



The Scottish Parliament  
Pàrlamaid na h-Alba

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06 March 2024

Dear Cabinet Secretary,

**RE: SSI – National Health Service (Common Staffing Method) (Scotland) Regulations 2024**

As you will be aware, the Committee recently considered the above negative instrument at its meeting on 5 March 2024.

The Committee agreed to write to the Scottish Government for further information, mainly to address the concerns raised by the Royal College of Nursing (RCN) in their [letter dated 23 February 2024](#) and [follow-up email on 4 March 2024](#).

In reference to the RCN's most recent email correspondence, we would ask the Scottish Government to address the following specific assertions the RCN has made:

- 1) That the Scottish Government "is taking an impractical approach to the reading of the Act". RCN argue that, in interpreting the Act as requiring versions of tools to be stipulated in regulations, the Scottish Government is failing to make a suitable distinction between wholesale "replacement" of tools and small, administrative "revisions" that are likely to take place much more frequently;
- 2) That naming of the current tool without reference to a version number should not lead to confusion for those using the tools "As long as the staffing tools are appropriately located and access to them appropriately administered (as is currently the case)";

- 3) That “if regulations stipulate existing tools (some of which it has been acknowledged are flawed and some of which are currently under live review), the services and staff using these tools will be stuck with these for an unspecified amount of time, simply for the sake of naming versions in the regulations, which is not helpful or in the spirit of the legislation”.

In conclusion, we would ask the Scottish Government to respond directly to the RCN’s principal assertion that “We continue to believe it would be preferable for the regulations to refer to the tools by name and not by version. This would negate the need to update the regulations each time the tools require minor updates.”

Given the tight timescales for the Committee to complete its scrutiny of this instrument prior to its entry into force, we would appreciate a response by **Tuesday 12 March 2024** to allow for proper consideration of the instrument by the Committee at a subsequent meeting.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink that reads "CHaughey". The signature is written in a cursive style with a large, looped 'H' and a long, sweeping tail on the 'y'.

Clare Haughey MSP  
Convener, Health, Social Care and Sport Committee