



Royal College
of Nursing
Scotland

Member briefing on

Safe Staffing:
Our 2022 work and next steps



SAFE STAFFING
SAVES LIVES

Introduction

The Health and Care (Staffing) (Scotland) Act 2019 ('the Act') was passed in the summer of 2019. This ground-breaking legislation is the first in the UK to set out requirements for safe staffing across all healthcare professional groups and health and care services.

Helping to ensure thorough and timely implementation of the Act is a big part of our policy and influencing work at RCN Scotland. Safe staffing is fundamental to every area of nursing. It's important to you, our members, and so it's important for us, that we work on your behalf and represent you and your interests. We continue to make a strong case for safe staffing across all areas of our work. We emphasise how important safe staffing is in all our policy briefings and consultation responses.

The purpose of this member briefing is to let you know about our safe staffing work in 2022 and to explain what we'll be doing next. We're always interested to hear directly from members to help shape our policy work. If you'd like to know more or want to get involved, please email us at policyscotland@rcn.org.uk

What we did in 2022

We published our first 'Nursing Workforce in Scotland' report in March 2022¹. One of our recommendations was a clear timetable for implementation of the Act. Following sustained pressure from RCN Scotland and its members, in June 2022 the Scottish Government announced a timetable for implementation². The timetable sets out a 21-month programme of work³, which will see the Act come into force from April 2024.

Securing that timetable is just one of the many of things we did in 2022 to help work towards safe and effective staffing for high quality care. Other examples of our work are given below. You can read more detail at the RCN website on our 'Briefings'⁴ and 'News'⁵ pages.

Oral submissions to Committees of the Scottish Parliament

In November, our Director for Scotland, Colin Poolman, spoke at the Health, Social Care and Sport Committee as part of its scrutiny of Scottish Government's plans for a National Care Service (NCS)⁶. He emphasised how crucial safe staffing would be to an NCS, telling the committee he was disappointed that there is no reference in the NCS Bill to Scotland's safe staffing legislation. He explained that a clear link would help us develop and prepare for multidisciplinary teams in the future by enshrining the importance of workforce planning and workforce development.

Written submissions to Committees of the Scottish Parliament

In August we made a submission to the Health, Social Care and Sport Committee's Pre-Budget Scrutiny 2023-24⁷ in which we stated that sustainable solutions to workforce shortages are needed to ensure that all health and care services have the right staff, with the right skills, in the right place and that the Act is a vital part of achieving this. We provided further detail in our written submission on the NCS to the same committee⁸.

Briefings for MSPs for Scottish Parliamentary debates

When relevant, we explicitly refer to safe staffing in our parliamentary briefings. For example, in our briefing for the debate of 12 January on mental health in primary care we emphasised the need for implementation of the Health and Care (Staffing) (Scotland) Act 2019 to ensure that we have safe staffing levels in all health services, including primary care mental health services⁹.

Responses to Scottish Government consultations

In September, in our response to the Scottish Government's consultation on a new Mental Health and Wellbeing Strategy¹⁰, we emphasised the need for safe staffing several times. This included stating that workforce wellbeing issues will only be addressed comprehensively through system changes such as safe staffing and pay.

Meetings with Scottish Government Ministers and officials including the Chief Nursing Officer

Together with our members, we made a robust case for safe staffing and fair pay to the then Cabinet Secretary for Health and Social Care, Humza Yousaf, and to spokespeople for the other political parties, at a round table event in Edinburgh on 30 March 2022¹¹. The Chief Nursing Officer (CNO) was also present. In June, we made the same case to the Cabinet Secretary at an event at RCN national congress in Glasgow¹². There can be no doubt that he and the CNO have heard the voice of nursing loudly and clearly.

Members also demonstrated for safe staffing and fair pay outside the SNP conference in October. This included speaking directly to the Cabinet Secretary. See our article 'RCN members stage protest at SNP party conference'¹³.

Media stories

In March, we raised safe staffing in the context of the Scottish Government's health and social care workforce plans. We secured extensive coverage in the mainstream media (including online) of safe staffing and the connected issue of the current staffing crisis.

This included BBC News, BBC Radio Scotland, the Scotsman, the Herald¹⁴, the Edinburgh Evening News, the Press & Journal, the Daily Record, the Daily Express, the Daily Mail, the National, the Sunday Post, the Sun, Holyrood Magazine, the Times, Nursing Standard, the Nursing Times and Health & Care Scot. We're determined to raise your voices to help emphasise how important safe staffing is to the nursing workforce in Scotland and to the Scottish population.

