



OFFICIAL REPORT
AITHISG OIFIGEIL

Health, Social Care and Sport Committee

Tuesday 30 April 2024

Session 6



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HEALTH, SOCIAL CARE AND SPORT COMMITTEE

13th Meeting 2024, Session 6

CONVENER

*Clare Haughey (Rutherglen) (SNP)

DEPUTY CONVENER

*Paul Sweeney (Glasgow) (Lab)

COMMITTEE MEMBERS

*Sandesh Gulhane (Glasgow) (Con)
*Emma Harper (South Scotland) (SNP)
*Gillian Mackay (Central Scotland) (Green)
*Ruth Maguire (Cunninghame South) (SNP)
*Ivan McKee (Glasgow Provan) (SNP)
*Carol Mochan (South Scotland) (Lab)
*David Torrance (Kirkcaldy) (SNP)
*Tess White (North East Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Sam Baker (Scottish Government)
Natalie Don (Minister for Children, Young People and Keeping the Promise)
Jamie McIntyre (Scottish Government)
Jenni Minto (Minister for Public Health and Women's Health)

CLERK TO THE COMMITTEE

Alex Bruce

LOCATION

The Sir Alexander Fleming Room (CR3)

Scottish Parliament

Health, Social Care and Sport Committee

Tuesday 30 April 2024

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Clare Haughey): Good morning and welcome to the 13th meeting in 2024 of the Health, Social Care and Sport Committee. I have received no apologies.

The first item on our agenda is to decide whether to take items 5, 7 and 8 in private. Do members agree to do so?

Members indicated agreement.

Victims and Prisoners Bill

09:30

The Convener: The second item on our agenda is an evidence session on a legislative consent memorandum for the Victims and Prisoners Bill, which is United Kingdom legislation. I welcome to the committee the Minister for Public Health and Women's Health, Jenni Minto. Her supporting officials are Sam Baker and James How from the Scottish Government's public health capabilities division and Marie Penman, from the Scottish Government's legal directorate.

A purpose of the Victims and Prisoners Bill is to require the Secretary of State to establish a body to administer a compensation scheme for victims of the infected blood scandal within three months of passing the bill. Due to time constraints in the passage of the bill at Westminster and the subsequent lodging of the LCM at a late stage, the Delegated Powers and Law Reform Committee is also considering the LCM at its meeting today, so it will not be possible to include its conclusions in our consideration.

I invite the minister to make a brief opening statement.

The Minister for Public Health and Women's Health (Jenni Minto): Thank you for the opportunity to give evidence on the legislative consent memorandum, especially as you have, I know, had to arrange this meeting at short notice. I am afraid that that is because, as the convener pointed out, the United Kingdom Government was able to table its amendments on infected blood compensation only at a very late stage at Westminster.

What happened to infected blood victims was a terrible tragedy, and the Scottish Government has apologised. The Scottish Government confirmed in its closing submissions to the Infected Blood Inquiry that it recognises the strong case for provision of compensation to all those who were infected with hepatitis and/or HIV as a result of infected national health service blood or blood products, and to their bereaved relatives. Given that context, I am supportive of the policy intent.

The amendments are the first step towards implementation, in full or in part, of the inquiry's recommendations, as set out in its "Second Interim Report". The inquiry recommended that compensation should be provided by one UK-wide scheme in order to ensure consistency of approach, regardless of where in the UK an applicant lives or where they were infected. The UK Government amendments do so by setting up a new arm's-length body to be called the infected

blood compensation authority, which will deliver the infected blood compensation scheme.

The amendments will ensure that people in Scotland will have access to the scheme on the same basis as those elsewhere in the UK. Much of the detail, including eligibility and payment levels, will need to be set out in regulations. I know that that has caused some concern; however, John Glen MP, who is UK Minister for the Cabinet Office, wrote to me on the day on which the amendments were tabled and I have replied to stress that the details of the compensation scheme should be set out as quickly as possible.

The inquiry's "Second Interim Report" also recommended that further interim compensation payments of £100,000 should be made to certain relatives of infected people, following the £100,000 interim payments that were made to infected people or their bereaved partners in October 2022. In response, the amendments also provide for payments to the estates of infected people who have sadly died. That is being done as a pragmatic method of ensuring that family members of the deceased get some compensation reasonably quickly. In my letter to the Minister for the Cabinet Office, I stressed that those payments should be made as quickly as possible.

