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Health, Social Care and Sport Committee

Annual report of the Health, Social Care and Sport Committee 2023-24



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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.

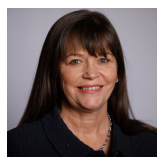


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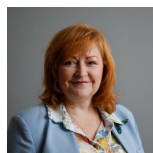
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Introduction

1. This annual report covers the work of the Health, Social Care and Sport Committee over the period of 13 May 2023 to 12 May 2024.
2. The role of the Committee is 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.

Membership changes

3. There were three membership changes in the reporting year:
 - On 7 November 2023, Stephanie Callaghan MSP was replaced by Ivan McKee MSP.
 - On 14 November 2023, Evelyn Tweed MSP was replaced by Ruth Maguire MSP.
 - On 8 May 2024, Ivan McKee MSP left the Committee.

Meetings

4. The Committee held 38 meetings over this period, 3 of which were joint meetings with the Criminal Justice Committee and Social Justice and Social Security Committee. 2 meetings were held fully in private, 1 fully in public, and 35 were public meetings with private agenda items. Private items were predominantly consideration of evidence, the Committee's work programme and draft reports.
5. 173 witnesses attended the Committee during the reporting year.



Source: Scottish Parliament

Legislation

Bills



Bills scrutinised

Source: Scottish Parliament

National Care Service (Scotland) Bill

6. The Scottish Government introduced the [National Care Service \(Scotland\) Bill](#) on 20 June 2022.
7. The Scottish Government describes the purpose of the Bill as being "to improve the quality of social work and social care services in Scotland". By bringing forward proposals for the creation of a National Care Service, the Scottish Government aims to make sure that these services are offered in the same way and at the same standard throughout Scotland.
8. The Bill as introduced allows Scottish Ministers to transfer responsibility for social work and social care from local authorities to a new, national service, under their direct control. Social care, social work and community health services would be planned and delivered by new care boards. The national care service, like services organised by integration authorities now, could include adult and children's services, as well as areas such as justice social work. The Scottish Government would need to consult the public before transferring children's services or justice social work responsibilities.
9. Scottish Ministers will also be able to transfer healthcare functions from the NHS to the National Care Service. Care or health services that are transferred could be delivered nationally or locally by care boards. New 'special' care boards, not based on geographic boundaries, could also be established to provide specialised national

services.

10. As well as establishing the National Care Service, the Bill proposes other changes including:
 - allowing information to be shared by the National Care Service and the NHS;
 - introducing a right to breaks for carers;
 - giving rights to people living in adult care homes to see the people important to them (known as "Anne's Law").
11. As the lead Committee, the Committee took extensive oral evidence on the Bill at Stage 1 in 2022-23.
12. In May 2023, the Minister for Social Care, Mental Wellbeing and Sport informed the Committee that the Scottish Government would hold public engagement forums and discussions with unions and local government over the summer.
13. On 7 June 2023, Parliament agreed that consideration of the Bill at Stage 1 be extended to 31 January 2024.
14. The Committee took further oral evidence at Stage 1 from key stakeholders and the Minister in October 2023. The Scottish Government committed to substantially amending the Bill at Stage 2 based on the co-design events and negotiations with stakeholders over the summer.
15. On 17 January 2024, Parliament agreed that consideration of the Bill at Stage 1 be extended to 1 March 2024.
16. The Committee published its Stage 1 report on 22 February 2024, and the Stage 1 debate was held on 29 February 2024.
17. The Committee plans to hold further oral evidence sessions ahead of Stage 2 proceedings in Autumn 2024.

Patient Safety Commissioner for Scotland Bill

18. The Scottish Government introduced the [Patient Safety Commissioner for Scotland Bill](#) on 6 October 2022.
19. The purpose of the Bill is to establish a new Parliamentary Commissioner, the Patient Safety Commissioner for Scotland, independent of the NHS and government. The Bill establishes the office of the Commissioner and provides for its purposes to:
 - Identify patient safety issues in the provision of healthcare in Scotland
 - Amplify the voices of patients in relation to these safety issues
 - Make recommendations to address the safety issues identified
20. The Commissioner's remit will cover all healthcare providers operating in Scotland,

including NHS, NHS-contracted and independent healthcare providers.

21. As the lead Committee, the Committee undertook Stage 1 scrutiny of the Bill in 2022-23.
22. The Committee considered the Bill at Stage 2 at its meeting on [13 June 2023](#).
23. The Bill was passed at Stage 3 on 27 September 2023 and became an Act on 7 November 2023.

