

Mr Murdo Fraser, MSP Convener  
COVID-19 Committee

By Email.

11 May 2020

Dear Murdo,

I am writing to you in your capacity as Chair of the COVID-19 Committee to make you aware of my intention to include a Government amendment at Stage 2 of the Coronavirus (Scotland) (No.2) Bill to put beyond doubt that health boards and other agency bodies such as NHS NSS and HIS, have the powers to purchase a care home; and local authorities to purchase either a care home or care at home service, if a service was unable to continue to deliver care due to a failure of service.

Scottish Ministers already have the common law powers to enter into agreements to purchase property (and therefore businesses) but this provision will provide additional clarity that a health board, agency body or local authority has a clear power to take ownership of a care service in light of a failure to continue to provide services, either due to financial distress or if there is a threat to the life, health or wellbeing of any person.

I believe it to be critical that there is a clear mechanism in place to ensure that if a provider is unable to continue to provide services, those requiring care in either a care home or from a home care provider have security over the continuity and quality of that care during these unparalleled times. Bolstering powers that are already available to us to put this beyond doubt provides that additional security.

**JEANE FREEMAN**