HEALTH AND SPORT COMMITTEE

HEALTH AND CARE (STAFFING) (SCOTLAND) BILL

SUBMISSION FROM: Scottish Borders Council and Scottish Borders Integrated Joint Board for Health and Social Care

This response has been endorsed by Scottish Borders Council and by the Scottish Borders Integrated Joint Board for Health & Social Care.

We have distilled your questions to two, and answer these as follows:-

- **What are the key strengths of the Bill?**

  The guiding principles for staffing are laudable. No one is likely to take issue with a main purpose aimed at providing ‘safe and high quality services’. Ensuring optimum staffing levels and fully trained staff promise to improve the quality of care for service users and to deliver improved working conditions for staff.

  However, echoing the position outlined to Scottish Government by the Convention of Scottish Local Authorities (CoSLA), we have concerns about the practical implications of the Bill. These concerns are summarised under weaknesses.

- **What are the key weaknesses of the Bill?**

  1. Given the objective of integrated health and social care, it is disappointing that, in the first instance, it is thought appropriate to restrict the application of the proposed duty to care homes. Such an approach reinforces a perception that different expectations continue to apply to different parts of a system, which should be seen as a whole.

  2. The proposals risk duplicating existing statutory requirements to ensure appropriate workload and workforce planning for social care and social work. Existing requirements are enhanced by the National Health and Social Care Standards.

  3. Placing workforce planning tools on a statutory footing does nothing to address recruitment and resourcing issues in the health and social care service and among providers.

  4. Increased requirements may impact the profitability/viability of smaller providers creating additional deficits in care provision. This is particularly significant issue in rural areas such as the Scottish Borders.

  5. Inflexible regulations may obstruct innovative service design in and integrated health and care system.

  6. Enhanced requirements may also impact the National Care Homes Contract.
The development, validation and deployment of workforce planning tools in collaboration with the social care sector should mitigate some of these concerns, but in the vein of unintended consequences, we fear that the Bill may drive local provision in a direction, which weakens elements of the sector. An example of this would be inadvertently accelerating providers’ disengagement from nursing care in favour of residential care due to the enhanced requirements of nursing care provision and the greater financial burden this represents on providers.

Above all, efforts to enhance staffing and training will be undermined unless appropriate additional funding is provided to support increased expectations. It is noted that the Presiding Officer has decided under Rule 9.12 of Scottish Parliamentary Standing Orders that a financial resolution is required for this Bill.