisations across the children's sector about the consultation. This has included hosting a policy forum on 5 October, with input from Joanna Macdonald (Deputy Chief Social Work Adviser, Scottish Government), to support our members to learn more about the consultation, and engage in discussions with colleagues about the proposals. The forum event was attended by 35 Children in Scotland members. Our consultation response reflects the varied views of our members and highlights important questions they have raised with us.

Our consultation response is also informed by the direct services that we deliver to children and families (including Enquire, Reach, and My Rights, My Say) and our involvement in a number of national strategic groups, including the Children's Sector Strategic Forum and the Scottish Government's Additional Support for Learning Implementation Group.

In addition to submitting this consultation response, Children in Scotland's Chief Executive, Dr Jude Turbyne, wrote to the Minister for Mental Wellbeing and Social Care on 25 October 2021¹ to highlight some of the key concerns identified during our engagement with representatives from across the children's sector.

Children in Scotland has not directly responded to the questions in the consultation document. Instead we have highlighted areas of key importance and concern that require further examination.

Throughout this response we use the term 'child' to refer to those under 18 years old – this is in keeping with the definition of the term child as adopted by the United Nations Convention on the Rights of the Child (UNCRC).

The creation of a National Care Service for Scotland

Children in Scotland broadly welcomes the concept of a National Care Service and the key aims it hopes to achieve:

- to create a comprehensive community health and social care service that supports people of all ages;
- to improve access to care;
- to drive national improvements and improve consistency across Scotland;
- to place human rights at the centre of decision-making;
- to shift emphasis from crisis support to early intervention.

However, we have significant concerns about the level of information provided in the NCS consultation document, the evidence base for the development of these plans, the complexity of imposing a new structure when existing strategies and improvement work is already underway, and the timeframe proposed for the development of legislation.

In the consultation document comparisons are made between NCS and the National Health Service (NHS). It is important to remember that, while the NHS

¹ [Dr Jude Turbyne's letter to the Minister for Mental Wellbeing and Social Care \(25 October 2021\)](#)

in Scotland is mainly comprised of public sector staff with some private and third sector providers delivering services, the social care sector in Scotland has a very different make-up, with large parts of provision delivered outwith the public sector. *The Scottish Social Service Sector: Report on 2020 Workforce Data*², published in August 2021, states that nearly two-thirds of the Scottish social service sector workforce comprises private and voluntary sector staff.

Two key aims of the NCS are to improve access to care services and improve consistency of services across the country. Our members highlighted that existing healthcare provisions delivered through NHS Scotland services still vary significantly across the country³. They questioned whether this new structure would truly deliver its intended aims, and whether the complexity of the system could still result in a postcode lottery and increased levels of bureaucracy.

The consultation process and consultation document

Many of Children in Scotland's members we spoke to did not feel they had sufficient time to fully engage with and consider the proposals within the National Care Service consultation. The consultation document is 137 pages and covers a wide range of care services that link to many areas of children's and families' lives. The proposals to restructure the current social work and social care system are complex and may have significant unintended consequences. We believe the children's sector would benefit from additional time to consider the proposals, review additional evidence, talk with colleagues from different organisations and sectors, and discuss the proposals with civil servants.

While the consultation document is long, Children in Scotland also believes there is a lack of detail in certain aspects of the current NCS proposals. Not including the consultation questions, the children's services section of the consultation only covers two pages (p54-55) and less than one page (p84) is dedicated to mental health services, which should be a key priority as Scotland recovers from the pandemic. It is difficult to comment on proposals when there is such a lack of detail.

A number of our members have highlighted their concerns about the way the NCS consultation paper is laid out, and the binary nature of the questions. There is a risk that the limited structure of the consultation document may impact on how consultation responses are analysed and reported on.

² [Scottish Social Service Sector: Report on 2020 Workforce Data – Table 8 \(page 27\)](#)

³ [Scottish Atlas of Healthcare Variation](#)

Children in Scotland would like to seek reassurance that more nuanced responses to the consultation will be captured as part of the analysis.

Including children's services in a National Care Service

Evidence Base

Children in Scotland believes we currently have insufficient evidence to make an informed decision about whether children's services should be included in a new National Care Service. This was highlighted in Dr Jude Turbyne's recent letter to the Minister for Mental Wellbeing and Social Care. If a solid evidence base for these proposals does exist, it has not been effectively communicated to and shared with the children's sector as part of these proposals.

The Independent Review of Adult Social Care⁴ and the Independent Care Review⁵ have been cited as two key pieces of evidence that have led to the development of the current proposal to include children's services in the National Care Service. We have significant concerns that this evidence only provides a small part of the picture in relation to children's social care and social work services.