The UK Government's last-minute tabling of amendments has left us in a difficult position, with practically no opportunity to negotiate changes. However, given that the amendments represent a concrete step towards both providing compensation to the victims of that terrible tragedy and ensuring that relatives, who have received nothing or very little so far, receive interim compensation, I recommend that the Scottish Parliament consents.

Through continued engagement with the UK Government, I will seek to ensure that the needs of the victims are put first and that the scheme works for all those victims in Scotland.

The Convener: Thank you, minister. I move to questions.

Ruth Maguire (Cunninghame South) (SNP): Good morning, minister. Everyone, I think, will want to get this legislation in place as swiftly as possible and establish the compensation scheme.

Although Haemophilia Scotland supports the LCM, in its submission to the committee it talks about

"serious concerns over some ... proposed changes which deviate from ... recommendations set out"

in the

"Compensation Framework Study and ... Second Interim Report."

Will you talk to the Scottish Government's thinking on those deviations?

Jenni Minto: Thank you for your question. I agree with your opening sentiments that it is important that we ensure that people who have been infected and affected are supported as soon as possible.

I share some of the concerns of Haemophilia Scotland and of the Scottish Infected Blood Forum. The amendments that we are discussing come from the UK Government so, sadly, I cannot explain their detail. We have worked as closely as we can with the UK Government and we have had a number of four-nations meetings to discuss the concerns of each of the nations. Despite the concerns that some organisations have raised, not everything will be on the face of the bill. A lot of the work will be done through regulations, on which I see myself and my officials working closely with the UK Government to represent the views of stakeholders and the thoughts of the Scottish Government.

Ruth Maguire: That is helpful.

Sandesh Gulhane (Glasgow) (Con): I declare an interest as a practising NHS doctor.

Thank you for your statement, minister. Do you know the number of people who are affected in Scotland?

Jenni Minto: Through the Scottish infected blood support scheme, we have made payments of £100,000 since October 2022. My understanding is that there are 22—

Sam Baker (Scottish Government): No; that is the figure for the estates.

Jenni Minto: We know that there are 22 estates. Sam, do you know the exact numbers?

Sam Baker: We do not know exactly how many people are infected or affected. The SIBSS has about 580 members at the moment, but others will be affected. People who, sadly, have died might have relatives who will wish to claim from the compensation scheme or claim the interim compensation. We do not know exactly how many of those there are. We are working with the UK Government and the lawyers who hold the old files from the previous support schemes to establish how many there might be, but until people come forward and apply, exactly how many of them there are is not known. Does that help?

Sandesh Gulhane: Is the compensation being paid by the Scottish Government or the UK Government?

Jenni Minto: The interim recommendations involved a UK-wide compensation scheme, which would be administered by the UK Government.

Payments for that element would therefore come from the UK Government.

The Convener: Minister, you will be aware that stakeholders have concerns about the appointment of Sir Jonathan Montgomery and about the lack of transparency on the expert group's membership which, I believe, has not been published or publicised. I am keen to hear the Scottish Government's view on the anonymity of the group's membership.

Jenni Minto: I understand stakeholders concerns about that. I do not know the make-up of the external expert group, either. In one of the four-nations meetings, I asked for consideration to be given to having at least one Scottish member of the group. I do not know whether that has happened. I have some sympathy with the anonymity of the group being maintained. However, John Glen, the Minister for the Cabinet Office, is coming to Scotland next week and will meet the stakeholders. I hope that that will give them an opportunity to discuss the issue with him.

The Convener: Given your correspondence and contact with the UK Government regarding group members' anonymity and the inclusion of a Scottish representative, what is the Scottish Government's plan, going forward?

Jenni Minto: I am pleased that over the past year we have had—I think—four intergovernmental meetings on the matter. In addition, in the past few months, my officials have been meeting weekly, and sometimes twice weekly. We have a number of avenues through which to raise any points that we wish to raise with the UK Government. I also intend to join the stakeholders in meeting Mr Glen next week.

Tess White (North East Scotland) (Con): Good morning, minister. You said that you have a number of avenues. How will the Scottish Government work with the UK Government on the matter?

