

National Care Service Bill

Transfer of Functions & Inclusion of Children's and Justice Services

Chapter 6 of the Bill gives Scottish Ministers powers to transfer functions between institutions as part of the National Care Service.

This includes the power to transfer functions from local authorities, to bring aspects of healthcare into the National Care Service, to re-organise the National Care Service and to transfer staff, property and liabilities.

Where a function is transferred from one institution to another, the Bill enables Scottish Ministers to transfer the staff who were performing the function too. Any staff who are transferred in this way will be protected by Transfer of Undertakings (Protection of Employment) Regulations.

However, the Bill contains a provision preventing staff of a health board or a special health board being transferred into the employment of a National Care Service institution.

The Social Worker's Union has published a statement on the Bill, including their position on transfer of functions and staff. **[You can read this here.](#)**

Chapter 6 also makes provision for the inclusion of children's services and justice services within the scope of the National Care Service alongside adult social work and social care.

However, the Bill requires Scottish Ministers to carry out further public consultation on the proposed inclusion of these services. There is currently no confirmed timeframe for when the consultation will take place.

Scottish Ministers must then put before Parliament an account of how they carried out the required public consultation and a summary of the responses they received before any such transfer can happen.

It is proposed that any such inclusion of these services within the scope of the National Care Service would be achieved via secondary legislation.