

<b>Title of report</b>	Health and Care (Staffing) (Scotland) Bill: Briefing
<b>Public/confidential</b>	Public
<b>Action</b>	For information
<b>Summary/purpose of report</b>	To provide members with information regarding the Health and Care (Staffing) (Scotland) Bill and its implications for the SSSC and the Social Services workforce.
<b>Recommendations</b>	The Council is asked to: 1. note the update in relation to the Health and Care (Staffing) (Scotland) Bill.
<b>Link to Strategic Plan</b>	The information in this report links to: Outcome 3 - Our resources support the professional development of the social service workforce.
<b>Link to the Risk Register</b>	This work links to strategic risk number 3: Ineffective working relationships with partner bodies impact significantly on our ability to deliver our organisational objectives
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<b>Documents attached</b>	Appendix 1: Health and Care (Staffing) (Scotland) Bill Briefing

## **1. BACKGROUND**

- 1.1 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 focuses on collaboration and strengthens the existing regulatory arrangements and gives greater prominence to the workforce.
- 1.2 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 financial year 2019-20.
- 1.3 This legislation is just one aspect of the workforce planning activities undertaken by the SSSC and the Care Inspectorate. The SSSC and the Care Inspectorate worked with a wide range of experts to support the development of the Safe Staffing Bill and subsequent legislation. As part of the implementation, the Care Inspectorate in partnership with the SSSC is leading the work on tools for care homes for adults including workload planning and workforce planning. The SSSC is leading work on the implementation of the National Workforce Plan, which includes work on career pathways and the development of a professional framework for practice in social care and social work.
- 1.4 The Bill includes provision for the Care Inspectorate to work in partnership with the SSSC and the care sector as well as people who experience care and carers 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.
- 1.5 A full summary of the Bill and its implications can be found in Appendix 1.

## **2. SCRUTINY OF THE BILL**

- 2.1 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 Scottish Social Services Council, the Care Inspectorate, Healthcare Improvement Scotland, and several representative bodies.
- 2.2 At the meeting of the Health and Sport Committee on 25 September, the SSSC and Care Inspectorate provided evidence and support for the Bill which strengthens the Care Inspectorate’s existing powers and places a greater focus on staffing. The prominence given to workforce in the Bill strengthens the SSSC role of workforce planning under Section 58 of the Regulation of Care Act.

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

### **3. RESOURCE IMPLICATIONS**

- 3.1 There are no new financial implications or human resources issues arising from this report.

### **4. EQUALITY IMPACT ASSESSMENT**

- 4.1 We have not carried out an equality impact assessment as this work is not a new or changed policy, service or procedure for the SSSC.

### **5. LEGAL IMPLICATIONS**

- 5.1 The legislation is being developed by the Scottish Government Bill team. The Bill passed stage one of the parliamentary process on the 6 December 2018. The Bill was 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.

### **6. STAKEHOLDER ENGAGEMENT**

- 6.1 The Bill includes provision for the Care Inspectorate to work in collaboration with the SSSC and 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.
- 6.2 The Bill gives a new statutory function to the Care Inspectorate to develop a staffing tool, in collaboration with the sector, before bringing it to ministers to have its use placed in regulations. Throughout this process the SSSC and the Care Inspectorate would be required to work collaboratively with commissioning authorities, providers, recipients of services, partnership organisations, trade unions and professional bodies.

### **7. IMPACT ON USERS AND CARERS**

- 7.1 The Bill includes provision for collaboration with the care sector as well as people who experience care and carers and support to develop and validate appropriate staffing methodologies and tools. This will apply to care home settings for adults in the first instance. A range of

organisations which represent the views of people who use services have been consulted in the development of the legislation.

## **8. CONCLUSION**

- 8.1 The attached briefing outlines the implications of the Health and Care (Staffing) (Scotland) Bill and workforce planning activities set out in the national workforce plan, including new areas of responsibility for the SSSC, Care Inspectorate, as well as parliamentary scrutiny of the Bill to date.

## **9. BACKGROUND PAPERS**

- 9.1 None.