



Safe staffing programme

Health and Care Staffing (Scotland) Act 2019

Cameras and Microphones are off.

Have your own mobile camera ready for QR codes or use the links which will be added to the chat.

Questions in chat will be monitored by safe staffing colleagues.

● safestaffingproject@careinspectorate.gov.scot



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Meet the team

Oversight: Chief nurse, Marie McKerry

Programme lead: Stephanie Thom

Improvement support officer: Ashley Smith

Safe staffing advisers

Glo McLoughlin

Melissa Cook

Candice Aitken



Adults



CYP



ELC



Session overview

Objectives & EOYR 23/24

Health and Care (Staffing) (Scotland) Act 2019
overview

HCSA resources

Local and Integrated authorities - Reporting

Inspection and Self-evaluation

Question and evaluation



Challenges for the social service sector

Fuel,
Inflation

Cost of
living

Staff wages

Local
authorities'
budgets

Wider
economic and
financial
context

UK
immigration
policy

Aging
population

Recruitment
and
retention

Increased
competition for
working age
people

Detailed HCSA Post Implementation Poll (24-25)

Detailed HCSA Poll



Safe Staffing Programme Objectives 24 - 25

- To ensure governance arrangements and reporting are in place, and to assure the workplan is effective and complies with legal and regulatory requirements.
- Continue to increase stakeholder engagement using media platforms and resources to embed the HCSSA into everyday practice.
- Review and update existing supporting guidance and agree a range of core resources, that will continue to support stakeholders beyond enactment.
- Explore how compliance with the HCSSA can be reported. Including exploring changes to the Care Inspectorate's RICE functions reporting and data collection processes.



Health and Care (Staffing) (Scotland) Act 2019

Part 1: Guiding principles for staffing



Part 2: Staffing in the NHS

Part 3: Staffing in care services

Chapter 3(a): Care Services using a staffing method



Part 4: General provisions



Health and Care (Staffing) (Scotland) Act 2019

In terms of Social Care which services does it apply to?

(1) In this Part, a “care service” is any of the following

	(g) offender accommodation services
(a) support services	(h) adoption services
(b) care home services	(i) fostering services
(c) school care accommodation services	(j) adult placement services
(d) nurse agency's	(k) child minding
(e) childcare agency's	(l) day care of children
(f) secure accommodation services	(m) housing support services



All services registered with care inspectorate



Which staff does this Act apply to?

- ✓ Employees of the care service
- ✓ Agency and other temporary / contract workers
- ✓ Self-employed workers
- ✓ Those on apprenticeship schemes and other 'earn as you learn' schemes who are employed by the care service
- ✓ All volunteers



Two Main Purposes of the Health and Care (Staffing) (Scotland) Act 2019

1(a) the main purposes of staffing for health and care services are:

To provide safe and high-quality services

To ensure the best care outcomes for people who use services

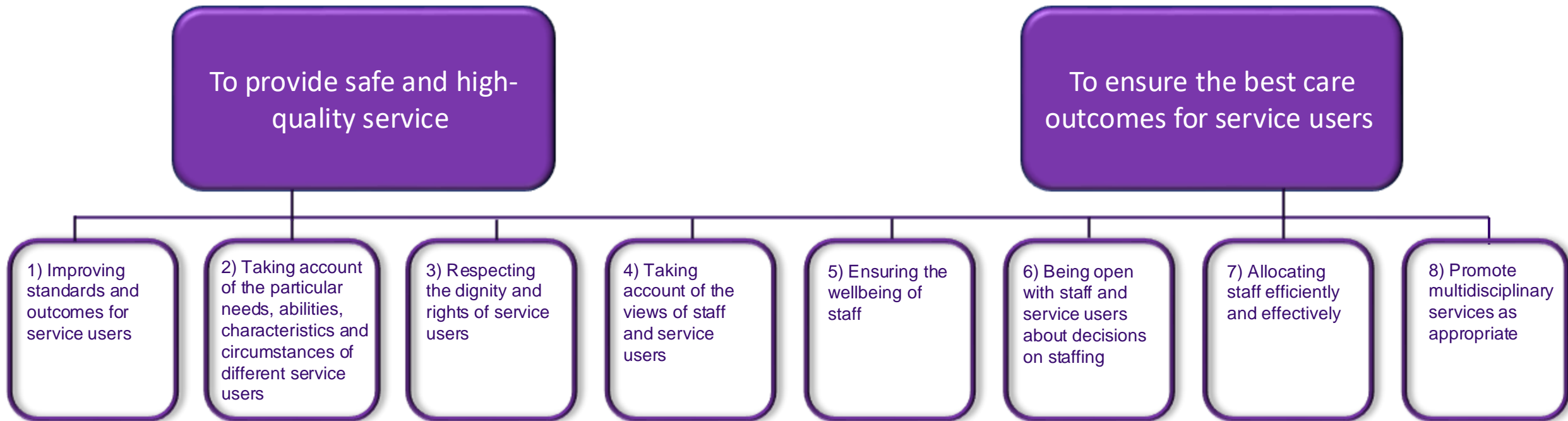
...and in so far as it affects either of those matters, the wellbeing of staff.



Connection between staffing and people's outcomes



Guiding principles Health and Care (Staffing) (Scotland) Act 2019 Part 1(b)



