

Be safe

Safe Staffing Act - Questions and answers



What is happening in April?

New legislation is coming in to force that allows ANY member of staff to make a complaint about unsafe or inadequate staffing levels to someone with lead professional responsibility for the area – and if they don't get a sufficient response – keep taking it higher (even up to Health Board level)

What legislation?

The new rights are coming in as part of the Health & Social care Staffing Act. More commonly known as the 'Safe Staffing Act' – was passed in 2019 but being introduced in April 2024.

Who does this apply to?

It's aimed at making sure there are enough staff – and the right staff - in clinical areas – but it covers a huge range of staff, not just nurses, midwives and doctors but AHP's, ODP's, ambulance staff, NHS 24 call handlers and many others – for a list see the Briefing on the UNISON Scotland website.

What difference will Safe Staffing make to me?

For the posts covered the employer will need to constantly review (real time) staffing using a staffing level tool and a professional judgement tool. These Health Boards have a duty to identify and address those risks which are considered to be either severe or liable to appear frequently. The Board then has a duty to take whatever steps it can to mitigate the risk and prevent its recurrence.

Boards, Health Improvement Scotland and the Scottish Government will be required to produce regular reports on safe staffing compliance

Step up, **Speak out**
for safe staffing



What are my rights under safe staffing?

Staff can make a report, they must get a response and they can escalate the complaint if they aren't happy with the result.

Any staff member can make a report if they are aware of unsafe or inadequate staffing. (NB more than one staff member can submit the same complaint.) It gets submitted to an individual with lead professional responsibility. They have to record it and provide a response. If those making the report aren't happy with the response – they can get it looked at by a more senior decision maker – who has to respond... and if they aren't happy keep referring it higher until it reaches the Board.

Members who have responsibility for ensuring that safe staffing levels are met and concerns responded to, should be given time and support to meet their obligations

If I'm working in or in charge of an area that doesn't have enough staff can I be complained about?

The complaint won't be about you – the law is absolutely clear that the responsibility under the Act to ensure safe levels of staffing and deal with reported levels of unsafe staffing lie with the Board not with individuals.

What is government going to do to ensure safe staffing – even more sarcastic reference – mention HIS and annual reports

How does UNISON feel about the safe staffing act? We've been arguing for safe staffing legislation for years – and think this could be a real step forward in improving working conditions if we work together to use it properly.

Will making a report get me into trouble?

No. The whole purpose of the legislation is to allow you and your colleagues to drive up standards by getting deficiencies on the record.

What can I do to report concerns about safe staffing?

Your employer should be working now to put procedures in place to allow you to report concerns. They have to, it's the law. If they aren't letting you know how to do that – tell UNISON, we'll get that sorted.

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How does UNISON feel about the safe staffing act?

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No. The whole purpose of the legislation is to allow you and your colleagues to drive up standards by getting deficiencies on the record. It would be unlawful for an employer to treat members of staff who have spoken out less favourably.

What if I am encouraged or asked not to make a report?

You are legally entitled to raise concerns. It is wrong of someone, even if they are a person in authority to ask you to not report or cover up a concern.

If this happens you should politely refuse to agree with them and escalate your concerns. At any stage of a concern you can contact UNISON for advice and assistance.

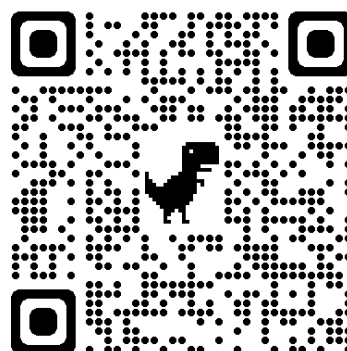
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What is the UNISON Notice of Concern Tool?

UNISON wants to support our members to Step up and speak out for safe staffing. To assist and supplement existing Board wide reporting tools the union has created a local reporting tool that you can use to escalate your concerns to the union and your Boards Snr managers such as the Chief Exec/Nurse Director and or Whistle Blowing Officer. You can find UNISON Scotland's 'notice of concern' reporting tool on our website:

www.unison-scotland.org/report-safe-staffing-concerns or by scanning our QR code below.



What will UNISON do with my information if I use the Notice of Concern tool?

In the first instance, UNISON will simply hold and log your information, looking for general patterns of concerns. We may also reach out to you and offer some support. If you need assistance urgently you should contact your branch directly and seek assistance.

More information

For more information on UNISON Scotland's Safe Staffing campaign visit our website:

www.unison-scotland.org.uk