Jenni Minto: It is really important that we set up the right processes. In the meetings that I have had with the stakeholders in the past year, I have been very clear that we will represent their views, and I have done that in person, in Teams meetings and in letters, as have my colleagues in Wales and Northern Ireland. As I laid out in my response to the convener, my officials are meeting officials from the UK Government's Cabinet Office and the Welsh Government and the Northern Ireland Executive to ensure that all four nations are represented.

Paul Sweeney (Glasgow) (Lab): Thank you for your statement, minister.

Do you consider that parliamentary correspondence with the UK Government might be

helpful? I know that the House of Lords is sitting today to consider amendments to the bill and that further amendments might be tabled. If this committee were to express a view, would that be helpful in supporting the stakeholders who have expressed concerns, notwithstanding their overall support for moving forward with the bill? Would it be helpful if we gave voice to any issues, particularly on a judge-led approach?

Jenni Minto: I thank Paul Sweeney for that offer. As the committee knows, we will have a debate on the LCM on the bill this afternoon and it is my intention, after having listened to contributions, to write to the UK Government outlining what is said in the chamber. I see no reason why the committee's views should not also be shared, whether separately by you or as part of my letter. It would probably be better if you did it separately. I have no concerns about that.

As I said in response to Ruth Maguire's question, the important thing is that we think about those who were infected and have been affected, and that we put those people at the centre of our decision making. I am sure that you will do that.

The Convener: As members have no further questions, I thank the minister and her officials for their attendance. I suspend the meeting briefly to allow a change of witnesses.

09:43

Meeting suspended.

09:46

On resuming—

Subordinate Legislation

Registration of Social Workers and Social Service Workers in Care Services (Scotland) Amendment Regulations 2024 [Draft]

The Convener: The next item on our agenda is consideration of an affirmative instrument. The purpose of the instrument is to amend the Registration of Social Workers and Social Service Workers in Care Services (Scotland) Regulations 2013 to reduce the period of time that workers have to apply for registration with the Scottish Social Services Council, with the requirement now being that they do so within three months of starting a new role. The policy note states that the objective is to encourage social workers and social service workers to apply for registration sooner after starting work, which will allow the assessment of an applicant's fitness to practise at an earlier stage, providing greater public protection.

The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 19 March 2024 and made no recommendations in relation to the instrument.

We will have an evidence session with the Minister for Children, Young People and Keeping the Promise and supporting officials on the instrument. Once we have had all our questions answered, we will proceed to a formal debate on the motion.

I welcome to the committee Natalie Don, Minister for Children, Young People and Keeping the Promise; Rona Carson, who is a lawyer from the Scottish Government legal directorate; and Jamie McIntyre, who is team lead for the Scottish Social Services Council sponsorship team in the Scottish Government. I invite the minister to make a brief opening statement.

The Minister for Children, Young People and Keeping the Promise (Natalie Don): Thank you very much, convener and committee members, for inviting me to speak to the draft Registration of Social Workers and Social Service Workers in Care Services (Scotland) Amendment Regulations 2024.

The regulations are relatively straightforward in that they amend the timescale in which an individual must apply for registration to the Scottish Social Services Council. This Scottish statutory instrument plays an essential part in the Scottish Social Services Council's future-proofing programme suite of work, which seeks to

modernise and simplify registration to ensure that the service that is provided is fit for future need and that public protection is always at the forefront.

Existing legislation currently requires all individuals who must be registered with the Scottish Social Services Council to apply for registration "as soon as reasonably practicable after starting work", with a six-month timescale for registration to be complete. Although the six-month timescale to fully gain registration will still be in place, the draft SSI seeks to amend the timescale for applying for registration to three months. That change will set a much clearer expectation for workers.

When the future-proofing programme was developed, it was identified that individuals who are required to register as part of taking on a role in care often left it very close to the deadline to apply for registration, which could impact their continued employment if it was not completed in time. The amendment will bring greater clarity on what is expected and will encourage people to apply for their registration sooner.

The change will reduce the overall timescale and the gap between an individual starting employment and their fitness to practice being assessed and it will lead to greater public protection by deeming whether an individual meets the standards of character, conduct and competence that are necessary for them to do their job safely and effectively in line with the Scottish Social Services Council's codes of practice.