Connection between staffing and people's outcomes



...and in so far as it affects the main purposesthe wellbeing of staff

7. Allocating staff efficiently and effectively.



5. Ensuring the wellbeing of staff

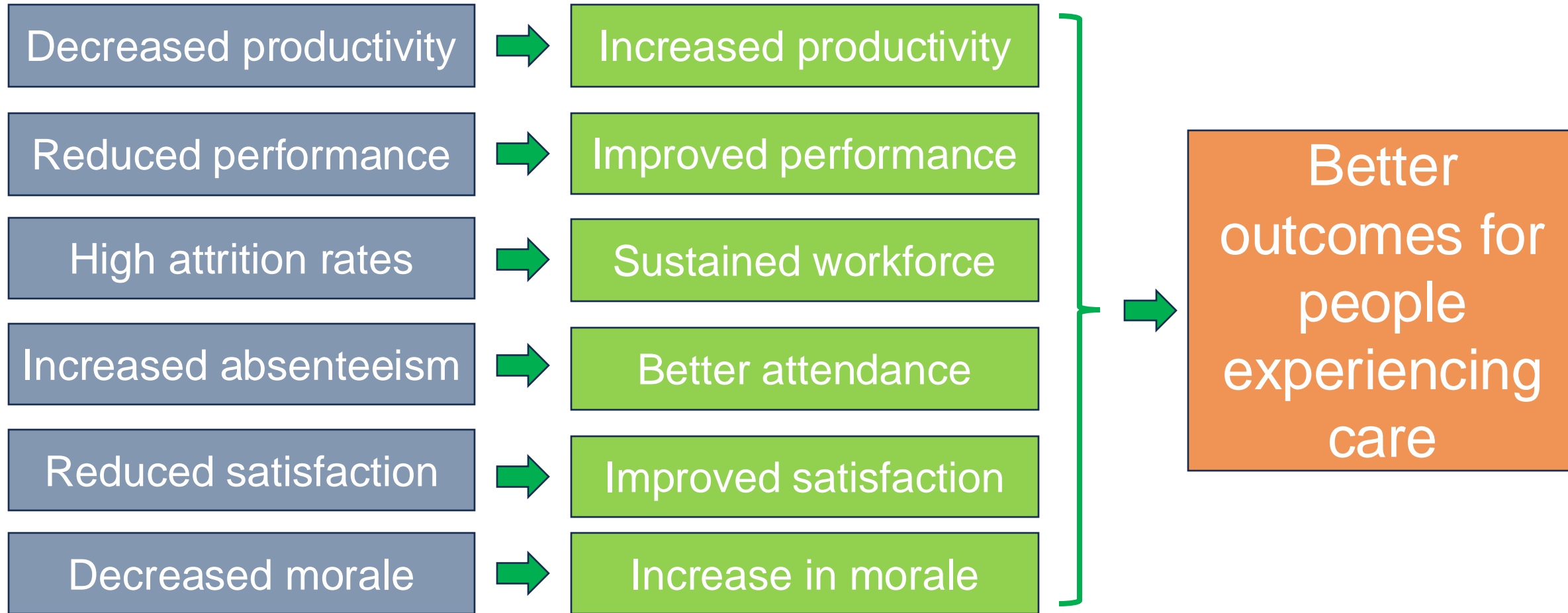
Statutory Guidance 4.6 & 4.13

- It is important to note that while the guiding principles are **focused on outcomes for service users** and the **reference to “safe” is drafted with service users in mind**, this **cannot be separated from the wellbeing of staff themselves**.
- An unsafe staffing environment can create unsafe services. Conversely, **improving the wellbeing of staff can improve the safety of service users and so the two are inextricably linked**.



The Health and Safety at Work Act (1974) is the main piece of health and safety legislation. It puts a duty on employers to ensure the safety, health and welfare at work of their **employees**. It says you must have a safety policy, and you must consult with your workforce.

The benefits of focusing on staff wellbeing



Health and Care (Staffing) (Scotland) Act 2019

The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 (SSI 2011/210)

Regulation 15 - Staffing

A provider must, having regard to the size and nature of the care service, the statement of aims and objectives and the number and needs of service users—

(a) ensure that at all times suitably qualified and competent persons are working in the care service in such numbers as are appropriate for the health, welfare and safety of service users; and

(b) ensure that persons employed in the provision of the care service receive—

(i) training appropriate to the work they are to perform; and

(ii) suitable assistance, including time off work, for the purpose of obtaining further qualifications appropriate to such work.

Repealed

PART 3

STAFFING IN CARE SERVICES

7 Duty on care service providers to ensure appropriate staffing

- (1) Any person who provides a care service must ensure that at all times suitably qualified and competent individuals are working in the care service in such numbers as are appropriate for—
 - (a) the health, wellbeing and safety of service users,
 - (b) the provision of safe and high-quality care, and
 - (c) in so far as it affects either of those matters, the wellbeing of staff.
- (2) In determining what constitutes appropriate numbers for the purposes of subsection (1), regard is to be had to—
 - (a) the nature of the care service,
 - (b) the size of the care service,
 - (c) the aims and objectives of the care service,
 - (d) the number of service users, and
 - (e) the needs of service users.

8 Training of staff

- (1) Any person who provides a care service must ensure that individuals working in the care service receive—
 - (a) appropriate training for the work they are to perform, and
 - (b) suitable assistance, including time off work, for the purpose of obtaining further qualifications appropriate to their work.
- (2) In subsection (1)(a), “appropriate training” includes training in how to use any method for staffing required in regulations by the Scottish Ministers under section 82B(1) of the Public Services Reform (Scotland) Act 2010.



HCSA places a duty on providers to ensure appropriate staffing

Suitably qualified and competent individuals in such numbers for:

a) The health and wellbeing of people

b) Provision of safe high-quality care

...and in so far as it affects either of those matters....