Abortion Services (Safe Access Zones) (Scotland) Bill

24. Gillian Mackay MSP introduced the [Abortion Services \(Safe Access Zones\) \(Scotland\) Bill](#) on 5 October 2023.
25. The purpose of the Bill is to create safe access zones around abortion service providers in Scotland, with the aims of:
 - Protecting access to abortion services across Scotland
 - Ensuring that people can access abortion services without fear of, and free from, intimidation, harassment or public judgement
 - Ensuring that at the point of access users are protected from attempts to influence or persuade them in relation to their decision to access services
 - Taking a preventative approach so all abortion services are covered, including those that have not experienced protests
 - Ensuring that providers or facilitators of the service are protected from attempts to influence their decision to provide or facilitate abortion related services at their place of work or where those services are delivered
 - Preventing providers or facilitators from being reluctant to provide or facilitate services for fear of such protests occurring
26. As the lead Committee, the Committee undertook Stage 1 scrutiny of the Bill in 2024. The Committee worked with other committees and teams across the Scottish Parliament to apply learning from consideration of previous high-engagement, controversial and polarised topics, and to develop a joined-up approach to its scrutiny of the Bill.
27. The Committee issued two calls for evidence as part of its scrutiny; A draft short survey and detailed call for evidence. It was intended that stakeholders wishing to express general views about the Bill may use the short survey and stakeholders who may have more detailed comments to make on specific aspects of the Bill may use the detailed call for evidence. The Committee received 2178 responses to the short survey and 3680 responses to the detailed call for evidence. A number of responses to each of the calls for evidence were a result of campaigns from stakeholder organisations. These were received in a variety of different formats which required additional skill and resource to publish and analyse.
28. The Committee carefully considered evidence from both those who have been

affected by activities outside abortion services and from those engaging in those activities as part of its scrutiny. All formal and informal engagement was undertaken using a trauma-informed approach to make sure participants felt safe, in control, and empowered to speak about their experiences. Safeguarding risk assessments were undertaken in advance, and additional support was provided for participants, Committee Members and Scottish Parliament staff involved in the scrutiny.

29. The Committee published its [Stage 1 report](#) on 22 April 2024, and the Stage 1 debate was held on 30 April 2024.

Subordinate legislation

30. During the reporting year, the Committee considered 26 pieces of subordinate legislation, 1 document subject to parliamentary control, and 1 proposal for a UK Statutory Instrument under the Statutory Instrument Protocol:
- 19 negative Scottish Statutory Instruments
 - 1 negative UK Statutory Instrument
 - 5 affirmative Scottish Statutory Instruments
 - 1 affirmative UK Statutory Instrument
 - 1 proposal for a UK Statutory Instrument under the Statutory Instrument Protocol
 - 1 document subject to parliamentary control



SSIs considered

LCMs

31. The Committee considered one UK Parliament Bill in the reporting year.
32. At its meeting on 30 April 2024, the Committee considered a [legislative consent memorandum on the Victims and Prisoners Bill](#).
33. The Victims and Prisoners Bill did not trigger the need for an LCM when first introduced as the majority of the Bill's provisions did not extend to Scotland and those that did related to reserved matters. However, on 17 April 2024, during the Report Stage in the House of Lords, the UK Government lodged amendments to replace the previous Part 3 provision that was included in the Bill in the House of Commons. This followed an amendment lodged by Dame Diana Johnson MP relating to compensation for victims of the infected blood scandal. The provisions in these amendments triggered the requirement for an LCM under Rule 9B.3.1(c) of the Scottish Parliament's Standing Orders. The Committee undertook expedited scrutiny of the LCM, reporting on the same day as both the debate in the Scottish Parliament Chamber and the then anticipated final consideration at Report Stage in the House of Lords.

Inquiries/case studies

NHS Boards periodic scrutiny

34. At its meeting on 17 January 2023, the Committee agreed to invite a series of [frontline NHS boards](#) to give evidence on their performance, financial sustainability and recovery from the COVID-19 pandemic as well as key issues related to workplace culture and workforce.
35. It was agreed that these evidence sessions would be scheduled as and when other work programme commitments allow. It was further agreed that this scrutiny would be informed, in the specific case of the 14 territorial boards, by the [NHS board performance escalation framework](#) and by Audit Scotland's [NHS in Scotland 2022 report](#).
36. Between March and June 2023, the Committee heard oral evidence from Scotland's 14 territorial boards, the Scottish Ambulance Service, NHS24, the Golden Jubilee Hospital, and the State Hospital.
37. The Committee concluded its scrutiny with a session with the Cabinet Secretary for NHS Recovery, Health and Social Care on 27 June 2023.

