



The Scottish Parliament  
Pàrlamaid na h-Alba

## Delegated Powers and Law Reform Committee

Jeane Freeman MSP  
Cabinet Secretary for Health and Sport

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18 September 2018

Dear Jeane,

### **Health and Care (Staffing) (Scotland) Bill**

The Delegated Powers and Law Reform Committee today considered the delegated powers provisions in the Health and Care (Staffing) (Scotland) Bill. In particular, the Committee considered section 4 of the Bill, which inserts new sections 12IA to 12IG into the National Health Service (Scotland) Act 1978 to place duties on Health Boards and the Common Services Agency for the Scottish Health Service (CSA) to ensure appropriate staffing and to follow a common staffing method.

The Committee notes that there is no provision on the face of the Bill about the consequences of a Health Board or CSA failing to comply with the duties in new sections 12IA to 12IE. The Committee notes that new section 12IF will require Health Boards and the CSA to have regard to any guidance issued by the Scottish Ministers about the duties imposed by sections 12IA to 12IE. Paragraphs 22 and 23 of the Delegated Powers Memorandum notes some areas which the guidance will cover but do not mention whether the guidance will cover the consequences for a Health Board or the CSA if it fails to meet the duties in sections 12IA to 12IE.

The Committee would be grateful for an explanation of whether, as there is no provision on the face of the Bill about the consequences of a failure to meet the duties in sections 12IA to 12IE, the guidance issued under 12IF is expected to cover the consequences of such a failure and, if so, what those consequences would be. The Committee would also be grateful for an explanation of why it is considered appropriate that such provision is made in the guidance rather than on the face of the Bill.

The Committee would be grateful for a response by **10am, Friday 21 September** to enable it to be incorporated into its report to the Health and Sport Committee on the delegated powers provisions in the Bill.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Graham". The signature is written in a cursive style with a large, sweeping initial 'G'.

Convener of the Delegated Powers and Law Reform Committee