c) *The wellbeing of staff*

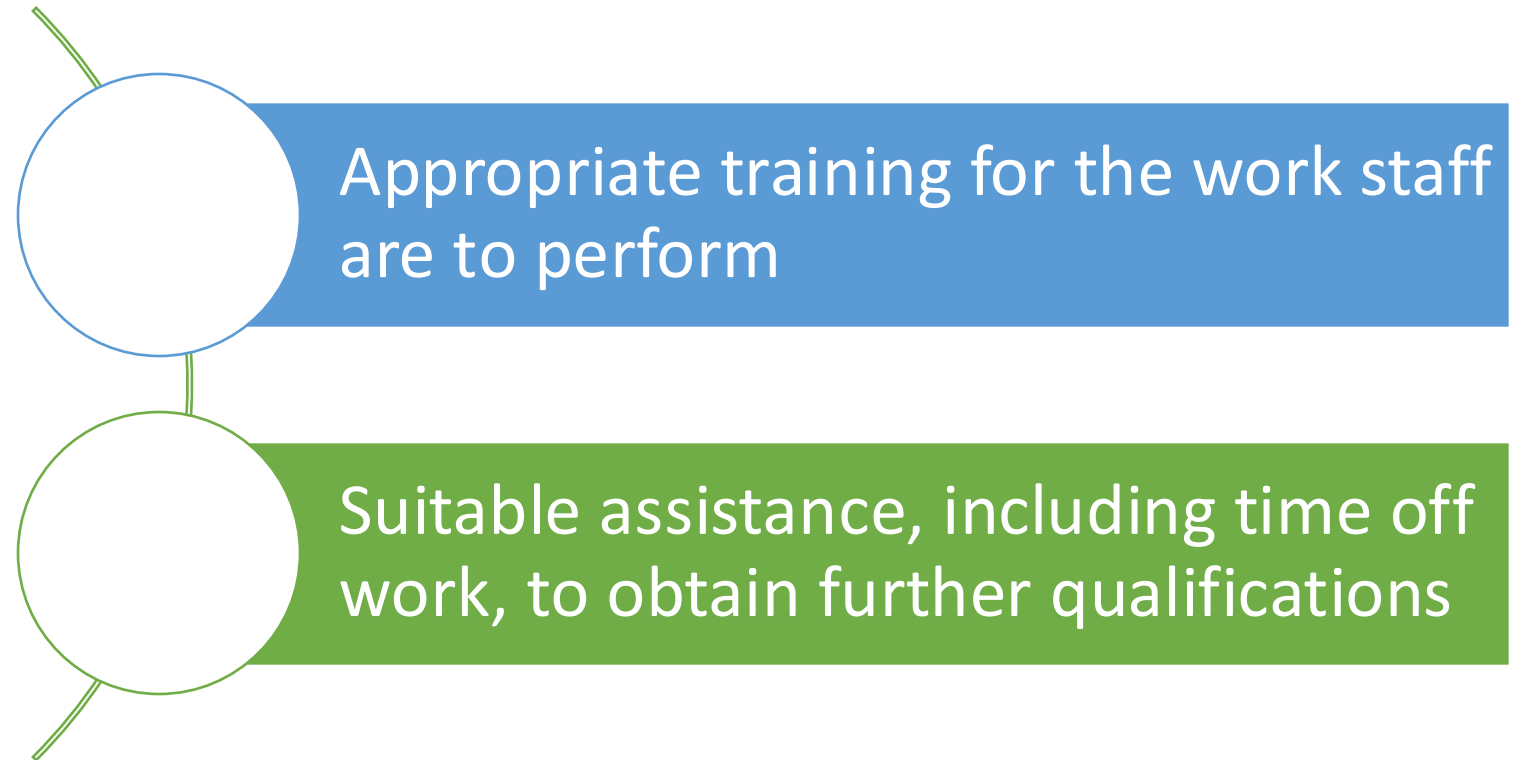


Part 3 Section 7 (1)

HCSA places a duty on providers in determining appropriate staff numbers with regard for:

- nature of the care service
- size of the care service
- aims and objectives
- number of people who use the service
- needs of those people

HCSA: a person who provides a care service must ensure that individuals working receive....