Experiences of the Complex Mesh Surgical Service

38. During the Committee's scrutiny of the [Transvaginal Mesh Removal \(Cost Reimbursement\) \(Scotland\) Bill](#) in late 2021 and early 2022, the Committee were concerned to hear issues raised by women in relation the Complex Mesh Surgical Service (CMSS). The Committee agreed to undertake [specific follow-up scrutiny](#) of the Service.
39. A call for views and one oral evidence session were held in early 2023, and on 16 May 2023 the Committee heard evidence from the Minister for Public Health and Women's Health.
40. The Committee concluded its inquiry with a letter to the Minister for Public Health and Women's Health on 23 June 2023. The Minister responded on 22 August 2023.

Inquiry into female participation in sport and physical activity

41. The Committee's [inquiry](#) into the health and wellbeing of children and young people highlighted a significant decline in participation of girls in sport and physical activity as they reach adolescence which can result in a negative impact on their physical health and mental wellbeing.
42. This [inquiry](#) focused on female participation at both community and elite level and

sought to identify barriers to participation, including the intersectionality of additional barriers to participation, such as ethnicity and disability. The Committee aimed to identify actions that should be taken to help increase the numbers of women and girls participating in sport and physical activity, and crucially what can be done to ensure they are able to remain active and engaged throughout their lives.

43. Written and oral evidence was gathered in 2022-23, with further oral evidence sessions held in May and June 2023.
44. The Committee's report was published on 9 October 2023.
45. A chamber debate on the inquiry was held on 28 November 2023 before a full response from the Minister for Social Care, Mental Wellbeing and Sport was received on 11 December 2023.

Winter planning 2023-24

46. The Committee's aim in this short inquiry into [winter planning](#) was to review the effectiveness of the [Winter Resilience Overview 2022-23](#) and make recommendations for the forthcoming 2023-24 winter plan.
47. The Committee ran a call for views from 2 June to 14 July 2023, and took oral evidence at its meeting on 5 September 2023.
48. The Committee outlined its recommendations in a letter to the Cabinet Secretary for NHS Recovery, Health and Social Care on 21 September 2023. The Cabinet Secretary responded on 23 October 2023.

Budget scrutiny 2024-25

49. To inform its [pre-budget scrutiny](#) for 2024-25, the Committee issued a call for views from 30 June to 25 August 2023, which received 28 responses.
50. The Committee took oral evidence on 19 September 2023 and 3 October 2023.
51. On 24 October 2023, the Committee wrote to the Cabinet Secretary for NHS Recovery, Health and Social Care highlighting a number of issues arising from its pre-budget scrutiny.
52. The Scottish Government published its [2024-25 Budget](#) on 19 December 2023 and the Cabinet Secretary for NHS Recovery, Health and Social Care responded to the Committee's pre-budget scrutiny letter on that same date.
53. The Committee concluded this budget scrutiny exercise by taking evidence from the Cabinet Secretary for NHS Recovery, Health and Social Care at its meeting on 16 January 2024.

Questions to the Cabinet Secretary

54. The Committee looked to engage with members of the public to hear what questions they have about the Scottish Government's health and social care policy and services, and put those questions to the Cabinet Secretary for NHS Recovery, Health and Social Care at its meeting on [12 September 2023](#).
55. The Committee agreed an innovative approach of using the Your Priorities platform, where members of the public were able to suggest and vote for topics they wished the Committee to put to the Cabinet Secretary. The suggestions were then analysed to produce a note on the themes for the session.

Healthcare in remote and rural areas

56. The Committee began its [inquiry](#) into healthcare in remote and rural areas with a Your Priorities survey to identify key issues that those accessing healthcare in remote and rural areas face. The survey received over 200 comments from 217 respondents.
57. The Committee then ran a detailed call for views from 14 September to 20 October 2023, which received 70 responses.
58. Oral evidence was heard in November and December 2023, followed by two online informal engagement events with representatives from local patient campaign groups as well as rural GPs and multi-disciplinary teams (MDTs) in January and February 2024.
59. On 13 and 14 May 2024, the Committee undertook a visit to Skye to hear from staff, stakeholders, and local patient groups about issues and challenges people face with accessing healthcare in remote and rural areas. Members visited Broadford Hospital and Broadford Medical Practice as well as engaging with third sector organisations and service users in Portree.
60. The Committee will conclude oral evidence later in May 2024.

