

5. The Wellbeing of Staff: 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 with a focus on staff wellbeing. 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.

Duties: The HCSA places duties on care service providers to ensure both appropriate staffing levels and training. A provider of a care service **must ensure that at all times suitably qualified and competent staff** are working in the care service. **Staff numbers** should support the health, wellbeing and safety of service users. This is to ensure the provision of safe and high-quality care, **and in so far as it affects either of those matters, the wellbeing of staff.**

What is meant by safe? Judging whether a service is “safe” does not mean “no-risk”. Depending on the service, safe may not even mean low risk; risks are an inevitable part of all health care services. In many services a level of risk is required and needs to be managed by both service users and staff to support people to achieve outcomes. Positive risks, as defined in the Health and Social Care Standards, mean making balanced decisions about risks and benefits, recognising that risks to safety are inevitable and can sometimes result in benefits.

How will I evidence and ensure the wellbeing of staff? Services must have **sufficient numbers and availability of staff, assessed, and forward planned over a minimum of a four-week period** (for some service types). Providers should consider overall numbers of staff in addition to the knowledge, skills, values and experiences of staff that enable them to deliver high quality care.

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Staffing levels should include a mix of staff roles, experience, mentors, and keyworkers to meet people's needs and wishes. In order to provide safe and high-quality services, appropriate measures and checks need to be in place to maintain staff wellbeing. The ongoing evaluation of any risks to the health and wellbeing of staff, staff resources and deployment to support people will help minimise the occurrence of adverse events. Services should also ensure they have sufficient staff to follow any arrangements, policies or procedures relating to all aspects of health and safety.

Managers should adapt staffing assessments to reflect staff who may be undertaking restricted duties due to health or wellbeing factors, or those who should, for example, not lone work. The assessment of staffing needs to include the professional judgement of managers or senior staff who know the staff team, the people experiencing care in the service, and daily changing tasks or circumstances.

Good practice examples to support staff wellbeing

- ✓ Analyse the key times when staff are needed to support people with for example morning routines, social interests and to have enjoyable mealtimes.
- ✓ Monitor significant short-term impacts on staffing resources, such as caring for people experiencing stress and distress, planned GP or hospital appointments.
- ✓ Consideration of the impact of professional meetings, discussions, care plan reviews and report writing for key workers and senior staff.
- ✓ Time for shift changeovers, retaining appropriate staffing to support effective and safe care.
- ✓ Take account of significant events including end of life care or people starting to use or leave the service.
- ✓ Team dynamics and the impact of bringing in new, sessional or agency staff including the time required to review key information.
- ✓ Flexible shift times for service users, and staff to support recruitment and retention.
- ✓ Balanced workforce across the different protected characteristics with staff to meet the wishes and preferences of people using the service.
- ✓ Same sex help with personal matters may support an individual in feeling their privacy and dignity are respected.
- ✓ Accurate staff education and training records with time allocated to mentoring activities.
- ✓ Following guidance for safe recruitment (including international recruitment).
- ✓ Ensure policies and procedures that reflect the requirements of the HCSA.
- ✓ Quantitative and qualitative information from staff feedback should be gathered and shared to improve processes and outcomes.
- ✓ Measures to support staff wellbeing may include wellbeing champions, wellbeing resources, wellbeing assessments and access to external supports.

Outcomes Providers should be mindful of the link between the outcomes of people experiencing care and the wellbeing of staff. Increased staff wellbeing can reduce sickness

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absence, burnout, and work-related stress, meaning staff are available to care for service users. Healthy, engaged staff are better able to provide safe and high-quality services.

An environment where staff feel able to raise issues about the safety of people using services, mistakes or areas of concern is vital to their wellbeing. This involves creating a culture of transparency and continuous improvement with open communication and an environment where care service providers promote a culture of system improvement rather than blaming individuals.

While the guiding principles focus 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**. An unsafe staffing environment can create unsafe services. Conversely, improving the wellbeing of staff can improve the safety of service users, so the two are inextricably linked.

In some situations, staff will be working in challenging environments or as lone workers. This may increase risks to their wellbeing. **To provide safe and high-quality services, appropriate measures and checks need to be in place to maintain staff wellbeing**. Individuals working in care services need to feel safe to always raise concerns regarding any risks resulting from staffing and workforce planning.

Staff wellbeing Links

[Practitioner health: Accessing the service in Scotland](#)

[Psychosocial mental health and wellbeing support: taking care of your staff](#)

[Scottish Government: Wellbeing Hub](#)

[SSSC: Pre-employment induction guide for employers of overseas workers, refugees and asylum seekers](#)

[National Wellbeing Hub](#)

[HCSA Statutory Guidance](#)