The Independent Review of Adult Social Care (the Feeley report), which took place between September 2020 and January 2021, was a relatively short-term piece of work focusing solely on adult social care services. Children's social care services were not explored as part of the review, and it did not recommend including children's services as part of a new National Care Service. The Scottish Government's current proposals go beyond the scope of Mr Feeley's report and recommendations.

The Independent Care Review (2017-2020) explored how Scotland's most vulnerable children can be best supported. The Care Review listened to those with experience of living and working in and around the 'care system' to properly understand what change was required. The Care Review only explored the experience of children, young people and families who were involved in the Scottish care system and those on the edges of care and therefore provides limited evidence relating to wider children's social care services.

There is currently a range of ways in which children's social work and social care services are delivered across Scotland. Children in Scotland

⁴ [The Independent Review of Adult Social Care in Scotland](#)

⁵ [The Independent Care Review](#)

recommends that the Scottish Government undertakes a more detailed review of the evidence relating to outcomes for children and young people through the range of existing structures (for example, when children and families social work is delivered through the local authorities in comparison to when the services are delegated to Integration Joint Boards). It should, for example, draw evidence from learning from Health and Social Care Integration⁶⁷ and Children's Services Planning.

This information will help the sector to draw some conclusions about the proposals and ensure they are grounded in understanding of the current system's strengths and challenges.

Integration with Education and Early Learning and Childcare

We understand concerns that by not including children's services alongside adult services as part of a new NCS, this could create a two-tier system, fragmenting the mechanisms of care and assessment and leading to further complexity for people accessing services. However, the consultation document fails to consider the potential negative impact of creating division between children's social work and social care services (if included in the NCS) and children's services delivered through Education.

Our members were dismayed by the consultation document's lack of reference to education and how a new NCS would work alongside the education system. A number of our members have reported recent improvements in practice and more joined-up working between education and children's social work services as part of work to 'Keep The Promise'. There are concerns that a new NCS could put this progress in jeopardy. Our members also questioned the timing of introducing a National Care Service and the potential impact on the education sector at a time when significant education reform is taking place.

Our members also questioned how the proposals would align with Additional Support for Learning legislation, which covers children with disabilities, children experiencing mental health issues and care experienced children.

Children in Scotland is concerned that including children's services as part of NCS could make the relationship with education services more complex. We strongly recommend that the link between current NCS proposals and education services is explored further.

⁶ [Integrated Children's Services in Scotland: Practice and Leadership. An assessment of progress and improvement](#)

⁷ [Integrating Health and Social Care in Scotland: The Impact on Children's Services Part 1: Literature and policy review](#)

The consultation document also makes very little reference to Early Learning and Childcare (ELC), a sector that supports some of Scotland's youngest children's care and learning needs. While Children in Scotland is not specifically advocating for ELC to be included in a NCS, the Scottish Government must explain their rationale for their decision about where ELC sits in these proposals.

Our members also questioned the role of the Scottish Social Services Council (the regulator for the social work, social care and early years workforce in Scotland) and the role of the Care Inspectorate (the national scrutiny body responsible for the registration and regulation of care services). If social work and social care services are to be combined under a new National Care Service, what would this mean for the Early Learning and Childcare sector?

Other key omissions

Our members identified a number of other key omissions in the National Care Service consultation. Members were surprised that the role of poverty is not mentioned in the consultation document. Key learning and care environments such as youth work and out of school care are also not covered. Members also noted that there is limited mention of children and families experiencing domestic abuse and gender-based violence.

As highlighted above, there is very little detail in the consultation about the provision of mental health services, and no concrete proposals as to how a new National Care Service would align with Child and Adolescent Mental Health Services (CAMHS).

Family support and the role of the third sector

Children in Scotland would like further information about how the NCS proposals link with existing family support work that is ongoing in the Scottish Government.

Our members voiced concerns that the key role of the third sector is missed in the consultation document and that the focus was placed too heavily on social work and other statutory services. We share our members' concerns that the proposals could exacerbate the lack of parity between third sector and statutory services.

Concerns around complexity of the change

Our members have questioned the rationale for implementing a large new

structural change at a time when so many families and support services across the statutory and third sector are struggling to cope as we recover from the Covid 19 pandemic. Many feel that improving practice within existing mechanisms would be the more beneficial than trying to make significant structural change to the system. They have also questioned how a new NCS would align with ongoing improvement work in a number of areas, including work being undertaken by The Promise and transitions for children with additional support needs.