Committee Members visiting Broadford Hospital as part of their engagement visit to Skye.



Source: Scottish Parliament

Post legislative scrutiny

Post legislative scrutiny of the Social Care (Self-directed Support) (Scotland) Act 2013

61. At its meeting on 27 June 2023, the Committee agreed to undertake [post-legislative scrutiny of the Social Care \(Self-directed Support\) \(Scotland\) Act 2013](#). During the previous decade, since legislation that introduced the concept of self-directed support came into force, many stakeholders have reported issues with its implementation and argued that, as a result, the intent of the legislation has not been fully realised. The purpose of this scrutiny was to understand reported issues around implementation of SDS, examine whether practice is in line with the principles and values of the legislation, and explore what future action may be required.
62. The Committee agreed a two-phase approach to its post-legislative scrutiny with phase one focused on information gathering and phase two focused on developing recommendations for future implementation of the Act, informed by analysis of the evidence gathered during phase one:
 - Phase 1 to be undertaken between October 2023 - February 2024
 - Phase 2 to be undertaken March 2024 onwards
63. The Committee established an informal stakeholder reference group to help determine the focus of Phase 1 of the inquiry. As a result, the Committee engaged with stakeholders during an informal briefing, issued a call for written evidence, and developed and delivered five engagement workstreams using a deliberative democracy approach.
64. The Committee published its [Phase 1 report](#) on 3 May 2024. The Committee plans to hold oral evidence sessions as part of Phase 2 in June 2024 and publish its final report in Autumn 2024.

Post legislative scrutiny of the Health and Care (Staffing) (Scotland) Act 2019

65. At its meeting on 7 November 2023, the Committee agreed to write a [letter](#) to the Cabinet Secretary for NHS Recovery, Health and Social Care on the Health and Care (Staffing) (Scotland) Act 2019.
66. The Cabinet Secretary [responded](#) to the Committee's letter on 19 January 2024.

Post legislative scrutiny of the Alcohol (Minimum Pricing) (Scotland) Act 2012

67. Ahead of the laying of subordinate legislation to continue the provisions of the Alcohol (Minimum Pricing) (Scotland) Act 2012 and to increase the minimum unit price, the Committee conducted post-legislative scrutiny of the 2012 Act to inform its scrutiny of the upcoming instruments.
68. At its meeting on [7 November 2023](#), the Committee heard from Public Health Scotland on its final report on the independent evaluation of minimum unit pricing.
69. At its meeting on [6 February 2024](#), the Committee held oral evidence sessions with alcohol charities and representatives of retailers and manufacturers.

Cross Committee working

Reducing drug deaths in Scotland and tackling problem drug use

70. On [26 September 2023](#), [2 November 2023](#), and [1 May 2024](#), Members of the Criminal Justice, Health, Social Care and Sport, and Social Justice and Social Security committees held joint evidence sessions to consider the progress made on the implementation of the recommendations of the Scottish Drug Deaths Taskforce and the Scottish Government's plans for the future, including its National Mission to reduce drug related death and harm, the work of the National Drugs Mission Oversight Group, and the progress being made for the establishment of a safer drug consumption facility in Glasgow.

Equal opportunities

71. The Committee made efforts to listen to the views of under-represented groups as part of its inquiry into healthcare in remote and rural areas. The Committee is acutely aware that people in remote areas face barriers to accessing opportunities to give evidence in Parliament and are therefore conscious of the importance of actively seeking and engaging with their views and experiences.
72. As noted earlier in this report, the Committee established five workstreams, including participants with lived experience panels of accessing and delivery self-directed support (SDS) to inform its post-legislative scrutiny of the Self-directed Support (Scotland) Act 2013. One workstream consisted of service-users, another with carers, and two comprised frontline social care and social work staff respectively. Both included a range of individuals from across Scotland and were established with a view to shaping the Committee's understanding the issues affecting these groups in relation to the implementation of SDS. The Committee will apply what it has learned from these workstreams as it scrutinises public services and the work of the Scottish Government during phase 2 of the inquiry.