The SSSC carried out a consultation on its future-proofing programme, which ran between December 2021 and March 2022. The consultation received more than 6,500 responses, of which 91 per cent were from registrants. In relation to the proposals that I have brought before the committee today, 78 per cent of about 3,000 responses agreed that three months after starting their role was an appropriate timescale in which to require workers to apply for registration and 75 per cent agreed that that would make it easier for employers to comply with requirements.

The Scottish Government then carried out a consultation late in 2023, which concluded in January 2024, focusing on three imminent aspects of the future-proofing programme. The change to registration timescales was one aspect and 77 per cent of respondents to the consultation, including 10 key stakeholder groups, agreed with the proposed amendment of the registration timescales.

Although the majority of respondents were supportive, some concerns were raised. The key issues were the potential burden on SSSC staff

during the transition phase; that three months are too short a timescale for new workers; and how the change would interact with the standard six-month probationary period to which workers are subject.

In light of those concerns, further investigation was carried out. Accordingly, staff at the SSSC will receive appropriate training on implementing the changes ahead of their going live, and new and probationary workers will receive support from their employer to gain registration, with the obligation continuing to fall on the employer to ensure that the timeframe is met.

Guidance and information are currently being sent directly to employers to make them aware of the changes. The SSSC is hosting online events for employers and workers, up to and after the launch of the legislation and the new changes on 3 June 2024.

The SSSC has also published full details on its website of all the changes that are being made as part of the future-proofing programme, including an employer's toolkit. That includes information on the three-month deadline, and states that anyone starting a role from 3 June 2024 will be subject to the three-month registration period.

Ensuring that the law is clear on by when an individual should be registered creates a driver for employers and workers to meet the mandatory timescale. Clarifying the timescale for applying for registration lessens any potential risks to those receiving services, who include some of our most vulnerable citizens.

The legislation before the committee is an essential part of a process that is designed to ensure that public safety is at the heart of social services in Scotland. I hope that members will support the instrument.

The Convener: Minister, I have a question about the three-month deadline. You said in your opening statement that there is concern that registrants are leaving registration until almost the six-month deadline and that that is one of the reasons for the proposed change. What measures have been put in place to ensure that people who are going into new employment from 3 June know that there is a three-month deadline and that they do not wait until two and a half months into their employment before making an application?

Natalie Don: We would hope—we are sure—that employers will support their employees with that. As I said in my opening statement, SSSC published a page on its website in March that details all the changes to registration as part of its future-proofing programme. That includes information on the three-month registration deadline, which states that anyone starting from 3 June will be subject to that period. SSSC is also

sending information directly to employers, so that they are aware of the changes. It is holding a series of online events for employers and workers to ensure that any questions are answered and that nothing is left unturned.

The Convener: Will there be any leeway for registrants who start on 3 June if they go beyond that three-month deadline? What is the contingency for that?

Natalie Don: There would be support. I will ask officials to come in with some of the detail on that.

Jamie McIntyre (Scottish Government): SSSC has guaranteed that it will put support in place. That would start with dialogue, so I do not think that a punitive approach would be taken immediately. It is accepted that this is a change in the process, so there would be continued work. The feeling is that the change has been very well communicated, that there is good awareness of it and that there is a lot of positivity out there. The expectation is that only a very small proportion of people might fall into that group.

Emma Harper (South Scotland) (SNP): As you are talking about communicating to employers and employees, I would be interested to know whether you are monitoring or tracking people who might not be engaging. Will that be followed up with those people?

Natalie Don: Yes.

Emma Harper: Okay. That was an easy answer.

Natalie Don: Yes.

The Convener: As I have had no indication that anyone else has a question, I thank the minister for her evidence.

Agenda item 4 is the formal debate on the instrument. I remind the committee that officials may not speak in the debate. I ask the minister to speak to and move motion S6M-12990.

Natalie Don: I have nothing further to add, thank you.

Motion moved,

That the Health, Social Care and Sport Committee recommends that the Registration of Social Workers and Social Service Workers in Care Services (Scotland) Amendment Regulations 2024 [draft] be approved.—
[Natalie Don]

Motion agreed to.

The Convener: That concludes the public part of our meeting today.

09:56

Meeting continued in private until 10:56.

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