

HEALTH AND CARE (STAFFING) (SCOTLAND) BILL: STAGE 3 AMENDMENTS & FINAL DEBATE

The Scottish Parliament will hold its final debate on the Scottish Government's Health and Care (Staffing) (Scotland) Bill on Thursday 2 May.

Since the announcement by First Minister Nicola Sturgeon at RCN Congress in 2016, we have been working to influence and shape this legislation for the benefit of patients, care home residents and members.

The Health and Care (Staffing) (Scotland) Bill will be the first legislation in the UK to set out requirements for safe staffing across both health and care services.

Your support for the #askformore campaign has played a key part in our ability to influence the Bill. Over 5,000 members and members of the public signed up to the campaign and so far more than 3,000 emails have gone to MSPs across Scotland expressing how important it is to get this legislation right.

Your personal stories have also been a powerful tool, from the 3,000 responses to the 2017 safe staffing survey, to the 80-plus members who attended focus groups, wrote blogs or recorded audio clips.

Stage 2

Stage 2 took place over the course of two meetings of the Health and Sport Committee. Over 130 amendments were discussed – more than half of these were inspired by the RCN. Successes at Stage 2 included amendments passed on:

- strengthening the establishment setting process in the NHS
- duties around risk escalation in the NHS
- duties on the Scottish Government on supply of nursing
- new duties on health boards around CPD for nursing staff in the NHS
- the non caseload-holding status of SCNs and community team leaders in the NHS
- new duties on NHS Healthcare Improvement Scotland around developing and maintaining workload and workforce tools, and on extension of their scrutiny functions
- duties on the care inspectorate to review staffing methods for adult care homes.

MSPs also agreed to work with the Cabinet Secretary for Health and Sport on a number of other key areas to see if a compromise could be reached.

As we approach Stage 3 around 70% of the key issues the RCN wanted to see in legislation are already included.

Stage 3

Stage 3 is the final opportunity for MSPs to propose amendments to the Bill and last week, in preparation, over 80 amendments were lodged by the Cabinet Secretary and a number of opposition MSPs.

This is a final opportunity to make changes to the Bill. These changes range from small amendments, which tidy up some of the wording, to major additions to the Bill. MSPs will also have the opportunity to debate any important issues not resolved at Stage 2.

Many of these amendments reflect the RCN's position and are a direct result of our influencing campaign. It's great to see that members have been listened to and that your stories have had an impact on our parliamentarians.

In particular it includes RCN inspired amendments that:

- strengthen and support the role of senior nurse leaders in staffing decisions in both the NHS and care services
- place a duty on government to report on staffing in care homes and to take this into account in determining the future supply of nurses
- strengthen duties on commissioners
- strengthen clinical advice in the risk and escalation processes within the NHS and ensure staff have the training and time required to deliver this.

We also have guarantees at this stage that the amendments at Stage 2 which secured time and resources for CPD and supply of nurses in the NHS will remain.

A key component of our #askformore campaign has been to highlight the impact securing the non-caseload holding status of senior charge nurses, and their equivalent in the community, could have on patient outcomes.

At Stage 3, the Cabinet Secretary for Health and Sport has proposed alternative wording that would ensure adequate time is given to all clinical leaders. The RCN has fought hard to maintain the existing amendment, however the political will is to take a multidisciplinary approach to the whole Bill and not to have nursing specific requirements. While this is disappointing, we have worked with Alison Johnstone MSP (Scottish Green Party), who laid the original SCN amendment, to strengthen the wording proposed by the Cabinet Secretary and to ask for a commitment in guidance on the non-caseload holding status of SCNs.

Following the debate and voting on amendments, there will be a further debate on Wednesday 8 May when MSPs will be asked to put the Health and Care (Staffing) (Scotland) Bill on the statute books.

What next?

The Bill is only a starting point. No timetable for implementation has been set out as yet and a lot of work will be required to develop the associated guidance and secondary legislation to support implementation. RCN members and staff will be engaged in this process and

will have the opportunity influence and shape how the Bill will impact on the day to day running of the health and care services.

Work will also continue on the review of existing and the development of new workforce planning methodologies and tools.

This is not going to be a quick process and while this work is taking place, the RCN will be supporting members to look at the existing safety culture and to prepare for implementation in your workplace.

For more information on the campaign and the Bill visit www.rcn.org.uk/askformore

Further information

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