

## **REPORT TO ABERDEENSHIRE INTEGRATION JOINT BOARD 23 AUGUST 2023**

### **DRAFT RESPONSE TO THE HEALTH AND CARE (STAFFING) (SCOTLAND) ACT 2019 STATUTORY GUIDANCE CONSULTATION**

#### **1 Recommendation**

**It is recommended that the Integration Joint Board (IJB):**

- 1.1 Approve the draft response to the Health and Care (Staffing) (Scotland) Act 2019 Statutory Guidance Consultation.

#### **2 Directions**

- 2.1 No direction requires to be issued to Aberdeenshire Council or NHS Grampian as a result of this report.

#### **3 Risk**

- 3.1 Risk 3 – Workforce capacity, recruitment, training development & staff empowerment

Risk 6 – Service/ business alignment with current and future needs

Risk 8 – Risk of failure to deliver standards of care expected by the people of Aberdeenshire in the right place at the right time

#### **4 Background**

- 4.1 The Scottish Government is consulting on the Statutory Guidance that will be issued by Scottish Ministers to accompany the Health and Care (Staffing) (Scotland) Act 2019. The draft guidance has been prepared with the involvement of various external stakeholders including integration authorities with the consultation now being widened to include all those within an interest in health and/or care services. The consultation can be accessed here: [Health and Care \(Staffing\) \(Scotland\) Act 2019 - draft statutory guidance: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/draft-statutory-guidance-consultation-2019-12/pages/12.aspx)

- 4.2 The Act will take effect from April 2024; the key aims of which are ‘to enable safe and high-quality care and improved outcomes for people experiencing health care or care services through the provision of appropriate staffing. This requires the right people, in the right place, with the right skills, at the right time.’

The Act places duties on:



- Health Boards
- Special Health Boards providing direct patient care (i.e., the State Hospital, NHS24, Scottish Ambulance Service and the National Waiting Times Centre)
- NHS National Services Scotland (NHS NSS, which is referred to in the Act as "the Common Services Agency for the Scottish Health Service)
- local authorities
- integration authorities
- care service providers
- Healthcare Improvement Scotland
- the Care Inspectorate (referred to in the Act as "Social Care and Social Work Improvement Scotland") and
- the Scottish Ministers.

4.3 Key requirements of organisations providing health care and care services will be to ensure appropriate staffing and staff training. In addition, organisations providing health care services have duties including:

- assessing staffing in real-time
- identifying, mitigating, and escalating risks
- seeking clinical advice on staffing
- ensuring adequate time is given to clinical leaders for staffing responsibilities; and
- reporting the use of high-cost agency workers.

Organisations will require to follow the common staffing method for specific types of health care, provided in specific locations and by specific employees, and to ensure consideration of appropriate staffing requirements when planning or securing health care or care services from third parties.

4.4 Responsibility for monitoring compliance with the Act within healthcare settings will be held by Healthcare Improvement Scotland, including monitoring, and reviewing the common staffing method and staffing tools. The Care Inspectorate may also develop staffing methods for use in the care sector and any staffing method developed must include the use of staffing level tools. The draft guidance notes that Scottish Ministers can also put in place a legal requirement for specified types of care service providers to use such a staffing method.

## 5 Summary

5.1 Upon implementation of the Act, relevant organisations must comply with the requirements and have regard to the statutory guidance issued by the Scottish Ministers. As such it is important that, from a HSCP perspective, this guidance is clear, and ensures understanding of the duties placed on relevant organisations by the Act and what as an organisation we are required to do.

5.2 Members of the AHSCP CALF (Collaboration and Leadership Forum) were approached to consider the draft guidance. Appendix 1 provides the proposed



response to the consultation informed by their collective views, submitted for IJB consideration and approval.

- 5.3 The consultation closes on the 19<sup>th</sup> of September 2023.
- 5.4 The Chief Officer, along with the Chief Finance Officer and the Legal Monitoring Officers within Business Services of the Council have been consulted in the preparation of this report and their comments have been incorporated within the report.

## **6 Equalities, Staffing and Financial Implications**

- 6.1 An Integrated Impact Assessment is not required because this is a response from the AHSCP to a Scottish Government Consultation and there will be no differential impacts to people with protected characteristics or facing socio-economic disadvantage.

***Pamela Milliken, Chief Officer***  
**Aberdeenshire Health and Social Care Partnership**

Report prepared by Linda Bonner, Strategic Development Officer  
Date 25<sup>th</sup> July 2023

**Appendix 1** – Respondent Information Form  
**Appendix 2** – Integrated Impact Assessment