

POLICY NOTE

THE HEALTH AND CARE (STAFFING) (SCOTLAND) ACT 2019 AMENDMENT REGULATIONS 2023

SSI 2023/127

The above instrument was made in exercise of the powers conferred by section 14(1) and (2) of the Health and Care (Staffing) (Scotland) Act 2019 (the Act). The instrument is subject to affirmative procedure.

Purpose of the instrument. The purpose of the instrument is to fix missed and incorrect cross-references in the Health and Care (Staffing) (Scotland) Act 2019, which came about because of stage 2 and stage 3 amendments made when the Bill was passing through Parliament. These corrections are needed so all provisions of the Act which refer to other provisions do this properly so the Act can be given full effect.

Policy Objectives

This instrument makes ancillary provision to correct technical errors in the Act, which arose due to amendments made to the Health and Care (Staffing) (Scotland) Bill (the Bill) during its Parliamentary passage.

The Act contains various cross-references, with one provision referring to another. During the Parliamentary passage of the Bill, numerous stage 2 and 3 amendments were made. To ensure amendments were properly reflected throughout the Bill, on some occasions cross-references to amendments required to be added to other Bill provisions, and in certain instances those cross-references were not completed. Other existing cross-references required to be updated to reflect amendments and in certain instances those updates were not made. The corrections made by the instrument are therefore necessary to ensure that amendments that were made to the Bill by Parliament are properly integrated into the Act ensuring that the Act can be given full effect and the intention of the Scottish Parliament delivered.

Consultation

The instrument makes technical amendments to the Act to ensure that it can be given full effect and the intention of the Scottish Parliament delivered. Consultation on the policy to be achieved by the Act is not needed.

However, stakeholders, including representatives from health boards, local authorities, integration authorities, Healthcare Improvement Scotland, Social Care and Social Work Improvement Scotland, professional bodies, trade unions and professional regulatory bodies, have all been invited to participate in working groups preparing the statutory guidance to accompany the Act. As part of this process, the proposed changes detailed in these Regulations were circulated for comment and no objections were raised.

Impact Assessments

The Regulations correct drafting errors in the Act to ensure that the policy aims of the Act, reflecting the intention of Parliament, can be delivered. Impact assessments were conducted

in relation to the Bill. Given the technical nature of the Regulations, no further impact assessments have been undertaken.

Financial Effects

The Cabinet Secretary for Health and Social Care confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Chief Nursing Officers Directorate

February 2023