

Briefing 12/49

October 2012

# Scottish Government - Legislative Programme 2012/13

To: All Chief Executives, Main Contacts and APSE Contacts in Scotland

For information only to England, Northern Ireland and Wales

## Key Issue

- The Scottish Government's legislation programme contains 15 Bills. A number of the Bills particularly Procurement Reform and Adult and Social Care Bills will have significant implications for the local government sector.

## 1.0 Introduction

- 1.1 This briefing sets out the main Bills as detailed in the Scottish Government's legislative programme for the period 2012/13. Bills that are of particular interest to the local government sector are highlighted and explained in this briefing. Further APSE briefings have been produced on particular proposals contained within the Bills which directly impact on the local government sector.

## 2.0 Background

- 2.1 The Scottish Parliament on 4<sup>th</sup> September 2012 received details of the Scottish Government's legislative programme for the period 2012/13. The announcement will see some 15 Bills laid before the appropriate Committees/Parliament. The main issues for local government are highlighted in this briefing.

- **Procurement Reform Bill**

This Bill seeks to further enhance the Scottish public sectors approach to procurement. The proposed Bill builds upon the measures initiated to date by the Scottish Government since the national review led by John McClelland which resulted in a range of recommendations which have been addressed and progressed. This includes the creation of Procurement Scotland and Scotland Excel. In addition the local government sector has been using a self assessment tool, Procurement Capability Assessment which aims to secure improvement in the procurement function. The Bill also proposes placing a new procurement duty on councils; encourage councils to view procurement as a lever to secure economic, social and environmental well being in their localities. The Bill also promotes the use of “community benefit clauses” which will enable training opportunities to be specified in contracts. This could lead to a greater role for modern apprenticeships.

APSE briefing 12/43 gives further information on the subject.

- **Adult Health and Social Care**

This Bill will reform the planning and provision of adult health and social care services. The objective of the Bill will be to integrate current health and social care services into new statutory organisations called Health and Social Care Partnerships. The current Community Health Partnerships will be abolished. The new organisations will have a key role in delivering both national and local outcomes. Joint accountability arrangements will be established between local government and the health sectors. The proposal has significant implications for the continued provision of social care in Scotland. Councils could lose up to 20% of their overall budgets to the proposed Health and Social Care Partnerships.

See APSE briefing / provides further information.

- **Land Fill Tax Bill**

This Bill will put in place a replacement for landfill tax in Scotland, establishing the administration, charges and rules governing the new scheme.

- **Children and Young People Bill**

This Bill will aim to introduce a statutory framework for planning and delivering services for children and young people. It will include a commitment to deliver 600 hours free early learning and childcare for 3 to 4 year olds.

- **Budget Bills**

This Bill will approve the most recent Scottish Government spending decisions.

- **Other Bills**

Other Bills set out in the announcements include:

- Referendum Bill
- Bankruptcy Bill

- Land and Buildings Transaction Bill
- Post 16 Education Reform Bill
- Forth Estuary Transport Authority Bill
- Victims and Witnesses Bill
- Tribunals Bill
- Criminal Justice Bill

Other announcements of note include:

- Redeploy £700million of spending from revenue to capital in the public sector over the years 2012/15.
- Support for a living wage and no compulsory redundancies

### 3.0 **APSE Comment and Conclusion**

- 3.1 APSE welcomes aspects of the programme particularly proposals with regard to procurement. This aligns well with the APSE policy agenda/manifesto and developmental work. The APSE briefing on Health and Social Care Integration identifies a number of concerns particularly the assumption that structure change enhances outcomes, together with the associated workforce and financial implications of the transfer.

Andrew Spowart  
Principal Advisor