

18 March 2024

Dear Convener,

RE: SSI – National Health Service (Common Staffing Method) (Scotland) Regulations 2024

We note the Scottish government's response to the Committee regarding our concerns about the National Health Service (Common Staffing Method) (Scotland) Regulations 2024. It is useful that the Scottish government has clarified that a distinction is made between regular and minor updates to tools, which would not require Ministerial approval and regulations to be laid, and a revision which would require Ministerial approval and regulations to be laid in parliament. We look forward to working with HIS and Scottish government to arrive at a good judgement, case-by-case, in future to ensure that revisions to the tools can be made in a timely manner.

However, we would note in response to the Scottish government's letter that, while the tools have been used for several years, and the RCN has had some involvement, we were not involved in the development of the methodologies. We have questioned the claims regarding reliability and validity of the tools, as this data to support this has never been published nor has the inner workings of the tools. We only recently became aware of the calculators that sit within the tools, particularly the Professional Judgement tool calculations which were changed. Once we were shown the calculators that sit within the tools, we raised our concerns that they are flawed and fundamentally undermine the effectiveness of the tools in allowing services to plan the number, and skill mix, of staff needed to provide safe and effective care.

Due to the importance of implementing the provisions within the 2019 Act on 1 April, we agree that the regulations should be passed. We are now focussed on working with HIS and Scottish government to address the flaws we have identified with the existing tools. Given that these fundamental flaws within the staffing tools' calculators are contributing to an unsafe environment for patients and nursing staff, they need to be addressed urgently. We hope this is an area that the Committee will consider as part of its post legislative scrutiny of the Act, following implementation of the legislation, and will keep Committee members updated on this important issue.

Yours sincerely



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