



SOCIAL WORK AND THE NATIONAL CARE SERVICE

Introduction

Our first [e Brief](#) gave a general overview of the Bill. This briefing looks at what the Bill means for UNISON’s social work members. The government is clear in its view that who provides social work and social care services makes no difference in terms of the quality of services provided to citizens and therefore no difference whether services are provided by councils, the private or the voluntary sector. The changes discussed here are intended to be in place by 2025/26.

Statutory duties for social work are being transferred from local authorities to Scottish Ministers but will sit with the local Care Boards, who will also hold the funding. Once their statutory duties are removed, local authorities will have no reason to employ any social workers or provide any social work services. The Bill has had to address this by introducing a clear legal basis for them to continue doing so.

A National Social Work Agency will be created within government as a unit contained within the NCS.¹ The Agency will be responsible for workforce planning, training & development and for social workers’ pay, terms & conditions. Social workers will therefore be removed from local government pay bargaining arrangements.

The future for social workers

The Bill provides for two alternative futures for social workers. The Bill creates a framework “but leaves space for more decisions to be made at later stages” based on costed options appraisals still to be carried out.² The exact arrangements are not known but two possibilities are clear: social work staff will either transfer to the employment of local Care Boards or remain with local authorities, where their services may be contracted by Care Boards.

Scenario	(1) Transfer of employment to the NCS	(2) Remain a local authority employee
What the Bill means	Care Boards may take over direct delivery of social work services, with staff transferring under TUPE to the care board. Social workers will continue providing social work services but under the direction of, and	Where social work services are “currently provided in-house by local authorities, that may continue under a procurement arrangement with the care board.” ³ This implies that local authorities will compete for contracts to deliver social work services.

¹ ‘The National Care Service’ means the Scottish Ministers and Care Boards working together to deliver social services functions.

² [National Care Service Bill Financial Memorandum](#) p.3

³ [National Care Service Bill Financial Memorandum](#).p.7

	accountable to, Scottish Ministers rather than the local authority/HSCP.	
Pay	Single national pay system, terms & conditions determined by Scottish Ministers and the responsibility of the National Social Work Agency	Single national pay system, terms & conditions determined by Scottish Ministers and the responsibility of the National Social Work Agency
Pensions	Pension rights of social workers are at risk as TUPE does not guarantee the maintenance of existing pension arrangements.	Unclear whether social workers will remain in the LG Pension Scheme.

UNISON represents social work staff in the voluntary sector who provide a wide range of social work services either commissioned or procured by local authorities. Once the NCS is set up any existing service agreements or contracts will transfer to the Care Boards, who will take over commissioning responsibilities.

Pay and pensions

- Regardless of scenario, the intention is to rationalise social workers' existing pay rates, terms and conditions into a single national scheme, for which the National Social Work Agency will be responsible but ultimately determined by Scottish Ministers. The financial memorandum to the Bill notes that local authorities have different pay rates and conditions "which will need to be rationalised within a single service."⁴
- Social workers' pensions are at risk if they transfer to Care Boards or are outsourced to other contractors as TUPE does not guarantee the maintenance of existing pension arrangements.
- The implication is social workers will be removed from local government SJC sectoral bargaining arrangements. **It is unclear what this means for the rest of the local authority social work team.** The Bill and its accompanying papers refer to social workers and not to paraprofessional roles.

Transfer of Staff

The possibility that the NCS could *directly deliver* social care and social work services is the single most significant difference between the Bill and the proposals put out to Consultation. In order to estimate the cost implications of the Bill, detailed consideration has been given to the costs of a mass transfer of staff (up to 75,000 social work and social care employees), with all the pay, terms and conditions and pension implications. Thought has been given to the phasing of staff transfer as functions are added to the NCS under secondary legislation.

Along with staff, the Bill provides for the transfer of property assets associated with social work & care from local authorities to Care Boards, with financial implications for councils associated with the removal of assets and staff to be identified with COSLA.

⁴ [National Care Service Bill Financial Memorandum](#).p.15

IMPLICATIONS: KEY POINTS

- The job security of social workers is affected if local authorities become providers bidding for contracts against voluntary sector and private providers (scenario 2). This is a levelling down exercise, with social workers in future exposed to insecurity whether they work in the voluntary sector or in councils.
- Whether to directly deliver or procure social work services is described as “decisions to be taken locally as the care boards are established, following careful options appraisals.”⁵ However it is clear these local decisions will be made under the direction of, and within a framework set by Scottish Ministers including a Spending Review focused on cost saving.
- Many local authorities currently provide in-house social work services to meet specific complex and specialist needs, for example, child sexual abuse recovery services and domestic abuse services. It is proposed that these types of specialist services may in future be commissioned at a national level, which puts the future of long established local authority social work services at risk.

Investment in Social Work

The expressed aim of this reform is to improve the quality and consistency of the social care and social work services that people in communities receive. The government has made commitments to shift spending towards prevention and early intervention, invest in social work services and implement the independent review of the care system for children ('The Promise'). The financial memorandum makes explicit that the creation of a National Care Service (a new delivery structure) will not guarantee these things, because: “...these are policy decisions to be made or sustained under the new framework, not necessary consequences of the Bill provision.”⁶

The Bill does make a very welcome provision for unpaid carers to be able to exercise their right to short breaks from caring. A detailed assessment of unmet needs and the costs of meeting this accompanies the Bill. However, this is the only area of unmet need directly addressed by the Bill at a time when statutory social work services are being rationed due to under staffing and underfunding. The [Scottish Government Spending Review to 2026/27](#) makes no identifiable commitment to increase resources for social work services. The 25% uplift associated with establishing a National Care Service (an additional £840 million) is for delivering the recommendations of the Independent Review of Adult Social Care.

Conclusion

The National Care Service Bill has profound implications for social work staff and for the future delivery of social work services. It creates risks for social workers' conditions and security of employment and branches need to urgently discuss what this means for members.

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⁵ [National Care Service Bill Financial Memorandum](#).p.7

⁶ [National Care Service Bill Financial Memorandum](#).p.4