Throughout the year we publicised these issues regularly via our social media presence on Facebook¹⁵ and Twitter¹⁶.

Research Reports and Surveys

In our 'Nursing Workforce in Scotland' report¹⁷ we made ten recommendations, setting out the urgent action we're asking for to ensure there are enough registered nurses and nursing support workers to deliver safe and effective care across all settings. As mentioned earlier in this briefing, our first recommendation was for a clear timetable for implementation of the Health and Care (Staffing) (Scotland) Act 2019 to be set out as a matter of urgency. That timetable has now been secured. All the other recommendations were designed to support the provision of staffing for safe and effective care.

The severe effects of present under-staffing, which we know is not safe, are starkly set out in our Scotland briefing 'Nursing Under Unsustainable Pressure, published in June 2022'¹⁸.

A report on our most recent RCN Scotland Employment Survey was published in January 2022¹⁹. It showed that almost 60% of respondents gave 'feeling exhausted' and 'staffing levels too low' as their reasons for considering or planning to leave the profession.

Debates at RCN Congress 2022 in Glasgow

On 6 June Congress discussed 'the successes and impact of the RCN Staffing for Safe and Effective Care campaign'²⁰. Members reviewed the progress that had been made towards ensuring a legislative footing for safe staffing levels across the four countries of the UK. Also discussed was the potential for the RCN Nursing Workforce Standards (2021)²¹ to support safe staffing. The Standards have been developed for the nursing workforce in all settings and provide a blueprint for tackle staffing shortages.

Fair Pay for Nursing Campaign

Fair pay is a fundamental building block for safe staffing, and we have made the two issues inseparable in our activity and campaign materials²². This means that when we talk about fair pay for nursing, we link it directly to safe staffing. This helps to emphasise our message that providing safe care for patients is at the heart of the nursing profession.

Membership of stakeholder groups

Healthcare Improvement Scotland (HIS)²³ and the Care Inspectorate (CI)²⁴ both have safe staffing programmes to support health and care services. We continue to be involved with HIS and CI groups, amongst others, that are working to ensure the proper implementation of the legislation. These include the following:

- The Excellence in Care (EiC) Programme Board, facilitated by HIS. EiC is establishing quality indicators which may be used, by HIS, when monitoring the Act's implementation.
- HIS's Healthcare Staffing Programme (HSP) Board, which is overseeing development and evaluation of workload and workforce planning methodologies for health.
- HIS's Professional Advisory Group, which provides multi-professional leadership advice on matters affecting the scope, organisation, functioning and development of the HSP.
- Various groups convened by HIS to refine and develop existing and new staffing level tools, for example on professional judgement and real time staffing risk assessments, for a number of clinical areas.
- The Care Inspectorate (CI)'s External Programme Board, which is overseeing development and evaluation of workload and workforce planning methodologies for care homes.
- The CI's Special Interest Group, which contributes to the overall direction, and supports the work of, the CI's safe staffing project.
- The CI's Learning and Development Group, which provides leadership and direction on the review and development of educational resources to support safe staffing in social care.
- The Scottish Government's Nursing and Midwifery Student Intake Group. It makes recommendations to the Cabinet Secretary for Health and Social Care on the number and nature of nursing & midwifery student places.

Development of statutory guidance

We have also been heavily involved with the Scottish Government's stakeholder engagement process on the statutory guidance that will accompany the Act. The guidance is intended to help health and care organisations implement the Act properly. We did some work on the guidance before the Covid-19 pandemic; from September 2022 this work restarted and is ongoing. We made extensive comments on various versions of the guidance chapters. There have been two significant rounds of revisions by Scottish Government so

far. To date, most of our suggestions for changes to the guidance have been accepted by Scottish Government.

We've been involved with the CNO's Nursing and Midwifery Recruitment Task and Finish Group and sub-groups to help ensure our members' concerns inform policy development. Part of this work relates to the development of Band 4 roles. We support Band 4 Health Care Support Worker (HCSW) roles, but we have been clear with government colleagues that we are against the substitution of registered nurses with unregistered staff.

Where are we now?

By the end of 2022, we had made good progress towards implementation of the Act. This remains a major programme of work for the RCN Scotland staff team. In our manifesto for the 2021 Scottish Parliamentary election²⁵, we called for implementation of the Act by the end of 2021. Although the timeline means the Act won't be implemented as quickly as we wanted it to be, we are committed to supporting full and thorough implementation by April 2024.