Foundations

The five things the promise is built on





Staffing Level Tool	Relative & Carer Views
Staffing Levels & Vacancies	Feedback from Staff
Environment & Local Context	Feedback from Professionals
Needs & views of people experiencing care	Risk Management
Assessment of Quality & Standards	Guidance & Standards



Part 3a: Staffing Method Framework Guidance for Care Homes

Summary: Care services must have regard to:



Part 1
Guiding principles



Part 3
Section 7 (Staffing)



Part 3
Section 8 (Training)




Health and Care (Staffing) (Scotland) Act 2019

- An overview to what this means for individuals, roles and responsibilities



Social Care: Aims and purpose of the resource

- To provide an overview of the [Health and Care \(Staffing\) \(Scotland\) Act 2019](#).
- To consider the Act as it applies to care services.
- To provide resources to support you to deliver care within the scope of the legislation.



Social Care: Overview of Legislation

Health and Care (Staffing) (Scotland) Act 2019

- Approved by the Scottish Parliament in 2019.
- All provisions came into force 1st April 2024.

The purpose of this significant piece of legislation is to address staffing concerns in both health and care services, ensuring appropriate staffing levels to support high-quality care for patients and service users.

The Act:

- makes provision about staffing in the NHS and care services
- seeks to enable safe and high quality care and improved outcomes for service users



NES MS Sway





Resource Type
Care Inspectorate Programmes &
Publications

Safe Staffing Programme

Are you ready for the implementation of the Health and Care (Staffing) (Scotland) Act 2019 in April 2024?

Let us know by completing our [short poll](#).

Welcome to the Safe Staffing Programme. This area contains information about our team, our work and the [Health and Care \(Staffing\) \(Scotland\) Act 2019 \(HCSSA\)](#). You can also find links to useful learning resources and guidance.

Most importantly you can find here information about upcoming events, consultations and how to get in touch with us.

You can also sign up to our mailing list by clicking the button below.

The Health and Care (Staffing) (Scotland) Act was passed by the Scottish Parliament in 2019. The work was paused to allow everyone to focus efforts on the Covid-19 pandemic. The Act will now come into force on 1 April 2024. The Act is applicable to all health and care staff in Scotland. The Cabinet Secretary has published a timeline for the implementation of the Act which you can find [here](#).

Cards



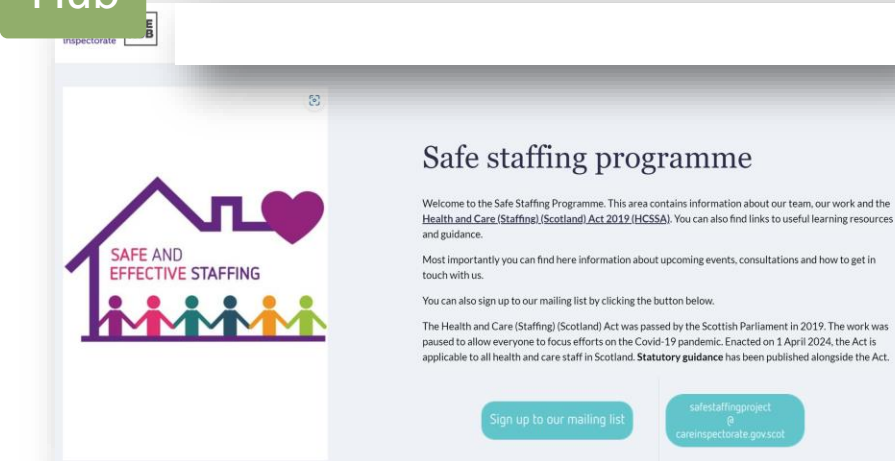
Poster



Webinar



Hub



Information guide series



Sector support and resources



Other SSP Activities ...

