



Safe Staffing Policy

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Fair Deal Safe Staffing Policy

Purpose of the Policy

The Scottish Government introduced new legislation on 1st April 2024. The new legislation is called ***The Health and Care Staffing (Scotland) Act 2019***.

This policy will ensure that Fair Deal complies with our statutory duties as a social care provider.

What is the Health and Care (Staffing) (Scotland) Act 2019 legislation about?

The Health and Care Staffing (Scotland) Act 2019 (HCSSA) provides a statutory basis for the provision of appropriate staffing in health and care services. This is to enable safe, high-quality care and improved outcomes for people experiencing care and support. This guide summarises the guiding principles of the Health and Care (Staffing) (Scotland) Act 2019.

Guiding Principles

The Health and Care Staffing (Scotland) Act 2019 was developed for managers and senior staff responsible for workforce planning in registered care services and care inspectors evaluating registered care 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:

- care home service
- support service with care at home – **Fair Deal**
- support service without care at home
- housing support service – **Fair Deal**
- nurse agency
- childcare agency
- childminding
- day care of children (nursery)
- school care accommodation service
- secure accommodation service
- adult placement service
- offender accommodation service
- adoption service
- fostering service

The main purposes of the HCSSA 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

Fair Deal must ensure the following principles are followed and can be evidenced:

1. Improving standards and outcomes for people we support
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, individuals and families about staffing decisions
7. Allocating staff efficiently and effectively
8. Promoting multi-disciplinary services.

How will Fair Deal demonstrate consideration of the guiding principles?

Fair Deal will consider and reflect on the guiding principles in relation to the main purposes of the HCSSA, and in so far as it affects either of those matters, the wellbeing of staff. Fair Deal will review existing evidence that helps demonstrate compliance with the guiding principles by identifying any gaps in systems and processes in relation to any principles not previously considered.

The HCSSA is not prescriptive about the ways in which we will demonstrate compliance, however Fair Deal will evidence through our current processes and quality assurance audits that are provided for statutory inspections and contract monitoring.

Examples of compliance with the Guiding Principles

- People we support and people close to them have been involved in creating support plans
- Support plans provide information on how to manage risk and make informed decisions
- Senior staff and support workers attend professional meetings and 6 monthly support planning reviews
- People we support can make decisions because staff promote their rights and choices
- People we support have support from staff to take risks that enable them to stay independent
- Good practice underpins recruitment, induction, training, supervision, and the wellbeing of all staff
- People experiencing services have (when appropriate) opportunities to be involved in staff recruitment
- Diversity in the workforce across protected characteristics, supports, for example, staff of the same sex to help people with personal matters and support privacy and dignity
- Measures to support staff wellbeing include champions, resources, assessments, or external supports
- Planning support for delivery times when more staff may be needed, such as morning routines, social events, outings, mealtimes, nighttime routines, complex and end of life care
- Staff rostering including time for shift changeovers whilst maintaining effective and safe care and support
- Staffing supports people's assessed needs and agreed goals to be met
- Time is allocated to introduce, mentor and shadow new recruits, undertake observed practise and supervisions
- Flexible shift times consider the needs and wishes of people who use services, and the needs of staff
- Safety for people and lone workers with access to technology, electronic monitoring and varied forms of care planning including electronic care planning
- Self-evaluation and a live service development plan to drive continual improvement
- Multidisciplinary professional input which supports positive outcomes for people along with valuable insights into staffing strengths or weaknesses

- Professional advice on the implementation of good practice interventions

How does Fair Deal evidence professional judgement?

It is important to record staffing information, decisions and outcomes based on professional judgement. This is particularly important when reduced staffing may impact on the services ability to meet people's needs. Managers make decisions about the delivery of care every day. However, decisions, in unprecedented circumstances may challenge staff's professional judgement and even their ability to make a non-biased, safe, and good decision. In these circumstances, Fair Deal managers will:

- Collect the information needed to make a decision and consider 'what you don't know'
- Seek guidance if you need to make this decision alone
- When possible, managers will share the problem with a colleague or another manager who may have more experience and knowledge
- Review any risks and consider solutions to support your professional judgment and your decision
- If a manager does have to make the decision alone, the manager should always remember their professional codes of practice
- Put safety first for those they support and care for, colleagues and themselves
- Base decisions on good practice and evidence
- Consider the needs, wishes and preferences of those affected by your decision
- Record how you made the decision based on these factors. What matters is that you considered everyone, all the factors, asked for support if it was available, then took the best decision and recorded it

Quality Assurance and Self-evaluation

Fair Deal Quality Assurance and Audit Self-evaluation and quality assurance processes cover key areas of practice. Fair Deal considers in what way staff, people using the service, and their families are involved in how the service assures quality. Fair Deal carries out the following:

- 6-monthly reviews with people we support, family carers, other relevant agencies or people who know the person well
- Regular and ongoing review of risk assessments and relevant guidelines
- Services Monthly Audits
- Cross Audits
- Practice observations
- Support and Supervision group and 1-1 sessions
- Follows Safer recruitment, better recruitment strategies
- Collates and reviews evaluations from people we support, family carers, staff and other stakeholders
- Have a range of regular audits, observations of practice, plus checks and measurements, produce important information in relation to staffing and the guiding principles
- Ensure that managers and senior staff have enough time to carry out regular quality assurance and evaluate the findings
- Managers ensure that the evaluation of quality assurance information includes tracking data over time. This will help the identification of trends, gaps, or inconsistent practice, and it will help leaders to communicate findings to staff, families and people who experience support and care

References and further reading

<https://www.gov.scot/publications/health-and-care-staffing-scotland-act-2019-overview/>

<https://hub.careinspectorate.com/how-we-support-improvement/quality-improvement-programmes-and-topics/safe-staffing-programme/>

<https://learn.nes.nhs.scot/61827>

<https://www.mylearning.scot/badges/ses-online-workshop-participant/>

https://fdscot.sharepoint.com/:b:/g/quality/EfVRH8mtXIROueEbNI-AH_UBCKVmeaQklzutBJzAyHLqxA?e=gUcuql (C1 Quality Improvement Plan 2025 26.pdf)

Document Information

Document Ref:	Safe Staffing Policy
Version:	1
Date of Version:	22/12/2024
Created By:	Anne Marie Borthwick
Approved By:	Fiona Dunwoodie
Confidentiality Level:	Controlled: Uncontrolled if printed

Amendment History

Date	Version	Created By	Description of Change
22/12/2024	1	Anne Marie Borthwick	Initial Release