We had several other key asks for staffing for safe and effective care in our manifesto. We continue to push for these to be addressed:

- Greater investment in health and care services to enable providers to employ more registered nurses, achieve and maintain safe staffing levels and ensure nursing teams have the correct skill mix.
- A commitment to increase the number of nursing student places, ensure a fair bursary and improve access to other financial support to widen access and increase student retention.
- The pivotal role of Senior Charge Nurses in leading safe, effective, patient-centred care to be properly recognised, valued and protected.
- An annual parliamentary debate on safe staffing to ensure ongoing scrutiny of how the duties introduced by the Act are being met.

What comes next?

A full public consultation on the guidance is scheduled to start around June 2023. RCN Scotland will be supporting our members to get involved in shaping what we say in our formal response.

The Test and Learn phase of the Scottish Government's implementation plan is scheduled to run during 2023. It will involve a pilot implementation of the Act by several NHS health boards, who will receive targeted support from Scottish Government. They will be able to test the statutory guidance and the staffing level tools used to run the common staffing

method, to see if they are fit for purpose.

They will be able to share their learning across Scotland to support full implementation of the Act in 2024.

We are members of the Scottish Government's Health and Care (Staffing) Act Steering and Governance Committee, also known as the 'Oversight Group', which will oversee the implementation of the Act.

Ministerial Nursing and Midwifery Taskforce

In early 2023, through continued pressure on Scottish Government as part of our successful negotiations on NHS nursing pay, RCN Scotland secured a commitment to the establishment of a Ministerial Nursing and Midwifery Taskforce²⁶. RCN will be a key member of the Taskforce²⁷, which is now up and running. Alongside the offer of improvements to pay that RCN members have now accepted, we also secured a review of the NHS pay structure, Agenda for Change (AfC). This will include looking at reforms to the working week, ensuring protected learning time and a review of band 5 job nursing profiles. Through our involvement and influence on the Taskforce and the AfC review, we will continue to make the case for safe staffing to be recognised as critical to the development and growth of nursing as a highly skilled and appropriately rewarded profession.



- ¹ Royal College of Nursing (2022) The Nursing Workforce in Scotland. Available at: <https://www.rcn.org.uk/About-us/Our-Influencing-work/Policy-briefings/sco-parl-nursing-workforce-in-scotland-report-290322> (Accessed 20 April 2023).
- ² Scottish Government (2022) Protecting health and care workers. Available at: <https://www.gov.scot/news/protecting-healthcare-workers/> (Accessed 20 April 2023).
- ³ Royal College of Nursing (2022) Health and Care (Staffing) (Scotland) Act 2019 Implementation Timetable. Available at: <https://www.rcn.org.uk/scotland/-/media/Royal-College-Of-Nursing/Documents/Countries-and-regions/Scotland/2022/HCSA-Implementation-Timetable-June-2022.pdf> (Accessed 20 April 2023).
- ⁴ Royal College of Nursing (All Years) RCN briefings. Available at: <https://www.rcn.org.uk/About-us/Our-Influencing-work/Policy-briefings?Region=Scotland&Scope=Global&Filtered=False> (Accessed 20 April 2023).
- ⁵ RCN Scotland News (All Years). Available at: <https://www.rcn.org.uk/scotland/News-and-Events/News?Region=Scotland&Filter=False> (Accessed 20 April 2023).
- ⁶ Scottish Parliament (Tuesday November 15 2022) Health Social Care and Sport Committee. Available at: <https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/HSCS-15-11-2022?meeting=13994&iob=126801> (Accessed 20 April 2023).
- ⁷ Scottish Parliament (2022) Health, Social Care and Sport Committee Pre-Budget Scrutiny 2023-24. Available at: https://yourviews.parliament.scot/health/hscsprebudgetscrutiny2023/consultation/view_respondent?uuld=9114727 (Accessed 20 April 2023).
- ⁸ Scottish Parliament (2021) National Care Service (Scotland) Bill (Detailed). Available at: https://yourviews.parliament.scot/health/national-care-service-bill/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=rcn&uuld=1023210077 (Accessed 20 April 2023).
- ⁹ Royal College of Nursing (2022) Parliamentary Briefing: Mental health in primary care. Available at: <https://www.rcn.org.uk/About-us/Our-Influencing-work/Policy-briefings/sco-parl-mental-health-in-primary-care-120122> (Accessed 20 April 2023).
- ¹⁰ Royal College of Nursing (2022) Policy: Scottish Government's consultation on a new Mental Health and Wellbeing Strategy. Available at: <https://www.rcn.org.uk/About-us/Our-Influencing-work/Policy-briefings/sco-pol-mental-health-and-wellbeing-strategy-010922> (Accessed 20 April 2023).
- ¹¹ Royal College of Nursing (2022) Member voices calling for decision makers to value the nursing workforce. Available at: <https://www.rcn.org.uk/news-and-events/news/valuing-nursing-roundtable-010422> (Accessed 20 April 2023).
- ¹² Royal College of Nursing (2022) Members calls for a safe staffing timetable gets a response. Available at: <https://www.rcn.org.uk/news-and-events/news/members-calls-for-a-safe-staffing-timetable-gets-a-response-080622> (Accessed 20 April 2023).
- ¹³ Royal College of Nursing (2022) RCN members stage protest at SNP party conference. Available at: <https://www.rcn.org.uk/news-and-events/news/scotland-rcn-member-demo-at-snp-conference-081022> (Accessed 20 April 2023).
- ¹⁴ The Herald (2022) Scotland's NHS Safe Staffing law set for April 2024 rollout. Available at: <https://www.heraldscotland.com/news/20225908.scotlands-nhs-safe-staffing-law-set-april-2024-rollout/> (Accessed 20 April 2023).



