

The Highland Council

Agenda Item	7
Report No	HCW/15/25

Committee: Health and Social Care and Wellbeing Committee

Date: 20 August 2025

Report Title: Care Reform (Scotland) Bill

Report By: Assistant Chief Executive - People

1. Purpose/Executive Summary

- 1.1 Stage 3 of the Care Reform (Scotland) Bill was passed in June 2025. Starting life as the National Care Service (Scotland) Bill, the legislation now passed is much changed from that original 2022 text. Whilst we await further information regarding procedures, there are a number of implications that will stem from this Bill, particularly in relation to financial and resource matters.
- 1.2 The Care Reform (Scotland) Bill now requires Royal Assent before it will become an Act. However, the precise “commencement” (i.e. switching on) date for the Bill to become an Act remains unclear.
- 1.3 Following the removal of Part 1 of the Care Reform Bill, an interim NCS Advisory Board was created. This will provide advice to Ministers and Leaders on improvements that could be made to social work, social care and community health.

2. Recommendations

- 2.1 Members are asked to:
 - i. Note the passing of Care Reform (Scotland) Bill by Scottish Parliament,
 - ii. and note the opportunities and challenges as currently set out in this report.

3. Implications

- 3.1 Resource: no implications at this present time, However, a full impact assessment will be required once Royal Assent is given.
- 3.2 Legal: no implications at this present time, However, a full impact assessment will be required once Royal Assent is given.
- 3.3 Risk: no implications at this present time, However, a full impact assessment will be required once Royal Assent is given.
- 3.4 Health and Safety (risks arising from changes to plant, equipment, process, or people): no implications at this present time, However, a full impact assessment will be required once Royal Assent is given.
- 3.5 Gaelic: There are no Gaelic implications arising from this report.

4. Impacts

- 4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.
- 4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.
- 4.3 This is an update report and therefore an impact assessment is not required. However, once the date of Royal Assent is identified and agreed, a full impact assessment will be required.

5. Introduction

- 5.1 The Care Reform (Scotland) Bill introduces several significant reforms to social work, social care and community health. This includes:
- Right to breaks for unpaid carers
 - Enhanced care home visitation rights (Anne's Law)
 - Information sharing and information standards
 - Independent Advocacy standards, reporting and access
 - New procurement routes for the third sector
 - A National Chief Social Work Advisor, who will provide professional leadership and champion the sector, including the creation of the new Social Work Agency
- 5.2 The interim NCS Advisory Board has focussed on ways of working; planning for the formal board; and discussion on the development of the Scottish Government's NCS Charter of Rights.

6. Opportunities and Challenges

- 6.1 This Bill will bring changes which should result in opportunities for change in people's lives. By enshrining Anne's Law into legislation, people living in adult care homes will have their rights to see loved ones prescribed. During the pandemic, this 'right' was removed due to health concerns often to the detriment of emotional and psychological wellbeing.

Support for unpaid carers will be strengthened by establishing a legal right to breaks.

People will be empowered to access information on their care thus helping improve the flow of information across care settings.

Improving access to independent advocacy which in turn will enable people's voices to be heard as well as being more involved in decisions about their own care.

- 6.2 However, concerns exist regarding the financial challenges being faced by both local authorities and integration authorities. The Accounts Commission has highlighted a significant funding gap within IJBs. If the additional investment required to achieve the above changes is not forthcoming, there is a risk that the gap between public expectations and deliverability could widen.

There are also concerns that the correct infrastructure is not in place to deliver the above. Increasing access to breaks for carers raises questions regarding both the workforce availability as well as actual facilities and supports. Further, Highland's remote and rural challenges, brings greater pressure.

- 6.3 Progress in relation to this Bill will be closely monitored so that more informed updates can be provided to future Committees.

Designation: Chief Officer & Chief Social Work Officer

Date: 01 August 2025

Author: Fiona Duncan

Background Papers: N/A