



1. Guiding Principles: The Health and Care Staffing (Scotland) Act 2019

What is the Health and Care (Staffing) (Scotland) Act 2019 legislation about?

The Health and Care Staffing (Scotland) Act 2019 (**HCSSA**) provides a statutory basis for the provision of appropriate staffing in health and care services. This is to enable safe, high-quality care and improved outcomes for people experiencing care. This guide summarises the guiding principles of the Health and Care (Staffing) (Scotland) Act 2019. [Read the full legislation here.](#)

Who does it apply to?

All care services registered with the Care Inspectorate, defined within section 47(1) and schedule 12 of the Public Services Reform (Scotland) Act 2010:

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| ✓ care home service | ✓ day care of children (nursery) |
| ✓ support service with care at home | ✓ school care accommodation service |
| ✓ support service without care at home | ✓ secure accommodation service |
| ✓ housing support service | ✓ adult placement service |
| ✓ nurse agency | ✓ offender accommodation service |
| ✓ childcare agency | ✓ adoption service |
| ✓ childminding | ✓ fostering service. |

The main purposes of the HCSSA are:

- to provide safe and high-quality care
- to ensure the best care outcomes for people who use services *and in so far as it affects either of those matters*, the wellbeing of staff.

The guiding principles are:

1. improving standards and outcomes for service users
2. taking account of individual needs, abilities, characteristics of people
3. respecting the dignity and rights of people
4. taking account of the views of staff and people experiencing services
5. ensuring the wellbeing of staff
6. being open with staff, individuals and families about staffing decisions
7. allocating staff efficiently and effectively, and
8. promoting multi-disciplinary services.

How will I demonstrate consideration of the guiding principles?

Consider and reflect on the guiding principles in relation to the main purposes of the HCSSA, and in so far as it affects either of those matters, *the wellbeing of staff*. Review existing evidence that helps demonstrate compliance with the guiding principles. Identify any gaps in systems and processes in relation to any principles not previously considered. The HCSSA is not prescriptive about the ways you demonstrate compliance. Remember you will already have evidence and quality assurance audits for statutory inspections and contract monitoring.

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Examples of compliance with the Guiding Principles.

- ✓ Individuals and people close to them have been **involved** in creating care plans.
- ✓ Care plans provide information on how to **manage risk and make informed decisions**.
- ✓ Senior staff and key workers attend **professional meetings and care planning reviews**.
- ✓ People can make decisions because staff **promote their rights and choices**.
- ✓ People have support from staff to take **risks that enable** them to stay independent.
- ✓ Good practice underpins **recruitment, induction, training, supervision**, and the wellbeing of all staff.
- ✓ People experiencing services have (when appropriate) opportunities to be involved in **staff recruitment**.
- ✓ Diversity in the workforce across **protected characteristics**, supports, for example, staff of the same sex to help people with personal matters and support **privacy and dignity**.
- ✓ Measures to support staff wellbeing **include champions, resources, assessments, or external supports**.
- ✓ Planning support for **delivery times when more staff may be needed**, such as morning routines, social events, outings, mealtimes, nighttime routines, complex and end of life care.
- ✓ Staff rostering including **time for shift changeovers whilst maintaining** effective and safe care.
- ✓ Staffing supports people's assessed needs and agreed **goals to be met**.
- ✓ **Time is allocated to mentor** new recruits, undertake **observed practise and supervisions**.
- ✓ **Flexible shift times** consider the needs and wishes of people who use services, and the needs of staff.
- ✓ **Safety** for people and lone workers with **access to technology**, electronic monitoring and varied forms of care planning including electronic care planning.
- ✓ **Self-evaluation** and a live **service development plan** to drive continual improvement.
- ✓ **Multidisciplinary professional input** which supports positive outcomes for people along with valuable insights into staffing strengths or weaknesses.
- ✓ **Professional advice** on the implementation of good practice interventions.

How do I evidence professional judgement?

It is important to record staffing information, decisions and outcomes based on professional judgement. This is particularly important when reduced staffing may impact on the services ability to meet people's needs. Managers make decisions about the delivery of care every day. However, decisions, in unprecedented circumstances may challenge staff's professional judgement and even their ability to make a non-biased, safe, and good decision.

Collect the information needed to make a decision and consider 'what you don't know'. Always ask if you need to make this decision alone. If possible, share the problem with a colleague or manager who may have more experience and knowledge. Review any risks and consider solutions. This will support your professional judgment and your decision. If you do have to make the decision alone remember your **professional codes of practice**. Put safety first for those you care for, colleagues and yourself. Base decisions on good practice and evidence. Consider the needs, wishes and preferences of those affected by your decision. Record how you made the decision based on these factors. What matters is that

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you considered everyone, all the factors, asked for support if it was available, then took the best decision and recorded it.

Quality Assurance and Audit

Self-evaluation and quality assurance processes should cover key areas of practice. Providers should consider in what way staff, people using the service, and their families are involved in how the service assures quality. A range of regular audits, observations of practice, plus checks and measurements, will already produce important information in relation to staffing and the guiding principles.

Managers and senior staff should have enough time to carry out regular quality assurance and to evaluate the findings. Managers should ensure that the evaluation of quality assurance information includes tracking data over time. This will help the identification of trends, gaps, or inconsistent practice, and it will help leaders to communicate findings to staff, families and people who experience care.

[Care Inspectorate: Safe Staffing Programme](#)

[The Hub](#)

[Staffing Method Framework](#)

[HCSSA Statutory Guidance](#)