- ¹⁵ Royal College of Nursing (2022) Safe Staffing Saves Lives. Available at: <https://www.facebook.com/RCNScotland/photos/a.1747997622180727/3218667351780406> (Accessed 20 April 2023).
- ¹⁶ Royal College of Nursing (2022) Delighted to be in Edinburgh etc. Available at: <https://twitter.com/patcullen9/status/1583027507384975360?s=20&t=jE2o1ZW9crlboFghtU-X4A> (Accessed 20 April 2023).
- ¹⁷ Royal College of Nursing (2022) The Nursing Workforce in Scotland. Available at: <https://www.rcn.org.uk/About-us/Our-Influencing-work/Policy-briefings/sco-parl-nursing-workforce-in-scotland-report-290322> (Accessed 20 April 2023).
- ¹⁸ Royal College of Nursing (2022) Nursing leaders warn of risks to patients as nurses' concerns reach new high. Available at: <https://www.rcn.org.uk/news-and-events/news/nursing-leaders-warn-of-risks-to-patients-060622> (Accessed 20 April 2023).
- ¹⁹ Royal College of Nursing (2022) Parliamentary Briefing: RCN Scotland Employment Survey. Available at: <https://www.rcn.org.uk/About-us/Our-Influencing-work/Policy-briefings/sco-parl-rcn-employment-survey-briefing-260122> (Accessed 20 April 2023).
- ²⁰ Royal College of Nursing (2022) Matter for Discussion: Safe staffing. Available at: <https://www.rcn.org.uk/congress/congress-events/safe-staffing-2022> (Accessed 20 April 2023).
- ²¹ Royal College of Nursing (2021) Nursing Workforce Standards. Available at: <https://www.rcn.org.uk/professional-development/publications/rcn-workforce-standards-uk-pub-009681> (Accessed 20 April 2023).
- ²² Royal College of Nursing (2022) Fair Pay for Nursing campaign badge. Available at: <https://www.rcn.org.uk/news-and-events/Blogs/scotland-strike-ballot-opens-061022> and <https://shop.rcn.org.uk/products/fpfn-gold-badge> (Accessed 20 April 2023).
- ²³ Healthcare Improvement Scotland (2022) Healthcare Staffing Programme (HSP). Available at: https://www.healthcareimprovementscotland.org/our_work/patient_safety/healthcare_staffing_programme.aspx (Accessed 20 April 2023).
- ²⁴ Care Inspectorate (2022) Safe staffing improvement programme. Available at: <https://www.careinspectorate.com/index.php/safe-staffing-improvement-programme> (Accessed 20 April 2023).
- ²⁵ Royal College of Nursing (2021) Protect the Future of Nursing. Available at: <https://www.rcn.org.uk/scotland/-/media/Royal-College-Of-Nursing/Documents/Countries-and-regions/Scotland/Protect/2021-Protect-Manifesto-Full.pdf> (Accessed 20 April 2023).
- ²⁶ Royal College of Nursing (2023) Nursing Taskforce must deliver for the profession today and tomorrow. Available at: <https://www.gov.scot/news/nursing-and-midwifery-taskforce/> (Accessed 20 April 2023).
- ²⁷ Scottish Government (2023) Nursing and Midwifery Taskforce. Available at: <https://www.rcn.org.uk/news-and-events/news/ministerial-taskforce-announcement-210223> (Accessed 20 April 2023).

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