

# National Care Standards Review Public Consultation

## RESPONDENT INFORMATION FORM

**Please Note** this form **must** be returned with your response to ensure that we handle your response appropriately



### 1. Name/Organisation

#### Organisation Name

ACTION FOR SICK CHILDREN SCOTLAND (ASCS)

Title Mr  Ms  Mrs  Miss  Dr  Please tick as appropriate

#### Surname

BOYLE

#### Forename

MARY

### 2. Postal Address

Action for Sick Children Scotland (ASCS)

22 Laurie Street

EDINBURGH

Postcode EH6 7AB

Phone 0131 553 6553

Email

### 3. Permissions - I am responding as...

Individual / Group/Organisation

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

**Please tick as appropriate**

Yes  No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

**Please tick ONE of the following boxes**

Yes, make my response, name and address all

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

**Please tick as appropriate**

Yes  No

available

*or*

Yes, make my response available, but not my name and address

*or*

Yes, make my response and name available, but not my address

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

***Please tick as appropriate***

***Yes***

***No***

## CONSULTATION QUESTIONS

### Question 1

**Do you think that the new National Care Standards should be grounded in human rights?**

#### **YES**

We fully support the proposal to ground the new care standards in human rights. Action for Sick Children Scotland (ASCS) is a charity working on behalf of sick children, young people and their families which operates its core business from a Rights base. In particular our work is underpinned by the ten principles of the EACH Charter – the rights of children and young people in health care services - and their corresponding rights as set out in the United Nations Convention on the Rights of the Child (UNCRC). Our work has the wellbeing of children and young people as its central focus. Given our experience in this area we would be very keen to be involved in the review process.

### Question 2

**a. Do you agree that overarching quality standards should be developed for all health and social care in Scotland?**

#### **YES**

While agreeing with the proposal in principle, it will be important to take into consideration the existing standards for both sectors. Joint overarching quality standards could do much to streamline and support integrated working however, there is currently a plethora of standards for NHS staff and it will be crucial to work closely with both Scottish Government health colleagues and NHS Boards.

**b. Do you agree that the overarching quality standards should set out essential requirements based on human rights?**

#### **YES**

However, with Scotland's adoption of the European Convention on Human Rights and the recent Children and Young People (Scotland) Act 2014, the issue of human rights should be a given and a legal requirement. The overarching standards should aim to build on this basic requirement rather than restate it.

**c. Do you agree that the current National Care Standards should be streamlined and a set of general standards developed that would sit below the overarching standards and apply to all services?**

**YES**

It will be important to ensure that the general standards are written in such a way as to cover the entire age span from birth onwards. Once again ASCS would be very interested in contributing to this process. The organisation has a wealth of knowledge and experience in relation to children's healthcare needs and rights.

**d. Do you think general standards should set out essential requirements and aspirational elements?**

**YES**

It is essential to have shared values and aspirations for a quality service. The review document could be strengthened by the inclusion of some of the proposed 'aspirations'. However, we have some concerns around the concepts of essential 'requirements' and aspirational 'elements'. This implies that there is a minimum standard that services need to achieve and anything over and above is optional. We would propose that this should not be the case; there should be considerable focus on continuous improvement and support for that process. Inspection programmes and monitoring of standards should reflect this.

**e. Do you agree that a suite of specific standards are developed for particular aspects of care, circumstances or need?**

**YES**

ASCS proposes that specific standards are developed for aspects of care relating to children and young people. In particular care should be based around articles from the UNCRC which have been enacted in the legal Framework for the Children and Young People (Scotland) Act 2014. The guidance for the Act, due to be published in Spring 2015 may highlight some issues to inform the review process. Again ASCS would be keen to contribute to the development of any part of the review process related to Children and Young People.

### **Question 3**

#### **a. What are your views on how standards should be written?**

It would appear that despite the reference in the text to a variety of publications relating to quality standards in both sectors, the example focuses only on 'PANEL' principles. We support the concept of a section for people using services and one for service providers. However, there appear to be major areas which do not appear overtly in the 'PANEL' principles but which are essential components of a quality health service. For example 'safe' does not appear as an entitlement or as a responsibility. The patient safety agenda is one of the major drivers for achievement of standards in the NHS.

