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Gillian Martin MSP
Convener, Health, Social Care and Sport Committee

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Dear Convener,

National Care Service (Scotland) Bill

We are writing to highlight again the Royal College of Nursing Scotland's serious concerns about the National Care Service (Scotland) Bill and to call for the legislation to be paused. We are aware of multiple requests from other stakeholder organisations to pause the legislative process and are adding our voice to that clear message.

As we highlighted during our evidence to the Health, Social Care and Sport Committee in November, RCN Scotland shares the desire to improve the quality and consistency of social care and health services across Scotland. However, it is entirely unclear how the current Bill will achieve this objective or address the serious challenges within a sector that is in crisis. The Scottish Government must take the time to engage with stakeholders - including staff working at all levels within the social care and community health sectors - and develop detailed plans for reform prior to taking forward primary legislation.

The Bill lacks fundamental details around how the NCS will operate in practice, how it will operate alongside the NHS or even a clear definition of what functions the NCS will be responsible for. For example, more detailed consideration needs to be given to the following issues:

There is little detail about how care boards will be constituted and nothing on staff governance within the Bill. For example, there is a clear need for more detail around the impact of including community health services within the scope of a NCS. It is our understanding that under the government's plans, the NHS would continue to employ community nursing staff while the NCS would be responsible for delivering community

health services. This gives rise to many unanswered questions regarding professional accountability and governance.

Despite the Health and Care (Staffing) (Scotland) Act 2019 providing the tools to facilitate safe staffing levels in adult social care, there is no mention of the 2019 Act in the Bill and no information on where the responsibility for workforce planning would sit within a NCS.

There is a need for detailed plans on how social care reform will deliver fair pay, terms and conditions for staff employed within the social care sector as well as improved access to training and development and clear career pathways. Fair work is a vital element of tackling the workforce crisis in the sector and ensuring that staff working in social care are recognised and valued.

RCN members working in all fields - social care, other community settings, and in hospitals - have expressed their concern that the creation of a NCS with the proposed responsibilities for community health and social care services will exacerbate issues which already exist at the interface of primary and secondary health care, and community based and hospital-based services. Our members are concerned that this Bill is presented without detailed proposals about how these interface problems can be avoided or how the current situation can be improved.

This is not an exhaustive list, rather the points above are some examples of the serious issues, of vital importance to our members and those they care for, that require proper consideration ahead of the legislative process being progressed.

Ultimately improving the quality and consistency of services cannot be achieved without increasing investment in services, tackling the workforce crisis across health and social care and recognising the increasing need to deliver complex clinical care within community and care home settings. Services within the social care and community sectors must have the right numbers of staff, with the right skills, in the right place. The health and social care sectors are experiencing a workforce crisis and this must be addressed before any major structural change is proposed. Instead, significant structural overhaul is being proposed without a clear understanding of how to fix the current problems facing the sector or enough planning to ensure the effective functioning of a NCS. We are extremely concerned that pushing ahead with the Bill will deepen the crisis within the sector and ultimately result in more staff leaving.

We note the recent conclusions of the Delegated Powers and Law Reform Committee that it does not believe the Bill should progress in its current form. The Committee has echoed the concerns expressed by stakeholders that there is insufficient detail on the face of the Bill and within the Bill documents to allow for meaningful parliamentary scrutiny. We

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therefore strongly urge the Scottish Government to pause the Bill and to take more time to adequately consider and co-design the details of these plans with stakeholders, in advance of legislating.

Yours sincerely



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