HCSA
Implementation
Group

Podcasts

SSSC and
developing
resources

SMF web and
mobile app

Data Mining



Under section 3(2) of the [Health and Care \(Staffing\) \(Scotland\) Act 2019](#) every **Local Authority and Integration Authority** must have regard to several listed factors when planning or securing the provision of a care service from a third party:



Have regard to the guiding principles



Ensure appropriate staffing



Ensure staff have appropriate qualifications & training for their role



Have regard to the statutory guidance accompanying the Act



Have regard to any other guidance issued by Scottish Ministers



REPORTING

Local Authority and Integration Authority Reporting

- When completing the questions on the template consider **all services** that fall within the above list **that have been planned or secured within the financial year.**
- There is **no requirement to keep reporting** on services once they have been **planned or secured**, until such time as existing contracts, agreements or arrangements are renewed, renegotiated etc

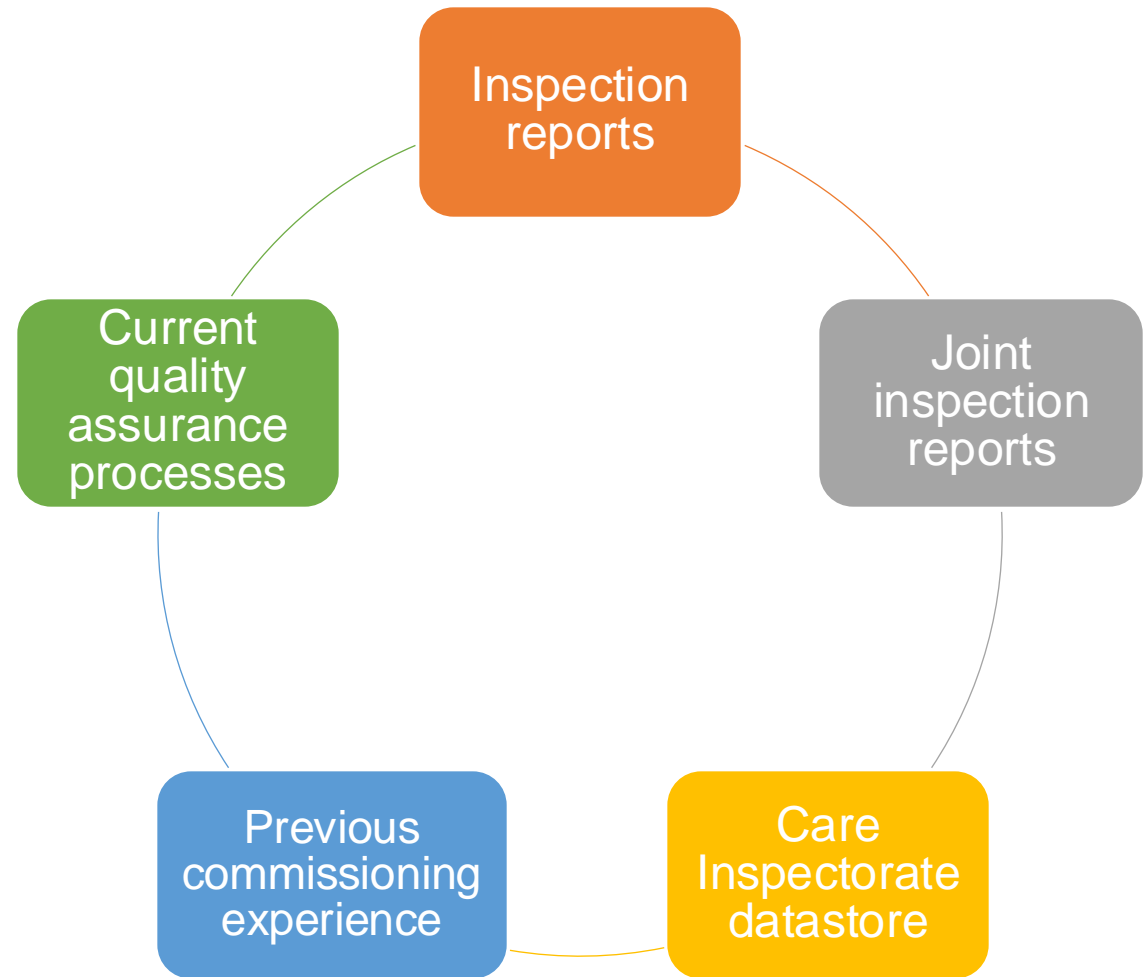
Q: What care services need to be included?

