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Health, Social Care and Sport Committee

The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2024 [draft]



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Contents

Introduction

1

The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2024

2

Delegated Powers and Law Reform Committee Consideration

3

Health, Social Care and Sport Committee consideration

4

Health, Social Care and Sport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for NHS Recovery, Health and Social Care and matters relating to drugs and alcohol policy.



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Committee Membership

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 <div>Sandesh Gulhane Scottish Conservative and Unionist Party</div>	 <div>Emma Harper Scottish National Party</div>
 <div>Gillian Mackay Scottish Green Party</div>	 <div>Ruth Maguire Scottish National Party</div>
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 <div>David Torrance Scottish National Party</div>	 <div>Tess White Scottish Conservative and Unionist Party</div>

Introduction

1. This report sets out the Health, Social Care and Sport Committee's consideration of a Scottish Statutory Instrument (SSI) at its meeting on 6 February 2024.

The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2024

2. The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2024 were laid on 11 January 2024. The instrument is subject to the affirmative procedure (Rule 10.6).
3. The policy note describes the purpose of the instrument as follows—
 - ” 1. The instrument increases the value of payments for free personal care and nursing care by 6.68%.
4. This instrument increases payment rates in line with inflation using the GDP Deflator, with rates increasing from £233.10 to £248.70 for personal care and increasing from £104.90 to £111.90 for nursing care.
5. The policy note states that weekly payment rates were set at levels above the GDP Deflator for 2021/22, 2022/23 and 2023/24, due to evidence that the cost of providing personal and nursing care has increased significantly and the payment made to providers by Local Authorities for self-funding residents has not kept pace with this. This resulted in increases of 7.5% for 2021/22, 10% for 2022/23 and 9.5% for 2023/24. It further sets out that due to budgetary pressures, it was not possible to make an above GDP Deflator increase for 2024/25 and rates instead are set to be increased by the GDP deflator of 6.68%.

Delegated Powers and Law Reform Committee Consideration

6. The Delegated Powers and Law Reform Committee (DPLR) considered the instrument at its meeting on [23 January 2024](#). The DPLR Committee agreed that it did not need to draw the Parliament's attention to the instrument on any grounds within its remit.

Health, Social Care and Sport Committee consideration

7. The Health, Social Care and Sport Committee is required to consider and report on the instrument.
 8. Maree Todd MSP, the Minister for Social Care, Mental Wellbeing and Sport ("the Minister"), has, by motion [S6M-11853](#) proposed that the Committee recommends approval of the Regulations.
 9. The Committee took evidence from the Minister at its meeting on 6 February 2024. The Committee noted that the rates have been set above inflation for the past three financial years due to the increasing cost of providing personal and nursing care and the recognition that the payment made to providers by Local Authorities for self-funding residents has not kept pace. Some Members raised concerns that the rates in the instrument are not set above inflation and that this could fall short of the funding Local Authorities require to provide personal care.
 10. Following the evidence session, the Minister moved motion S6M-11853—That the Health, Social Care and Sport Committee recommends that the Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2024 [draft] be approved.
 11. The motion was agreed to.
12. The Health, Social Care and Sport Committee recommends to the Scottish Parliament that the Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2024 [draft] be approved.

