

HEALTH & CARE (STAFFING) (SCOTLAND) BILL – UPDATE FOR RCN MEMBERS

Introduction

On 6 December 2018, MSPs in the Scottish Parliament signalled their support for the general principles of the Health and Care (Staffing) (Scotland) Bill by passing unopposed the motion on the stage 1 debate for the bill.

The bill has now been referred back to the Health and Sport Committee for stage 2 proceedings, during which it will be examined in greater detail. At stage 2 MSPs have the opportunity to change the bill by making amendments. Members of the Health and Sport Committee then debate and vote whether to accept or reject these amendments. The RCN is working with MSPs to try to amend the draft bill to ensure that it meets the six tests set out in the Ask for More campaign (see below).

The stage 2 debate will take place on Tuesday 29 January and may also run on Tuesday 5 February.

[Watch](#) proceedings from the on the Chamber at the Scottish Parliament. The legislative process at the Scottish Parliament is in three stages.

[Find out more](#) about the passage of a bill.

Stage 1 debate

A number of RCN members met Lewis Macdonald MSP, Convener of the Health and Sport Committee, before watching the debate from the public gallery in the Chamber at the Scottish Parliament. They witnessed a debate that was positive in tone, with the bill drawing cross-party support from MSPs in the Chamber.. [Read](#) the full official report of the debate can be found here.

Opening the debate, Jeane Freeman MSP, the Cabinet Secretary for Health and Sport, confirmed that the Scottish Government will bring stage 2 amendments on making the bill work in 'real time', stating: "It is clear from my conversations with representatives of staff groups that the bill could be improved by placing a more explicit duty on health boards to ensure that there are clear mechanisms for day-to-day assessment of staff needs and clear routes for the professional voice to be heard in those assessments. I am pleased to confirm that I will lodge an amendment at stage 2 to include that duty."

Opposition health spokespeople and Health and Sport Committee members were key in providing support for the RCN's asks around the bill during the debate, drawing frequently on an RCN briefing sent to all MSPs in advance of the debate. The briefing paid dividends with the RCN being mentioned 23 times during the debate and almost every one of the MSPs taking part landing key RCN messages.

Miles Briggs MSP (Con), Shadow Cabinet Secretary for Health and Sport, picked up on the central issues of professional judgement, informed decision making and responsibility, asserting that: "Professional judgment is a key part of the bill that we should seek to improve, and we will be seeking to improve on that... The Royal College of Nursing believes that it is essential that the bill enables the empowerment of nurses, and I agree with that." Mr Briggs' colleagues on the Conservative benches likewise raised issues around professional judgement and informed decision making, reflecting the work the RCN has asked the Conservatives to lead on at stage 2. Annie Wells MSP, for example, confirming that "we will look to strengthen the bill at stage 2 with amendments that focus on giving professionals a strong voice and making sure that decision-making data is robust and up to date."

Monica Lennon MSP (Lab), Shadow Cabinet Secretary for Health and Sport, made important links to patient outcomes and between workload and workforce. She picked up on the key RCN line that this is not just about numbers of nursing staff, but also the skill mix of those staff when she said: "we know that, according to the RCN, there are times when staff are not able to meet the needs of their patients because of staffing shortages, because of issues with the skills mix of teams and because of ever-increasing demands on services."

Alison Johnstone MSP, health spokesperson for the Greens, backed the RCN's call for senior charge nurses to be non-caseload holding. She also raised the issue of CPD in relation to the RCN's Ask for more campaigning around CPD and quoted the research of incoming RCN President, Anne-Marie Rafferty. Ms Johnstone gave a commitment to work at stage 2 to focus amendments on these two key areas.

Emma Harper MSP (SNP), deputy convener of the Health and Sport Committee, and a former nurse educator, also gave support to the call for senior charge nurses to be non-caseload holding, saying: “I support the principle of charge nurses having no direct case load, and I would like the Scottish Government to explore options for that as we move forward with the bill.”

Alex Cole Hamilton MSP, the Scottish Liberal Democrat Health Spokesperson, made the case for legislation, relaying what an RCN member had told us about their last shift from voice memos collected as part of the Ask for more campaign. He said, the RCN “had asked the nurse whether the ward was safely staffed the night before, and the nurse said that there were two answers to that question—the ward had enough staff to treat its patients but, because the system has to operate on an attack response basis, the ward was not safely staffed, as it would not have had enough staff if a crisis had occurred. That epitomises why the bill is needed.”

Mr Cole Hamilton also emphasised the need for clear accountability, professional judgement. He also made the case for other professional groups to develop methodologies, stating that “Each of those professions provides a vital and important part of every patient’s care pathway ...Therefore, it is important that those professions that do not have methodologies that are as established as those of nursing profession are afforded the space by the bill to grow those methodologies in their own toolkit, in order to interconnect with the methodologies of their multidisciplinary colleagues.”

The SNP’s Keith Brown backed the six asks of the RCN’s Ask for More campaign: “The points that were raised in the briefing on the bill that was sent to MSPs by the Royal College of Nursing were valuable, and, given the central part that the RCN’s members will play in dealing with the legislation when it is enacted, I think that it is certainly worth considering the points that it makes.”

Mr Brown also raised the impact that Brexit may have on workforce supply, an issue which was also picked up by Labour’s David Stewart.

There was consensus from all benches on the need to include social care in the bill at part 3, recognising that this needed to be achieved sensitively and without undermining the needs of an already stretched sector. Similarly, there was cross-party support for recommendations that AHPs are included in the provisions of the bill and recognition of the multidisciplinary teams which deliver care.

Ask for More campaign

Our campaign to ask for more for Scotland’s nursing teams and raise awareness of our work to influence the Health and Care (staffing) (Scotland) Bill continues.

[Find out more](#) about our campaign and what we are asking for.

Over 5,000 people from across Scotland have already pledged their support for our ask that this bill makes a real difference for patients and nursing staff.

We will be writing to MSPs again in advance of the third stage of the legislative process to let them know the strength of feeling from members and the public on getting this right. We want as many people as possible to have signed up in advance of this.

Please continue to ask colleagues, family and friends to complete a postcard or fill in the form on our website.

[Email the campaign team](#) if you would like us to send you campaign information materials, such as postcards, leaflets and posters.

**It’s time for change.
Ask for more.**