HEALTH AND SOCIAL CARE BILL (UK PARLIAMENT LEGISLATION) – LEGISLATIVE CONSENT MEMORANDUM

During my appearance before the Committee on 23 February 2011 to give evidence on the legislative consent memorandum (LCM (S3) 33.1) relating to the Health and Social Care Bill, I agreed to respond in writing to issues raised by Committee members.

These issues are addressed below:

Clarification on the procedures by which the Scottish Ministers would appoint a member to the board of the proposed Professional Standards Authority for Health and Social Care (PSAHSC)

Legislation currently requires one member of the Council for Healthcare Regulatory Excellence (CHRE) to be appointed by the Scottish Ministers and there is agreement that the Appointments Commission takes forward the appointment process. This is on the basis that the Scottish Government fields a Scottish member for the relevant panel and that member decides which applicant should be recommended to the Scottish Ministers for appointment.

As the Appointments Commission is being abolished by the Bill, new provisions will allow the Scottish Ministers to make arrangements with the Professional Standards Authority for Health and Social Care (PSAHSC) (CHRE’s successor body) to assist them in their appointment of a member of the PSAHSC. The provision is welcomed as it allows for the Scottish Ministers to retain their current power of appointment.

Whether any future decision by the Scottish Government to seek to integrate the functions of the Scottish Social Services Council (SSSC) into the PSAHSC, would require primary legislation at Westminster?

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Both bodies carry out different roles, in that the SSSC is a regulator for social services, whilst the PSAHSC oversees the work of Health regulators. The functions of the SSSC, or any regulator, could not be integrated into the work of the PSAHSC.

The Social Service regulators in each of the home countries have a well established system of cross border recognition of social work qualifications and registration between themselves. This ensures there are no barriers to social workers moving to work throughout the UK.

I hope this information is helpful and answers the concerns of Committee members.

NICOLA STURGEON