CCPS welcomes the opportunity to contribute to the Parliament’s stage 1 debate on the Public Bodies (Joint Working) Scotland Bill (the ‘Bill’) and is pleased to submit this short briefing.

We welcome the Health and Sport Committee’s Report and the work of the Committee to highlight the strengths and shortcomings of the proposals, and to seek further clarification or reconsideration of different aspects of the Bill. CCPS has been working with a range of third sector and other organisations, including the Health and Social Care Alliance, SCVO and the Royal College of Nursing, to support detailed amendments at Stage 2. This briefing highlights the key areas of the Bill we think need to be strengthened:

**Quality/outcomes/scrutiny**

In our previous submissions to the Health and Sport Committee we noted what many consider to be a significant omission in the Bill, which relates to the quality of care and support. According to the policy memorandum, the legislation aims to tackle variations in quality of care across Scotland, yet quality is not included in any of the principles set out in the Bill. The proposed national outcomes should stand alongside, and be supported by, requirements in respect of service quality.

The Bill should also make it clear that integration authorities will be held accountable for the national outcomes. As it stands, the Bill makes provision for such outcomes to be prescribed by Ministers, but does not require integration authorities to achieve them (only to ‘have regard’ to them in integration and strategic planning processes).

Linked to the above points, the Bill makes no reference to any requirement for independent scrutiny of integration authorities in respect of quality, performance or the achievement of national outcomes. Poorly commissioned care poses as much of a risk as poorly delivered care. The need for independent scrutiny of strategic commissioning (by the Care Inspectorate and Healthcare Improvement Scotland) has been identified by the Health and Sport Committee, the Public Audit Committee and the National Steering Group on Joint Strategic Commissioning. It is referred to in the policy memorandum but must also be specifically referenced on the face of the Bill.

**Involving people**

Involving people in the design of their care and support, and enabling them to exercise appropriate control over how it is delivered, must be at the heart of integration in order to drive change and achieve better outcomes. However, the principles for integration and delivery (in ss. 4 and 25 of the Bill) do not adequately reflect the importance of such involvement. CCPS is supporting amendments in Stage 2 aimed at strengthening the role of people who use services and their carers in the design and delivery of their care and support.

In respect of third sector involvement, the Bill places duties on integration authorities to consult the third sector (and, in certain sections, to consult third sector service providers specifically). This duty is not strong enough. The third sector, and providers specifically, should be treated not as consultees, but as full partners in the planning and delivery of care and support. The Committee at para 137 of its report endorsed this view: ‘the Committee fully accepts that it is important that the third and independent sectors be seen as key partners as the process of integration is taken forward’, and has asked the Cabinet Secretary to consider how the role might be strengthened. We look forward to working with our third sector partners and the Cabinet Secretary to find a more robust form of words that will reflect the spirit of the Committee’s assessment and the policy memorandum on the face of the Bill.
**Links with other planning processes**

The Committee has recognised our concerns about the apparent lack of coordination among the different planning structures, including existing community planning partnerships, the proposed health and social care integration and strategic planning processes, and the children’s services planning provisions of the Children and Young People (Scotland) Bill.

We very much welcome the Committee’s call (at para 117) on the Scottish Government to report back on, ‘firstly, how the Bill is expected to work alongside the Social Care (Self-directed support) (Scotland) Act 2013 and the Children and Young People (Scotland) Bill (when enacted); and secondly, how the proposed integration joint boards will work alongside existing community planning partnerships.’ We look forward to considering the Scottish Government’s response and support the need for detailed guidance within the statutory or other guidance accompanying both bills, and in the context of the review of community planning partnerships.

**Budgets and tension between free NHS and social care charging**

The Committee notes our concerns about the risk that local authority and NHS partners may seek to minimise their respective contributions to the shared budget. We are encouraged by the Scottish Government’s work with COSLA and the NHS to develop a model that will help to identify which aspects and how much of an acute budget can be realigned and reallocated to an integrated services budget.

Lastly, the Committee only briefly touched on one of the key issues we have previously raised, namely that the integration project brings together two fundamentally different environments – an NHS free at the point of use and delivered directly by public bodies, and a social care system that charges individuals for services which are delivered by a range of providers according to market principles – without adequately addressing the implications.

We welcome the Committee’s question to the Scottish Government about the measures it will take to reassure specific groups and individuals who might be affected by ‘cost creep’ and its interest in monitoring the issue. However, we remain concerned that this is a much more fundamental and complex issue, and that the Scottish Government has not yet adequately addressed these possibilities or their ramifications for social policy.

*CCPS 22 November 2013*

**About CCPS**

CCPS is the coalition of care and support providers in Scotland. Its membership comprises more than 70 of the most substantial third sector providers of care and support, supporting approximately 270,000 people and their families, employing over 45,000 staff, and managing a combined total annual income in 2009-2010 of over £1.2 billion, of which an average of 73% per member organisation relates to publicly funded service provision.

**Care and support in the third sector**

The third sector is at the forefront of quality care and support in Scotland. More than a third of all care and support services registered with the Care Inspectorate are provided by third sector organisations. In many areas of care and support for adults and older people – including care home provision, care at home and housing support – third sector services receive a higher proportion of ‘very good’ and ‘excellent’ quality gradings from the Care Inspectorate than their counterparts in either the public or the private sector.

CCPS - Coalition of Care and Support Providers in Scotland
Norton Park
57 Albion Road
EDINBURGH EH7 5QY
T: +44 (0)131 475 2676
E: annie.gunner_logan@ccpscotland.org
W: www.ccpscotland.org

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