Health and Sport Committee

2nd Report, 2015 (Session 4)

Legislative Consent Memorandum on the Health and Social Care (Safety and Quality) Bill (LCM(S4) 36.1)

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Health and Sport Committee

Remit and membership

Remit:

To consider and report on health policy, the NHS in Scotland, sport and other matters falling within the responsibility of the Cabinet Secretary for Health, Wellbeing and Sport, and measures against child poverty.

Membership:

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Richard Lyle
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The Committee reports to the Parliament as follows—

Background

1. The Health and Social Care (Safety and Quality) Bill is a Private Members’ Bill that was presented to Parliament through the ballot procedure on 2 July 2014. The latest version of the Bill can be found at:

   http://services.parliament.uk/bills/2014-15/healthandsocialcaresafetyandquality.html

2. As this Bill makes provisions for purposes that lie within the competence of the Scottish Parliament, or that will alter that legislative competence or the executive competence of the Scottish Ministers, a Legislative Consent Memorandum (“LCM”) has been lodged by the Scottish Government as required by Rule 9B.3.1(a) of Standing Orders.

3. The Parliamentary Bureau referred the LCM to the Health and Sport Committee for consideration. A copy of the LCM is available online.¹

Content of the Health and Social Care (Safety and Quality) Bill

4. The measures in the Bill are intended to address concerns about the quality of care services, particularly following serious failures in care such as those at Mid-Staffordshire NHS Foundation Trust and at Winterbourne View private hospital.

5. The Bill has three distinct strands, which together seek to improve patient safety. Specifically, the Bill aims to:

   • help prevent regulated health and social care services causing their users avoidable harm by ensuring that the requirements for registration with the Care Quality Commission (CQC) always cover safety;

¹ Legislative Consent Memorandum LCM(S4) 36.1 available at:
http://www.scottish.parliament.uk/LegislativeConsentMemoranda/HealthandSocialCareLCM.pdf
• improve the linkage and sharing of patient information between health and social care services to help ensure safer, more effective and integrated care, by requiring the use of a consistent patient identifier (such as the NHS number) in an individual’s health and care records, and to require the appropriate sharing of information in support of people’s care;
• give the various health and social care professionals an overarching objective of public protection.

6. The overall effect of the Bill will be to place a statutory obligation on health and social care bodies to consider the protection of the public. In practice this is already considered as paramount in the provision of care in Scotland so there will be little practical effect in Scotland as a result of the LCM.

Recommendation

7. The Committee considered the LCM at its meetings on 9 December 2014 and 13 January 2015.

8. Following its consideration, the Committee recommends that the Parliament agrees to a legislative consent motion in the terms outlined in the LCM.
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