HEALTH AND SPORT COMMITTEE

HEALTH AND CARE (STAFFING) (SCOTLAND) BILL

SUBMISSION FROM Scotland Excel

1. **Do you think the Bill will achieve its policy objectives?**
   Scotland Excel have had the opportunity to consider the bill as published, our comments relate only to social care and in our opinion the bill will not achieve it’s stated policy objectives.

   Whilst Scotland Excel agree that the guiding principles are unquestioningly laudable; and the idea of more accountability, through an evidence based methodology has some merit, our concerns stem from how this might be constructed and applied in social care settings. Without rigorous diligence we share concerns already expressed by others:

   In particular our concerns are:

   - That the Bill might cut across the outcomes focused agenda enshrined in the health and social care standards;
   - That the Bill as presented may present implications for the full delivery of the Self Directed Support agenda particularly for options 1 & 2;
   - That the Bill may adversely impact on professional judgement / rationale for decisions by trying to mechanise rather than working with an individual in a truly person centered way;
   - That the Bill does not address the current recruitment and retention issues throughout the social care sector;
   - We feel that the Bill as presented will do little to enable social care professionals to move from a “risk averse” culture to a more “risk enabling” culture. It is our opinion that the promotion of perceived ‘risk’ by not having the correct numbers of staff will remove the aim of professional social care staff to consider alternative approaches to the delivery of care & support as the emphasis will be on numbers rather than considering the “big picture” i.e. the expressed needs and opinions of the person receiving a service and an understanding of existing staff experience and training.
   - It is our opinion that the Bill may potentially have an adverse impact on the purchaser / provider relationship through constraining flexibility and imaginative approaches to service delivery.

2. **What are the key strengths of:**
   - **Part 2 of the Bill?** Unable to answer as it relates to staffing within the NHS
   - **Part 3 of the Bill?** Legislating for safe staffing levels in care services is in itself an important step and demonstrates that the Scottish Government rightly takes the issue extremely seriously.
3. **What are the key weaknesses of:**
   
   **Part 2 of the Bill?** Unable to answer as it relates to staffing within the NHS

   **Part 3 of the Bill?** In our opinion the Bill has a firm focus on staff and staffing and there is no clear linkage to the expressed outcomes of the people that are receiving care & support. In addition there are already “safe” staffing rules in place for care homes and other social care services that are currently overseen by both the SSSC and the Care Inspectorate.