

Health and Care (Staffing) (Scotland) Bill: Briefing

Report to: Board
Date: 18 December 2018
Report by: Patrick Lowe, Acting Senior Policy Adviser
Report No: B-75-2018
Agenda Item: 14

PURPOSE OF REPORT

To provide members with information regarding the Health and Care (Staffing) (Scotland) Bill and its implications for the Care Inspectorate and social care services.

RECOMMENDATIONS

That members note the content of this paper and appendices.

Version: 1.0	Status: <i>FINAL</i>	Date: 21/11/18
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Consultation Log

Who	Comment	Response	Changes Made as a Result/Action
Senior Management			
Legal Services			
Corporate and Customer Services Directorate			
Committee Consultation (where appropriate)			
Partnership Forum Consultation (where appropriate)			
Equality Impact Assessment			
Confirm that Involvement and Equalities Team have been informed	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
EIA Carried Out	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
If yes, please attach the accompanying EIA and appendix and briefly outline the equality and diversity implications of this policy.			
If no, you are confirming that this report has been classified as an operational report and not a new policy or change to an existing policy (guidance, practice or procedure)	Name: Patrick Lowe Position: Acting Senior Policy Adviser		
Authorised by Director	Name: R Okasha	Date: 21/11/18	

1.0 BACKGROUND

The Health and Care (Staffing) (Scotland) Bill was introduced by the Scottish Government on 23 May 2018. The aim of the Bill is to “provide a statutory basis for the provision of appropriate staffing in health and care service settings, thereby enabling safe and high quality care and improved outcomes for service users”. The Bill will place a legal requirement on NHS boards and care services to ensure appropriate numbers of suitably trained staff are in place, irrespective of where care is received. Expected commencement of duties is 2019-20.

The Bill includes provision for the Care Inspectorate to work in collaboration with the care sector to develop and validate appropriate staffing methodologies and tools. This will apply to care home settings for adults in the first instance, with powers for ministers to extend this function to other settings in the future.

A full summary of the Bill and its implications can be found in Appendix 1, with financial implications summarised in Appendix 2.

2.0 SCRUTINY OF THE BILL

The Health and Sport Committee is leading scrutiny of the Bill. The Committee issued a call for evidence, receiving 70 submissions, followed by a range of oral evidence sessions. The Committee heard from witnesses such as Health Secretary Jeane Freeman, the Care Inspectorate, Healthcare Improvement Scotland, the Scottish Social Services Council and several representative bodies.

At the meeting on 25 September, Chief Inspector Adult Services Gordon Paterson set out our support for the Bill, noting that it strengthens the Care Inspectorate’s existing powers and places a greater focus on staffing.

The Committee published its Stage 1 report on 26 November, giving its support for the general principles of the Bill but asking for more detail on how staff numbers and quality will be assessed, monitored and reported. Concerns are also raised about accountability, the impact on integration and the risk of resources being skewed towards the hospital sector in order to meet initial requirements.

Noting concerns regarding the role of the Care Inspectorate, the Committee states:

- We welcome the confirmation from COSLA they have received assurances from the Scottish Government any tools for the social care sector will be co-produced with the sector and service users. We think it is essential this is the case. We suggest the Scottish Government make this explicit on the face of the Bill allowing guidance to further develop how this is to be achieved.

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- We note references within the Policy Memorandum relating to the Care Inspectorate agreeing with the sector the need for a tool. To avoid any confusion we recommend section 10 of the Bill is amended to confirm that the sector will require to agree the need for a tool which will then allow the detail to be covered in guidance.

See Appendix C for a full summary of the Committee's findings.

3.0 NEXT STEPS

A debate on the Bill will take place in the Scottish Parliament on 6 December. If the Bill is agreed at Stage 1, amendments to the Bill will be lodged and considered at Stage 2 before a final vote following Stage 3 amendments and debate.

4.0 BENEFITS FOR PEOPLE WHO EXPERIENCE CARE

By being aware of the Health and Care (Staffing) (Scotland) Bill and its implications, the Care Inspectorate can prepare for its new duties effectively be in a strong position to provide assurance for people who use services, their families and carers, and support partners in improving the quality of care.

5.0 CONCLUSION

The attached briefings outline the implications of the Health and Care (Staffing) (Scotland) Bill, including new duties for the Care Inspectorate, as well as parliamentary scrutiny of the Bill to date.

LIST OF APPENDICES

- Appendix 1 -** Health and Care Staffing (Scotland) Bill: A Briefing
Appendix 2 - Health and Care (Staffing) (Scotland) Bill: Financial Implications: A Summary
Appendix 3 - Health and Sport Committee Stage 1 report on the Health and Care (Staffing) (Scotland) Bill: A Briefing

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