![Scottish Government / Riaghaltas na h-Alba / gov.scot logo]

Dear Colleague

Health and Care (Staffing) (Scotland) Act 2019

1. The Health and Care (Staffing) (Scotland) Act 2019 (the Act) will commence on 01 April 2024. This DL is being issued to remind all Health Boards, Special Health Boards and NHS NSS (referred to collectively as Health Boards in this DL) of their duties following commencement and to outline how reporting will work, what resources and tools have been developed and what support will be available during the first year of operation.

Guiding Principles and Duties Under The Act

2. The healthcare duties in the Act apply only to healthcare professionals working for the NHS (including those in a healthcare role within an Integration Authority but carrying out work on behalf of the NHS). A full list of the healthcare roles in scope of the Act is available on the Scottish Government website.

   All Health Boards must:
   - Have regard to the guiding principles and the need for appropriate staffing arrangements when planning and securing services from third parties
   - Ensure appropriate staffing, including having regard to the guiding principles
   - Ensure the amount paid to Agency workers is no more than 150% of the amount paid to an equivalent full time NHS employee
   - Have real-time staffing assessment in place
   - Have a risk escalation process in place
   - Have arrangements in place to address severe and recurrent risks
   - Seek clinical advice on staffing
   - Ensure clinical leaders have adequate time to lead
   - Ensure staff receive appropriate training

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- Use the Common Staffing Method (for named types of healthcare, locations and staff)
- Provide reporting as set out below.

Common Staffing Method

3. The Common Staffing Method (CSM) is required to be used by the types of health care, locations and employees stated in section 12IK. Use of the CSM by services other than those listed in section 12IK of the Act is not mandatory.

   A separate [Directors Letter (DL (2024) 05](#) on the Common Staffing Method and Staffing Level Tools was issued to Health Boards earlier in March.

Reporting

4. The Act requires Health Boards to produce three types of report (listed below). Where a Health Board has delegated healthcare functions to an Integration Authority, they must be included in all reporting.

Annual Report:
- An annual report detailing how the Health Board have carried out their duties should be submitted to Scottish Ministers.
- The report must cover all NHS functions and professional disciplines.
- The reporting template ([Annex A](#)) must be used.
- The report will cover the period from 01 April to 31 March.
- The report must be published by the Health Board and submitted to the Scottish Ministers by 30 April each year using the [HCSA mailbox](#).

Use of High-Cost Agency Staff Report:
- Health Boards are required to report quarterly on the use of high-cost agency workers.
- Reports should cover the following periods and be sent to the [HCSA mailbox](#) by the corresponding deadline;
  - 01 Apr to 30 Jun – deadline 31 Jul
  - 01 Jul to 30 Sep – deadline 31 Oct
  - 01 Oct to 31 Dec – deadline 31 Jan
  - 01 Jan to 31 Mar – deadline 30 Apr

- The staffing cost for each agency staff member is calculated using the figures for the financial year 2024/2025 ([Annex B](#)).
- It is important that all Health Boards use the same methodology to ensure consistency in reporting.
- Unlike the Annual Report, there is no obligation for Health Boards to publish this report.
- Nil returns are required.

Internal Board Report:
- The Medical Director, the Executive Nurse Director and where relevant, the Director of Public Health are required to report internally to the Health Board's Board of Directors.
- The report should cover all the duties within the Act and be submitted on a quarterly basis.
- This report is for the Board to manage internally but it may be helpful to use the annual reporting template ([Annex A](#)).

Available Resources

5. The Scottish Government in partnership with HIS and NES have produced a range of resources to support healthcare staff in implementing the Act. The resources were created in collaboration with healthcare staff, professional bodies and trade unions to ensure they reflect the broad scope of the Act and are fit for purpose.

[Statutory Guidance](#)
- Statutory Guidance covering each duty in the Act will be published on the Scottish Government website on 1st April 2024.
- Boards must have regard to the guidance when carrying out their duties under the Act.

[Quick Guides](#)
- A series of quick guides have been developed to offer a more accessible version of the guidance for healthcare staff.
- Further quick guides will be developed to support certain professions, contract types and level of responsibility.
- All quick guides will be published on the TURAS platform following commencement, however they are available in draft in the HSP Learning Community (see below).

Resources to support real-time staffing assessment
- eRostering (Optima), is being rolled out across NHS Scotland. Modules within the system will support Boards in meeting their duties e.g. SafeCare will

support Boards to have real-time staffing in place, as well as a number of other duties.
- For services that do not yet have access to Optima, there are [a number of real-time staffing resources on Turas](#), including the recently published generic real-time staffing resource.

[Knowledge and Skills Framework](#)
- The Framework has been developed to support individuals and organisations in their understanding of workload and workforce planning and the application of the Act.

  - Informed Level – A series of four videos providing a foundation level of knowledge of workload and workforce planning.

  - Skilled Level – A series of four interactive learning modules to build on the Informed level and support a clear, applicable understanding of workload and workforce planning.

  - Enhanced Level – A series of modules intended for staff in leadership roles to give them more in-depth knowledge required for their role. While intended for those in leadership roles, it will be a useful resource for staff at all levels to understand the duties.

  - Expert Level – This is still in development, and will be released onto the TURAS platform once complete. This will be a resource for staff mapped to an expert level, for example, staff in roles where they will be advising Boards or national committees and workstreams.

[HSP Learning Community](#)
- The Healthcare Staffing Programme Team have developed a Teams Channel which is a collaboration area for all Health Boards and full of useful resources.

[Healthcare Staffing Programme Website](#)
- The HSP website has useful resources to support Boards with Act implementation e.g. recorded webinars and information on staffing level tools.

[Safe Staffing Programme (SSP) Website](#)
- Information about what duties the Act places on Care Services can be found on the SSP website as well as useful learning resources for the care sector.
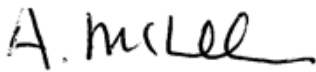
Support

6. The Scottish Government have provided funding for Healthcare Improvement Scotland's Healthcare Staffing Programme to offer support to Health Boards in the first year of operation.

   We have also provided funding for Workforce Leads within Health Boards for an additional year. If Health Boards require support, in the first instance, they should contact their Health Board Workforce Lead.

   Thank you for your continued support with commencement of the Act,

Yours sincerely

Professor Alex McMahon
Chief Nursing Officer

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Annual Reporting Template   **Annex A**

The spreadsheet in the link below is the template which must be used for Health Board Annual Reports.

HCSA - Annual reporting template (Health) - Final - March 2024 –
https://www.publications.scot.nhs.uk/files/annual-reporting-template.xlsx

Figures to be used in calculating agency spend and reporting template   **Annex B**

The spreadsheet in the link below is the template which must be used for high-cost agency reporting. Please note that these figures relate to the financial year 2024/2025

HCSA - Agency Reporting - Reporting template and figures for calculations - https://www.publications.scot.nhs.uk/files/agency-reporting.xlsx

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