



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

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1 May 2019

Dear Jeane,


Thank you for your letter of 24 April 2019, advising of your intention to lodge an amendment to the Health and Care (Staffing) (Scotland) Bill at Stage 3. As you outlined, this would provide the Scottish Ministers with a regulation making power to amend section 82A(5) of the Public Services Reform (Scotland) Act 2010 (“the 2010 Act”) as inserted by the Bill by adding, amending or removing matters to the list contained there or to disapply a matter in relation to a particular type of health care.

Section 82A(5) of the Bill lists factors that may be taken account of as part of a staffing method developed for care services. The Committee noted the reasons you gave for proposing the amendment.

The Committee agreed that flexibility is required for the creation of staffing methods in care services which have never used them before. The staffing methods are to be developed by SCSWIS in consultation with the care service industry and the Committee noted that they will be tailored to the specific care service applying them. The Committee acknowledged that prescribing mandatory matters to be taken into account in the application of staffing methods which have not yet been developed could result in inappropriate matters forming part of those staffing methods. The Committee agreed that this could render staffing methods for certain care services ineffective.

Accordingly, the Committee agreed that, if the Scottish Government moves its amendment to section 10 of the Bill, the new delegated power is acceptable in principle.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Graham". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Convener of the Delegated Powers and Law Reform Committee