

4 December 2018

Lewis Macdonald
Health and Sport Committee
T3.60
The Scottish Parliament
Edinburgh
EH99 1SP

Dear Mr Macdonald,

— **Health and Care (Staffing) (Scotland) Bill – Stage 1 Report**

Firstly, I would like to thank the Committee for COSLA's opportunity to contribute to Stage 1 of the *Health and Care (Staffing) (Scotland) Bill* (the Bill).

As you are aware the Committee's Stage 1 report has been published and the Committee has stated it is supportive of the Bill's general principles. I wanted to reiterate COSLA's position regarding the Bill and comment on recommendations in the Stage 1 report.

COSLA's Position

COSLA does not support the Bill because of our members' strongly-held view that it is unnecessary, restrictive and burdensome. COSLA remains unconvinced that the Bill provides additionality over and above the existing social care legislation and standards. In COSLA's view the Bill has not taken into consideration the existing regulatory regime that guarantees care standards, nor the current policy developments in workforce planning. Legislating for the use of specific tools or methodologies puts the focus on processes instead of the quality of care.

COSLA is supportive of change and improving national, regional and local workforce planning. However, the mechanism for continuous improvement should not be by legislation, but through supporting the innovation of multidisciplinary and innovative staffing models that are fit for the future. Similarly, we support building a more informed, strategic and national and locally sensitive workforce planning environment, through the shared agenda of the integrated *National Health and Social Care Workforce Plan*.

The purpose of the Plan is to strengthen the social care sector's approach to workload and workforce planning methodologies. As well as tackling recruitment and retention challenges, the Plan recommends co-producing social care and multi-disciplinary workforce planning tools that reflect the *Health and Social Care Standards* and enable service redesign and new models of care.

WHEN CALLING PLEASE ASK FOR: John Wood 0131 474 9315 johnw@cosla.gov.uk

18-11-27 Letter Health and Sport Committee Safe Staffing Bill Stage 1 Report

Given our members' views COSLA will be writing to all MSPs ahead of the Stage 1 debate, outlining the above position, stating that COSLA does not support the inclusion of the social care workforce within the Bill.

Stage 1 Report

Resources

COSLA welcomed the Stage 1 report raising,

'...concerns about a danger of resources being skewed towards the hospital sector in order to meet the initial requirements set out in the legislation'.

The Bill's *Financial Memorandum* contains no firm commitment to councils or Integration Authorities (IAs) to fund any additional costs arising from the use of statutory tools. To ensure that councils, IAs and providers are not set up to fail COSLA would support a commitment from the Scottish Government to fully fund the workforce planning tools' development and implementation costs. We have noted the Bill does commit to provide additional resources to support Health boards.

Duty on Commissioners

The Bill currently has a duty on Commissioners to have regard to the guiding principles set out in the Bill, and the duties relating to staffing imposed on the persons providing the services. The Stage 1 report asks,

'the Scottish Government for advice on why commissioners have not been included in the Bill and where the Scottish Government sees accountability lying in this sector.'

COSLA has concerns that that duty may unintentionally damage relationships between commissioners and providers and would not support any further amendments to this Duty.

Care Inspectorate agreeing with the sector the need for a workforce planning tool

The Bill's Policy Memorandum makes referenced to the Care Inspectorate agreeing with the sector the need for a workforce planning tool. COSLA supports the Committee's recommendation,

'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.'

Care Home Sector

COSLA noted the Committee's support for the proposed scope of the Bill, namely the Bill will only apply to care homes for older people in the first instance.

I would welcome discussing the Committee's Stage 1 report with you at my Health and Social Care Board meeting on 10th December. COSLA also looks forward to further engagement with the Committee regarding the Bill.

Yours sincerely,

Cllr Stuart Currie
Interim COSLA HSC Spokesperson