

Response to the Health, Social Care and Sport Committee call for written evidence on the draft amendments the Scottish Government is proposing for Stage 2 of the National Care Service (Scotland) Bill.

September 2024

1. Introduction

- 1.1 This is the evidence submission from the Professional Standards Authority (PSA) to the Health, Social Care and Sport Committee's call for written evidence on the draft amendments the Scottish Government is proposing for Stage 2 of the National Care Service (Scotland) Bill.
- 1.2 The Professional Standards Authority for Health and Social Care (PSA) promotes the health, safety and wellbeing of patients, service users and the public by raising standards of regulation and registration of people working in health and care. We are an independent body, accountable to the UK Parliament. More information about our work and the approach we take is available at www.professionalstandards.org.uk
- 1.3 As part of our work we:
 - Oversee the ten health and care professional regulators and report annually to Parliament on their performance
 - Accredit registers of healthcare practitioners working in occupations not regulated by law through the Accredited Registers programme
 - Conduct research and advise the four UK governments on improvements in regulation
 - Promote right-touch regulation and publish papers on regulatory policy and practice.
- 1.4 While our remit does not cover the oversight of the statutory social care regulators outside England, we take a keen interest in the regulation and assurance of health and social care professionals across the UK.
- 1.5 Our response only focuses on those questions related to regulation or other forms of assurance of occupational groups and professions as well as associated areas such as the complaints landscape, patient and service user safety and workforce strategies.

2. Detailed comments

**What is your view of the proposed National Care Service strategy?
What is your view of the proposal to create a National Care Service Board,
and the provisions about the role and functions of the Board?**

- 2.1 Section 157-162 of the Memorandum explains that workforce planning for social care workers and social workers will be delegated to the National Care Service Board, however, it would appear the Board will not have any responsibility for NHS workforce planning. In addition, the Board will delegate workforce planning for social workers and social work students to the new National Social Work Agency (NSWA).
- 2.2 The PSA has some concerns around the responsibility for health and social care workforce planning being split across several different bodies. The division in responsibility could be challenging when considering integrated health and social care workforce planning to ensure the delivery of integrated services.
- 2.3 The PSA believe that workforce strategies should be supported by a regulatory strategy to ensure the safe delivery of care. We are currently working with NHS England (NHSE) to encourage a more strategic approach to regulation as a means of supporting workforce planning. For example, NHS England now requires registration with one of our Accredited Registers for many of the new and expanded roles helping to widen access to mental health services.
- 2.4 We would like to work with the four UK governments and any bodies involved in workforce planning in health and care to develop an overarching regulatory strategy that will support the further development of new roles and changing models of care. It could prove essential to addressing the challenges of ever-increasing demand and acute staff shortages facing health and care services.

What is your view of the proposed new provisions to designate a National Chief Social Work Adviser and for the creation of a National Social Work Agency?

- 2.5 The PSA's understanding of the proposed new provisions for the creation of a National Social Work Agency (NSWA) is that it will be the first national body with oversight over social workers, their professional development and workforce planning in Scotland.
- 2.6 Currently, much of this work is covered within the remit of the Scottish Social Services Council (SSSC). While we support the separation of professional body functions from the regulatory role, the proposal to create the NSWA requires further clarity on how the new body will impact on the role and remit of the existing social care regulators, namely SSSC and the Care Inspectorate. It is important the role and remit of these bodies is understood by those who work in the sector as well as those who use social care services.

What is your view of the initial draft of the National Care Service Charter?

- 2.7 The PSA supports the concept of a National Care Service Charter to ensure those who are using services fully understand their rights and entitlements.

Do you have any other comments on the Scottish Government's proposed draft Stage 2 amendments to the National Care Service Bill?

- 2.8 There are two further areas of the Bill the PSA would like to comment on:

- **Complaints:** The current Bill could potentially add complexity to the complaints landscape by requiring the Scottish Government to develop a complaints process for services being provided through the National Care Service.

Multiple complaints processes add complexity for those using health and social care services as well as risking patient and service user safety and the loss of valuable learning that can be gained to drive service improvement.

- **Patient Safety Commissioner:** The PSA would like to highlight the need for safety measures to be joined up between healthcare and social care. The jurisdiction for the Patient Safety Commissioner for Scotland does not cover social care and there is not an equivalent role in social care. As the National Care Service integrated model is developed it is important safety measures between the two sectors are consistent and robust.

3. Further information

3.1 Please get in touch if you would like to discuss any aspect of this response in further detail.

3.2 You can contact us at:

Professional Standards Authority for Health and Social Care
16-18, New Bridge St,
London,
EC4V 6AG

Email: policy@professionalstandards.org.uk

Website: www.professionalstandards.org.uk

Telephone: 020 7389 8030