Children in Scotland members can see the potential for increased bureaucracy through the introduction of a new NCS, with some members highlighting the 'unintended outcomes' of other large-scale change projects in this regard, such as the expansion of Early Learning and Childcare.

Our members also highlighted that many public and third sectors workers are experiencing staff burnout as a result of the pandemic. Organisations are also struggling with staff recruitment and retainment issues. It has been questioned whether this is the best time to be introducing new processes, structures and systems for workers to navigate.

Funding

While we agree with the consultation document that social care support should be seen as an investment in society and not as a burden, and we welcome the Scottish Government's commitment to increase investment in social care by 25%, it will be important for the children's sector to examine the financial implications of the NCS proposals in order to make informed decisions about the benefits.

Potential positives of including children's services in a National Care Service

Our discussions with Children in Scotland members did highlight some of the potentially positive aspects of aligning adult, children and justice social work and social care services. Many felt it could create a more coherent system and support services to move away from siloed working. We also believe a NCS could have benefits for young people moving from children's services to adults' services, allowing them to navigate the system more easily and for services to manage risk more effectively. In particular, this could be beneficial for children involved in the justice system and children with disabilities.

Our members also commented that a NCS could result in more effective collection, sharing and analysis of data, offering the potential to understand how early intervention can impact children's life outcomes.

GIRFEC and Getting It Right For Everyone

The consultation document also highlights the success of Getting It Right For Every Child (GIRFEC) and announces Scottish Government plans to develop a GIRFE (Getting It Right for Everyone) approach to provide a pathway through support and services from young adulthood to end of life care.

While the GIRFEC National Practice Model (including the SHANARRI wellbeing indicators) is widely embedded across the children's sector, Children in Scotland has concerns about whether there is sufficient evidence to support its translation to adult social care services. We also have concerns that two models (GIRFEC and GIRFE) may cause confusion for professionals and families. The 'Everyone' in the proposed Getting It Right for Everyone model implies this approach would apply to children and adults rather than simply young adults and upwards.

Rights and lived experience

The consultation proposes that Integrated Joint Boards will be reformed to become Community Health and Social Care Boards (CHSCBs), and that CHSCBs will be the local delivery body for the National Care Service, funded directly by the Scottish Government. It is proposed that CHSCBs will have members who will represent the local population, including people with lived and living experience of social care.

We are pleased to hear that people with lived and living experience of social care will be involved in planning, procurement, and delivery at local level through CHSCBs. However, we also believe people with lived and living experience should be included in the design and development of NCS proposals. It is unclear whether this has happened, and we would like to know what facilitated engagement has been delivered to children, families and adults in the development of current proposals. We would also like to know how children will be able to contribute to the ongoing work of CHSCBs. If children's services are included in the NCS, we must ensure children's right to be heard (Article 12 of the UNCRC) is realised.

Children in Scotland is keen to see a Child Rights and Wellbeing Impact Assessment related to the National Care Service plans. This will support the children's sector to scrutinise proposals for the inclusion of children's services as part of NCS.

The consultation document notes that a Human Rights Bill will be introduced in this parliamentary session which will complement work being undertaken to develop a new National Care Service. A number of our members have

commented that human rights should also be written into any forthcoming NCS legislation.

We are pleased to see that proposals include a requirement for local bodies to provide clear information to families about rights, and to demonstrate that they have informed families about advocacy services and their right to a voice. As identified in the consultation document, local systems must provide opportunities for complaints and feedback.

Valuing the workforce and fair work

Children in Scotland supports the proposals for fair work practices that are included in the NCS consultation. As noted in the consultation document, Scotland's dedicated community health, social work and social care workforce provide critical support to people across Scotland every day. From our work, we know that relationships with professionals are of key importance to children and families who are engaging with children's social work and social care services.

We must ensure that the social care workforce is valued for the important work its members undertake, and that fair pay and good working conditions are central to future development of the sector, whether through NCS or other mechanisms. The workforce must have access to appropriate training and development opportunities to support them to deliver high-quality outcomes.

Timeframe of proposed NCS development

Given the issues raised above, including the significant questions around the evidence base for the inclusion of children's services, and the lack of detail provided in the consultation document, we believe the proposed timeframe of introducing NCS legislation in the Scottish Parliament before summer 2022 recess is unrealistic.

We urge the Scottish Government to review their plans for NCS and adjust the timetable, recognising the complexity of proposals and the further development time required. Children in Scotland is happy to work with the Scottish Government to support ongoing engagement with the children's sector.

For more information, please contact:

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