A: Care services are all those listed under section 47(1) of the Public Services Reform (Scotland) Act 2010



Refer to Chapters 14,15,16 of HCSA Statutory Guidance

What can local and integrated authorities do to ensure services are fulfilling their requirements?



What is Self-Evaluation

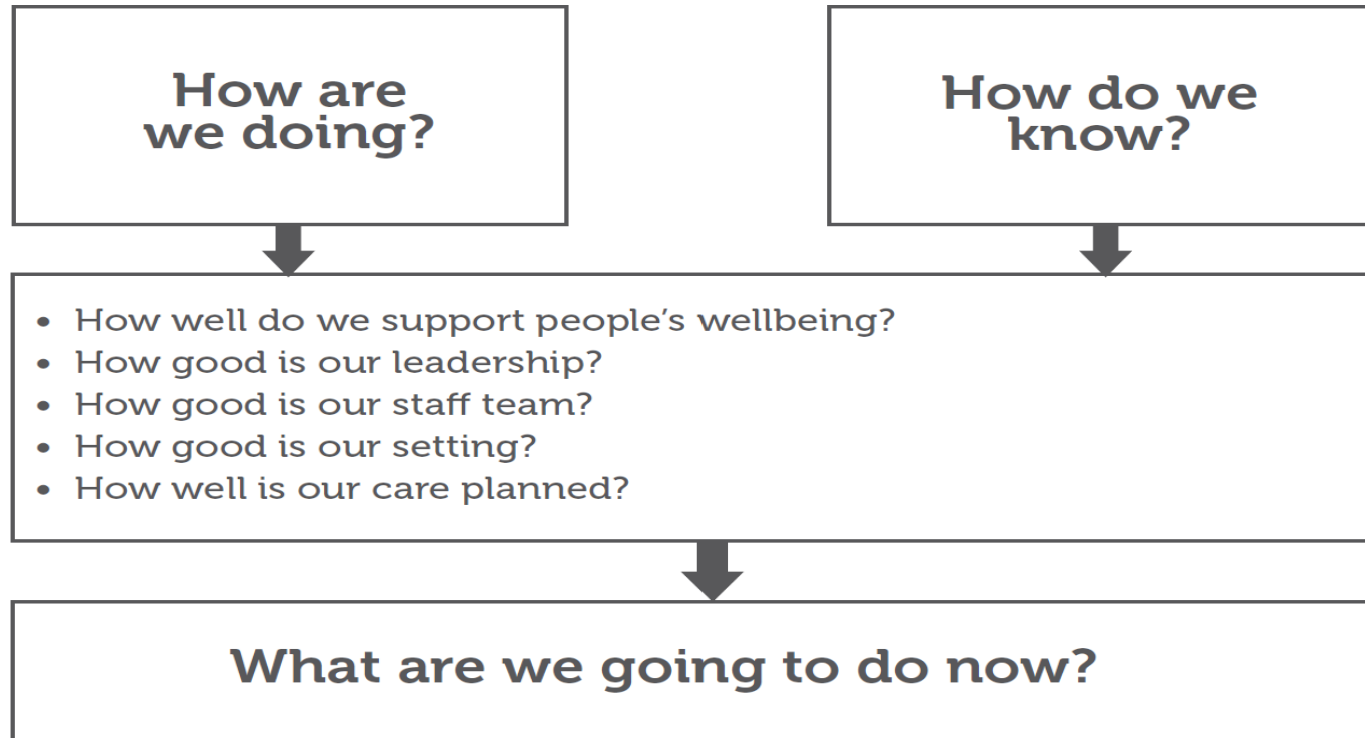
***Self-evaluation** is where a service ‘**systematically examines itself, achievements, and processes to assess** whether it is meeting its **stated objectives and outcomes efficiently and effectively**’ (Audit Scotland).*

