

National Care Service Bill

Independent Advocacy, Sharing of Records, Right to Breaks for Carers & Anne's Law

Section 13 of the Bill gives Scottish Ministers powers to make provision via secondary legislation for independent advocacy services in connection with services provided by the National Care Service. The Policy Memorandum states that the intention is to “develop and implement a coherent, consolidated and consistent approach to independent advocacy services across the range of NCS services”.

Part 2 of the Bill gives the Scottish Ministers powers to establish a scheme for care records to be shared between the proposed National Care Service and the National Health Service. It also makes provision for Scottish Ministers to produce an information standard which will set out how certain information is to be processed. It is intended to underpin the creation of a nationally consistent, integrated and accessible electronic social care and health record.

Sections 36 and 37 of the Bill proposes establishing a right to breaks for carers. Existing powers enable Scottish Ministers to maintain a national short breaks fund to provide easy-access support for people in less intensive caring roles. And the Bill will widen powers to include the option of personalised break support under the Carers (Scotland) Act 2016 for those in more intensive caring roles.

Section 40 of the Bill seeks to implement Anne's Law. This would strengthen residents' rights in adult residential settings and give nominated relatives or friends the same access rights to care homes as staff while following stringent infection control procedures. The Scottish Government wants to ensure that providers and public health teams give effect to visiting rights and remove the variation in practice in the sector, including the use of blanket visiting bans by care home providers. This means that visiting will always be supported in line with directions issued by Scottish Ministers.