3. The Staffing Method Framework: 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 **(HCSA)** provides a statutory basis for the provision of appropriate staffing in health and care services. This guide summarises Part 3a of the HCSA and the Care Inspectorate's role in developing and recommending a staffing method framework **(SMF).** Read the full legislation here.

The main purposes of the HCSA 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.

Who does the SMF apply to?

The SMF was developed in partnership with the sector for Adult and Older People's Care Homes. The SMF will help services consider how data analysis, assessment, risk management, and professional judgement supports decision-making in relation to safe staffing.

Will I have to use it?

At this time, it is only recommended for use as guidance in adult and older people's care homes; it is not mandatory. The HCSA makes the following provision: 'Should the Care Inspectorate develop and recommend a staffing method; Ministers may make regulations to require specific types of care services to use that method'. Following further consultation Ministers may extend the use of a SMF to other registered services.

What is it about?

The SMF is closely aligned to the two main purposes and eight guiding principles in the HCSA. Other registered care services may find the SMF developed for care homes helpful.

The SMF is based on the guiding principles and the following factors:

Information Guide on the Health and Care (Staffing)(Scotland) Act 2019: Developed for managers and senior staff responsible for workforce planning in registered care services and inspectors evaluating registered care services. This is guide 3 of 6.

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- current staffing levels and any vacancies
- a staffing level tool (research to co-develop a tool is being explored)
- the local context in which the care service is provided
- the type of care service, aims and objectives and demographic factors
- the physical environment in which a care service is provided
- the quality of care and the assessed needs of the people who use the care service
- feedback from people experiencing care including family members and carers
- feedback from staff working in the care service
- recommendations from health and social care professionals
- care services standards and outcomes including the Health and Social Care Standards
- indicators or measures of the quality of care
- risk management
- relevant clinical evidence, research, and published guidance.

The HCSA requires a staffing method to include the use of a staffing level tool. This is to provide both:

- Quantitative information relating to workload, based on the needs of people using the services of the care service provider. For example, the care service provider will input information on the numbers and needs of the people using its services and the tool will provide outputs such as numbers and types of staff required.
- Quantitative and qualitative information relating to professional judgement. This requires individuals to assess staffing requirements based on their professional opinion of the current workload and the local context. It is important to record information, decisions and outcomes based on professional judgement.

Remember that the use of staffing level tools is only one part of an interdependent and multidimensional staffing method where all outputs and key components should be considered. The key components are included in the SMF.

The Care Inspectorate has a duty to consider multi-disciplinary staffing tools.
- Around 80% of adult care homes currently use a staffing level tool.
- The Care inspectorate does not recommend any specific staffing tool.
- In consultation, services told us these were not always helpful or meaningful.
- Research may be undertaken to explore the benefits of a validated staffing tool for social care.
- User research would be required to co-produce and codesign any new staffing tool as part of a SMF.
- We may consider if a staffing level tool should apply to other registered services.

The Care Inspectorate can recommend to Scottish Ministers that a multi-disciplinary staffing level tool be developed. We will keep you informed about future developments.

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Care Inspectorate: Safe Staffing Programme
Staffing Method Framework
The Hub
Safer recruitment through better recruitment
NMC: safe staffing guidelines
Self-evaluation for improvement: your guide
Sensible-risk-assessment-care-settings
SSSC: workforce planning and development
Quality frameworks
HCSA Statutory Guidance

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