



Dear Colleague,

Health and Care (Staffing) (Scotland) Act 2019 – The Common Staffing Method and Staffing Level Tools

1. The Health and Care (Staffing) (Scotland) Act 2019 (the Act) will commence on 01 April 2024. It stipulates that Health Boards have a duty to follow the Common Staffing Method (CSM) for those types of [health care, locations and employees named in section 12IK of the Act](#).
2. This DL is being issued to clearly state the importance of following the whole CSM and not relying solely on the output of a Staffing Level Tool when making decisions on funded establishment levels. This includes the use of the Professional Judgement Tool, which takes into account quality measures as well as a range of other information outlined within the framework.
3. The CSM sets out a process, including the use of the relevant Staffing Level Tool and the Professional Judgement Tool and a range of other considerations, which must be applied rigorously and consistently. The application of the CSM will support NHS Boards to ensure appropriate staffing, the health, wellbeing and safety of patients and the provision of safe and high-quality care. It will form part of the evidence that relevant organisations submit to demonstrate how they have complied with the Act. The frequency of applying the CSM has been defined as once per financial year as a minimum.
4. The types of health care, locations and employees that have a duty to use the CSM aligns with the availability of a speciality-specific Staffing Level Tools, as use of such tools are an integral part of the CSM.

From the Chief Nursing Officer

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DL (2024) 05

Addresses

For information

Further Enquiries

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There are 10 Staffing Level Tools:

Adult Inpatient (AIT) Tool	Maternity Tool
Clinical Nurse Specialist (CNS) Tool	Mental Health & Learning Disability (MHLDD) Tool
Community Children's & Specialist Nurse (CCSN) Tool	Neonatal Tool
Community Nursing (CN) Tool	Scottish Children's Acuity Measurement in Paediatric Settings (SCAMPS) Tool
Emergency Department/ Emergency Medicine (EDEM) Tool	Small Wards Tool

Further information on the tools can be found on the [Healthcare Improvement Scotland website](#).

5. The Professional Judgment Tool is named in legislation as a key element of the CSM. It is not a Staffing Level Tool but must be used alongside the outputs from the relevant Staffing Level Tool and with all other elements that must be considered as part of the CSM. In addition to this, the Quality Tool is a useful resource that is used alongside the Clinical Nurse Specialist Tool, Community Children's & Specialist Nurse Tool and the Community Nursing Tool. It is not named in legislation but can be used to provide further quality and local context information to support the Board's application of the CSM.

6. It is a requirement of the Act that all staff involved in the CSM are supported with the appropriate training and resources to undertake this duty. HIS Healthcare Staffing Programme (HSP) have updated the learning and educational resources to support Health Boards with this duty, and senior programme advisers in HIS HSP are available to provide support through the request for assistance function. Education resources can be found in the [learning and development section of the HIS website](#).

Maternity Staffing Level Tool

7. It is acknowledged that the extant Maternity Staffing Level Tool does not capture the full extent of how modern maternity services are run. There was a planned redevelopment of the Maternity Staffing Level Tool in 2019, which included a national tool run to inform this process. The tool run was commissioned to provide more information on a range of areas that were known to be insufficiently captured by the tool, these were: transitional care and post-natal care for mothers and babies, increased travel, triage units, theatre activity, intrapartum work, on call provision, some community

based services and high risk day assessment workload. Following the tool run in November 2019 and its analysis, HIS HSP was then paused during the pandemic which caused a significant delay to the subsequent work on the tool.

8. The Act requires that the Staffing Level Tools which must be run as part of the CSM are named in legislation. As the redevelopment of the Maternity Staffing Level Tool will not be ready in time prior to commencement of the Act on 01 April 2024, the existing Maternity Staffing Level Tool will be named in legislation. Some minor changes were made to the extant tool at the end of 2023 as an interim measure. This tool must be used as part of the CSM. The extant Maternity Staffing Level Tool must continue to be used until the new tool becomes available and is named in legislation.

9. The Professional Judgement Tool, which must be used as part of the CSM, records the professional assessment of the user on the staffing required for the service area during each reporting period. The use of the Professional Judgement Tool will allow the user to reflect all elements of care required within the clinical environment where the Staffing Level Tool is being run, including any aspects of midwifery care or staffing that are not covered by the Tool. The use of the Professional Judgement Tool, alongside other elements of the CSM, will enable a more accurate picture of staffing requirements and help mitigate against some of the risks and limitations of the existing Staffing Level Tool.

10. The revised Maternity Staffing Level Tool is under development by HIS HSP and any changes to the Tools named in the Act will require secondary legislation to legally update or change them. HIS HSP will provide the training and education resources required to use the new Tool, and will plan this in advance of the Tool being named in legislation.

11. It is important that NHS Boards are aware of the limitations of the current Staffing Level Tool, however the outputs from the CSM will provide valuable information to inform workforce planning.

Mental Health Learning Disability Staffing Level Tool

12. The Mental Health Learning Disability Staffing Level Tool is also being redeveloped by HIS HSP. The extant tool is recognised to not fully reflect the specific requirements within forensic mental health settings. The redevelopment of the Mental Health Learning Disability Staffing Level Tool will not be ready in time prior to commencement of the Act on 01 April 2024, consequently the existing specialty specific staffing level tool will be named in legislation. The extant Mental Health Learning Disability Staffing Level Tool must continue to

be used until the new tool becomes available and is named in legislation.

13. The Professional Judgement Tool, which must be used as part of the CSM, records the professional assessment of the user on the staffing required for the service area during each reporting period. The use of the Professional Judgement Tool will allow the user to reflect all elements of care required within the clinical environment where the Staffing Level Tool is being run. The use of the Professional Judgement Tool, alongside other elements of the CSM, will enable a more accurate picture of staffing requirements and help mitigate against some of the risks and limitations of the existing Staffing Level Tool.

14. HIS HSP are working on developing a new Mental Health Learning Disability Staffing Level Tool. HIS HSP will provide the training and education resources required to use the new tool, and will plan this in advance of the tool being named in legislation.

15. It is important that NHS Boards are aware of the limitations of the current Staffing Level Tool, however the outputs from the CSM will provide valuable information to inform workforce planning.

Yours sincerely



Professor Alex McMahon
Chief Nursing Officer