4. Staff Training, Qualifications and Registration: The Health and Care Staffing (Scotland) Act 2019

What is the new 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 the regulations placed on care service providers to ensure workers in their service receive appropriate training and are suitably qualified for their role.

This is detailed in Part 3 of The Health and Care (Staffing) (Scotland) Act 2019, sections 7, 8, and section 12, chapter 3a. 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, individual and families about staffing decisions,
7. allocating staff efficiently and effectively, and
8. promoting multi-disciplinary services.

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.

HCSA Part 3 Section 8 Places a duty on care service providers to ensure appropriate training.

(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) Under 82A Development of staffing methods in subsection (1)(a), appropriate training includes guidance for staff on how to use any method for staffing required in regulations by the Scottish Ministers. This is known as a Staffing Method Framework (SMF). The Care Inspectorate may develop and recommend to the Scottish Ministers staffing methods for use by persons who provide:

> (a) in the first instance only care home services for adults, and in the future
> (b) such other care services as the Scottish Ministers may by regulations specify.

How can I demonstrate that I am meeting regulations from the legislation when considering staff training and qualifications? Providers of care services need to determine the required levels of practice, training, education, experience, professional and regulatory responsibilities of staff providing care within team.

Ensure consideration is given to:
- ✓ staff knowledge, skills, competency, and capability to meet the needs of people,
- ✓ staff equipped, enabled, and supported to work to the top skill level for their role,
- ✓ evidence that staff training and development lead to knowledge and skills,
- ✓ appropriate qualifications that meets the current and changing needs of people,
- ✓ a qualified person/s to assesses competencies (including clinical competencies),
- ✓ planning training sessions to ensure staff are freed up to attend the sessions,
- ✓ maintaining accurate records of staff induction, reflective and observed practice, supervision, appraisals, and personal development plans,
- ✓ maintaining accurate records about the ongoing education/training that staff undertake,
- ✓ feedback about staff from people experiencing care, families, and other professionals,
- ✓ recruitment policies and procedures with job descriptions describing essential and desirable criteria,
- ✓ training on the use of a staffing method (where appropriate),
- ✓ recording the rational and impact of decisions and professional judgement in relation to staffing.

Knowledge and Skills Framework (KSF). This was developed for health and care staffing to support staff's understanding of the application of the Health and Care (Staffing) (Scotland) Act 2019. It shows what different staffing groups need to know and do to the meet the obligations of the Act. At this time the Care Inspectorate has no expectation that staff or services will have completed the learning resource. The KSF is not mandatory but is seen as good practice. These learning resources are available on the TURAS platform.

Care Inspectorate Open Badge for Safe and effective staffing. To earn this, you will need to work through the information and resources on the safe staffing hub page (approximately 4 hours) and tell us:
- what you learned from this and how you applied the learning in practice?
- what the impact of making these changes was and how you know about this impact?
- Link to the Open Badge for Safe and Effective staffing

Professional registration. Maintain records that demonstrate staff are registered with the relevant professional body. Employers have a legal responsibility to make sure all staff are correctly registered. It is an offence to continue to employ an unregistered social care

worker in a role recognised for registration. Time scales for registration and staff learning are linked to the requirements of individual professional bodies such as the Scottish Social Services Council (SSSC), Nursing and Midwifery Council (NMC) and the Health and Care Professions Council (HCPC).

Changes to the SSSC Register as part of the Future Proofing Programme. Read more here. This means registrants and employers need to be aware of what these changes mean for them.

Other useful links for staffing and registration.
SSSC Safer Recruitment through Better Recruitment
SSSC Registration Qualifications Guidance
SSSC Job Role Information for Care Homes
SSSC Job Role Information for Care at Home
SSSC Job Role Information for Housing Support Workers
SSSC Job Role Information for the Day Care of Children
SSSC Job Role Information for Workers in Residential Childcare

Other relevant guidance and legislation links
Care Inspectorate: Safe Staffing Programme
Staffing Method Framework
The Hub
Quality frameworks
HCSA Statutory Guidance