#### **b. What are your views on the example of how the rights and entitlements of people using services and the responsibilities of service providers could be set out?**

ASCS proposes that GIRFEC should be used as the underpinning framework for Rights, entitlements and responsibilities across the age span. This is well known to staff working with CYP in both sectors and discussion about the application of the SHANARRI indicators to older age groups has been very positive.

### **Question 4**

#### **a. Do you think the Care Inspectorate and Healthcare Improvement Scotland should hold services they regulate to account for meeting the proposed overarching standards, the general standards and the suite of specific standards?**

#### **YES**

Although there are specific Governance arrangements already in place in the NHS, we think that the CI and HIS should hold services they regulate to account. Reporting mechanisms and indicators should be drawn up in consultation with services and it would be essential to adopt a quality enhancement approach and support services to achieve the standards.

**b. How should we ensure that services not regulated by the Care Inspectorate and Health Improvement Scotland comply with the new standards?**

**Don't know.** This is not our area of expertise.

**c. We suggest that the Care Inspectorate and Healthcare Improvement Scotland, consulting with others, should develop the suite of specific standards. Do you agree with this?**

**YES**

We agree that collaboration is essential. However, we support 'Participation' in the process rather than 'consultation' after drafting. Service users, families, carers and the third sector should be involved in the consultation process.

## **Question 5**

**a. Please tell us about any potential impacts, either positive or negative, you feel any of the proposals set out in this consultation paper may have on particular groups of people, with reference to the 'protected characteristics' listed above.**

In relation to the protected characteristic of 'Age', ASCS supports a joint set of standards, based on values, but would propose that UNCRC articles are the basis of these standards and that the relevant groups/organisations are engaged fully in the process. We would also recommend that attention is given to standards for Children and Young People receiving acute care and that existing models, such as the EACH Charter referred to earlier are used in the first instance.

**b. Please tell us about any potential costs or savings that may occur as a result of the proposals set out in this consultation paper and any increase or reduction in the burden of regulation for any sector. Please be as specific as possible.**

The Regulatory bodies in Health e.g. NMC, HPC, GMC all have robust standards for Practice in place. The review process must include these groups and the current standards set by the Regulators.

## **Question 6**

**Please tell us if there is anything else you wish us to consider in the review of the National Care Standards that is not covered elsewhere in the consultation paper.**

ASCS supports in principle the review and the concept of joint standards based on values.

We feel that the consultation document focuses very much on 'essential components' which we see as basic human rights and for which we feel that services already have a legal and moral responsibility. The document could be strengthened by building on the pre existing requirements and being more explicitly aspirational. ASCS looks forward to engaging as active participants in the review process. In particular, ASCS can offer expertise in relation to how general standards might apply to Children and Young People and can bring a wealth of experience to the development of a CYP specific suite.

Thank you for the opportunity to comment on this review.

## How to respond

We are inviting responses to this consultation paper by 17<sup>th</sup> September 2014. Please send your response with the completed Respondent Information Form to [nationalcarestandardsreview@scotland.gsi.gov.uk](mailto:nationalcarestandardsreview@scotland.gsi.gov.uk)

or to:

Carly  
Mental Health and Protection of Rights Division  
The Scottish Government  
Area 3ER, St Andrews House  
Edinburgh  
EH1

Nimmo

3DG

We would be grateful if you would **use the consultation questionnaire provided in the consultation document or clearly indicate in your response which questions or parts of the consultation paper you are responding to** as this will aid analysis of the responses received.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>

## Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the Respondent Information Form as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

## **Alternative formats and languages**

If you require a copy of this paper in an alternative format or different language please contact us at the address above.

## **Next steps in the process**

If you tell us we can make your response public we will put it in the Scottish Government Library and on the Scottish Government consultation web pages. We will check all responses where agreement to publish has been given for any wording that might be harmful to others before putting them in the library or on the website. If you would like to see the responses please contact the Scottish Government Library on 0131 244 4565. Responses can be copied and sent to you, but a charge may be made for this service.

## **What happens next?**

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision about how to proceed with the review of National Care Standards. We will issue a report on this consultation process which will be published on the Scottish Government's website at: <http://www.scotland.gov.uk/Publications/Recent>

Further consultation on the detailed content of the new standards will take place during 2014-15.

## **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to:

Lindsay  
Mental Health and Protection of Rights Division  
The Scottish Government  
Area 3ER, St Andrews House  
Edinburgh  
EH1 3DG

Liddle