- In care services it **is a continuous process** aiming to deliver **gradual improvements**, prioritising areas with **a big impact on outcomes for people** or where **high risks of harm** is associated with under performance.
- Self-evaluation is not solely for the benefit of the Care Inspectorate. It is a tool to help **services to evaluate and identify where they need to target their efforts** to support improvement

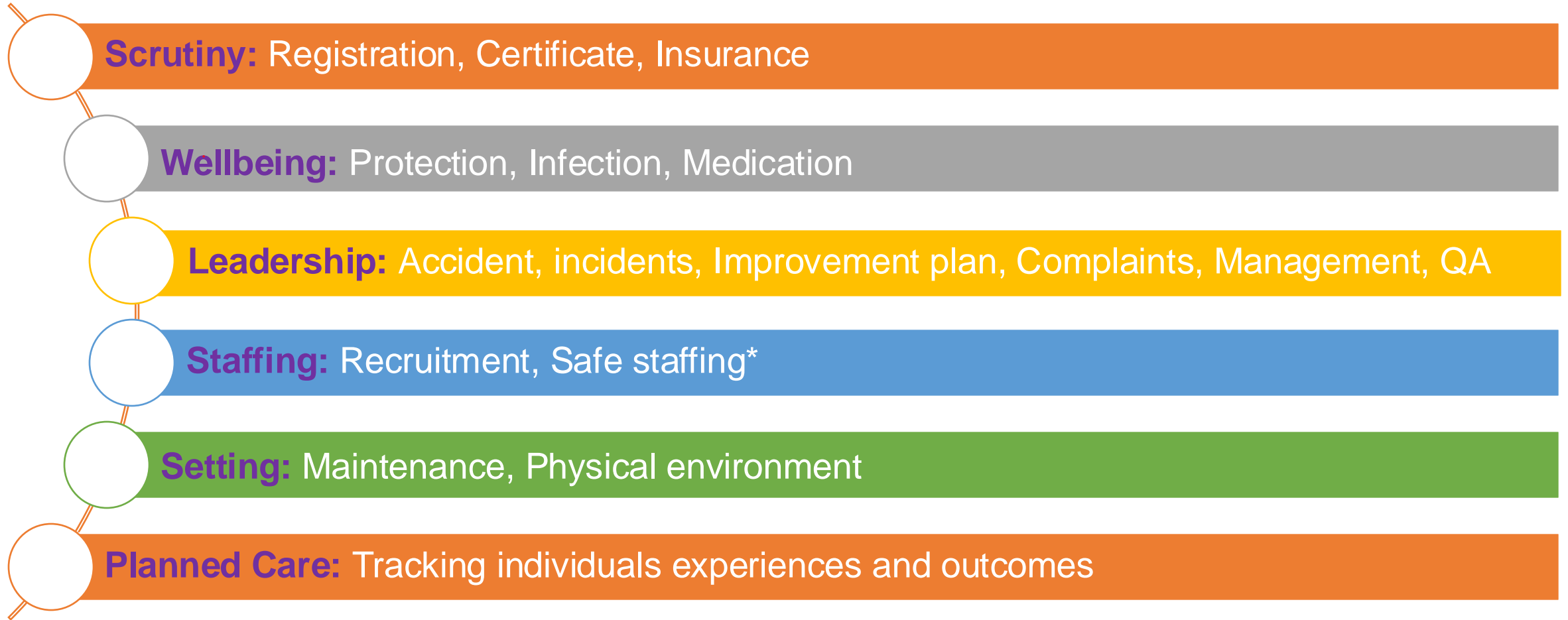


Core Assurances

Self-Evaluation



Core Assurances



Self-Evaluation

There are self-evaluation resources available to support each sector.

- Self-evaluation guide and tools

<https://www.careinspectorate.com/index.php/publications-statistics/152-professionals-registration/self-evaluation-guides-and-self-assessment-tools>

- Quality frameworks for care services

<https://hub.careinspectorate.com/resources/quality-frameworks-and-kq7s/>



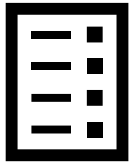
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