

Implementing the Care Reform (Scotland) Act



Introduction

The [Care Reform \(Scotland\) Act](#) was passed in June 2025 ([see Briefing 158](#)) and came fully into force on 1 April 2026. It introduces new powers and requirements for Scottish ministers in relation to fair work, ethical commissioning and procurement and sectoral bargaining in social care, as well as for needs assessment and market monitoring.

The Act contains timescales for action on these. This briefing recaps on the new requirements and the implementation deadlines.

Summary with timescales

Deadline	Requirement
unspecified	Issue statutory guidance on ethical commissioning
31 Dec 2026	Publish assessment of projected social care needs over next decade
1 April 2027	Report on the state of the market for social care.
7 July 2027	Publish a strategy for monitoring and promoting 'fair work' in social care Report annually on whether 'fair' work is being achieved
7 Jan 2028	Publish guidance on sectoral bargaining in social care procurement

Overview of the new requirements

Ethical Commissioning – statutory government guidance must be produced, and this must address the fair treatment of workers including those recruited from overseas. A programme of work towards this has been led by iriss ([see here](#)).

Projected Social Care Needs - ministers must lay before parliament their assessment of projected social care needs over the next 10 years. The phrase 'social care needs' is not defined in the act and takes its ordinary meaning.

- The first report, to be prepared 'in 2026' (no specific date), will cover the period 2027-2037. Subsequently reports must be laid before Parliament every 5 years (so the next will be 2031 and cover 2032-2042). There is no requirement to assess levels of unmet need.

State of the Social Care Market - ministers must periodically report on the state of the market for social care services. The first report must be prepared no later than 1 April 2027 (1 year after the measure came into force).

- 'Social care services' is defined as support services, care home services, adult placement services and housing support services. Ministers have the power to change this definition by regulation.

KEY POINTS:

- **The Care Reform (Scotland) Act came into force on 1 April 2026.**
- **It implements some of the recommendations of the independent review of adult social care (the 'Feeley review')**
- **These are the parts of the National Care Service Bill retained after its abandonment in Jan 2025.**
- **The Act contains specific measures on fair work, ethical commissioning and sectoral bargaining in social care.**
- **These are due to be implemented during 2026-2028.**

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- The report “may, in particular, include” information about the composition of the market, the level of profit being made by operators, and their tax status.
- Ministers have the power to require persons to provide the information they need to prepare this report. If a person does not comply then ministers can report that failure to the Court of Session who can make an order for compliance or can sanction the failure to comply. This also applies where there is any suspicion that the information required has been destroyed or altered.

Fair Work Strategy – Ministers must publish a strategy for *monitoring and promoting* ‘fair work’ in the social care sector. This must define what ‘fair work’ is and monitor whether it is being achieved. It must contain an action plan for promoting ‘fair work’. The strategy must be produced within 18 months of enactment and reviewed every 3 years.

Fair Work Annual Report - Ministers must report annually on the extent to which ‘fair work’ is being realised, as defined in the strategy and state what they will do to promote ‘fair work’ over the next 12 months.

Sectoral bargaining – Ministers must prepare and publish within 2 yrs guidance for contracting authorities on sectoral bargaining in social care procurement. The Act details what the guidance must cover, including the steps to be taken by contracting authorities to ensure providers comply with collective agreements. Contracting authorities must ‘have regard to’ this guidance.

Procurement & ethical commissioning – contracts may be reserved for ‘not for profit’ organisations meeting certain qualifying criteria, and ministers will be able in future to modify the types of contract and the types of contractors this applies to. The threshold for the application of the 2015 public procurement regulations is modified. Contracting authorities must include in their procurement strategy a statement on how its approach to procurement will be consistent with the [Integration Authority's](#) strategic aims.

Regulation – the Act strengthens the powers of the SSSC and the Care Inspectorate to require information of employers, makes it easier to cancel a care service registration and enables Health Care Improvement Scotland involvement in inspections.

Adult Protection – the Act strengthens provisions for health services to disclose concerns to relevant bodies and provide information on request to adult protection committees and allows ministers to specify persons who must be allowed to attend adult protection committee meetings.

Summary

The government [said](#) the Care Reform Act provides “a roadmap for the improvement of services for generations to come.” Improvement for care users depends upon raising the status, conditions and quality of employment for social care workers as recommended by the independent review of adult social care. Will the fair work and ethical procurement measures in the Act help make a difference?

The full implications of the new duties on local authorities will only be understood once the regulations are brought forward, but for the aims to be met the Scottish Government must fully fund these.

Action for branches:

- Ask your employer how they will feed in on social care needs and consult with trade unions.
- Ask how they will work with UNISON to role out & monitor ethical commissioning.

Additional reading

- [UNISON briefing 158: Care Reform \(Scotland\) Bill June 2025](#)
- [Care Reform \(Scotland\) Bill as passed on 10 June](#)
- [UNISON briefing 150: National Care Service Abandoned – Feb 2025](#)
- [The Care Reform \(Scotland\) Bill \(Formerly National Care Service \(Scotland\) Bill\) – the final hurdle – SPICe Spotlight | Solas air SPICe](#)
- [UNISON's alternative: Towards a REAL National Care Service](#)

