

# Code of practice for NHS Scotland employers

**Title: Up to standard: a code of practice for employers of health-care support workers in Scotland.**

## 1. Introduction

1.1. This code of practice plays a major part in a new system to regulate health-care support workers (HCSWs) in Scotland. It is based on the basic principle of protecting the public.

1.2. The new system will need to be supported by existing systems of health-care governance and staff governance. Staff governance arrangements in Scotland are set out in the NHS Reform (Scotland) Act 2004 [www.opsi.gov.uk/legislation/scotland/acts2004/20040007.htm](http://www.opsi.gov.uk/legislation/scotland/acts2004/20040007.htm) , which makes NHS employers legally responsible for staff governance.

1.3. The Staff Governance Standard [www.scotland.gov.uk/Publications/2002/04/14483/2527](http://www.scotland.gov.uk/Publications/2002/04/14483/2527) is the major policy document. It contains the five elements that make up the standards of employment practice expected from NHS employers. As an employer, under the Staff Governance Standard you must make sure that your staff are:

- well informed
- appropriately trained
- involved in decisions that affect them,
- treated fairly and consistently and
- provided with an improved and safe working environment.

1.4. Also important in NHS Scotland are the Partnership Information Network [www.show.scot.nhs.uk/](http://www.show.scot.nhs.uk/) (PIN) policies. These deal with good employment practice and by law you must keep to them. Particularly relevant to this code of practice are the PINs on:

- Dignity at Work
- Equal Opportunities
- Management of Employee Conduct
- Personal Development Planning and Review
- Supporting the Work : Life Balance
- Dealing with Employee Concerns
- Management of Employee Capability.

1.5. This code of practice will help you to meet those requirements and make sure that service users benefit fully from HCSWs' practice. It sets out standards based on existing good employer practice. These standards can guide your practice as an employer, allowing you to:

- measure current performance
- identify areas needing development and
- plan future improvements.

1.6. This code of practice is supported by a code of conduct for employees which describes the quality standards they must work towards in main areas of practice. You should be

familiar with the employee code and make sure that you support employees to achieve the standards it contains.

## **2. Code of practice for NHS employers**

2.1. As an NHS Scotland employer of health-care support workers, you must do the following.

### **2.1.1. Make sure people are suitable to enter the health-care workforce and that they understand their roles and responsibilities.**

- You must have strict recruitment and selection procedures in place and carefully follow Disclosure Scotland [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk) and other vetting procedures.
- You must give your staff clear information on their roles and responsibilities and make them aware of relevant laws, policies and procedures they must follow.
- You must support HCSWs who claim they are being asked to perform out with their role and ability and investigate any complaints thoroughly.
- You should strengthen your employment practice with policies that:
  - promote staff safety and welfare
  - provide equal opportunities for everyone and
  - give appropriate support to HCSWs suffering from illnesses.

### **2.1.2. Have procedures in place so HCSWs can meet the requirements of the ‘Code of conduct for support workers in health care’**

- You will need procedures in place to help HCSWs to achieve the standards on the main elements of practice set out in both the employee code and the induction standards. This will include procedures to:
  - protect confidentiality
  - carry out risk assessments
  - record and report information
  - communicate effectively and
  - make sure HCSWs understand their responsibilities and management structure.

And, each HCSW should have a named workplace supervisor to monitor their progress towards achieving all the standards in the code of conduct for HCSWs.

### **2.1.3. Provide training and development opportunities so HCSWs can strengthen and develop their skills and knowledge.**

- You will need effective ways to mentor, supervise and assess HCSWs. Trained supervisors should provide formal assessments as well as plan for personal development to meet the Knowledge and Skills Framework (KSF) ([www.paymodernisation.scot.nhs.uk/afc/ksf/index.htm](http://www.paymodernisation.scot.nhs.uk/afc/ksf/index.htm)) requirements.
- At the centre of this is appropriate induction training and other learning opportunities. These will help HCSWs to perform their roles effectively and prepare them to face the

challenge of new roles. As an employer, you need to use the workplace as an important area where HCSWs can develop their practice.

- You must reflect any development opportunities HCSWs identify through their personal development planning and other processes in their team and individual learning plans.
- You must provide mentoring and advice to HCSWs if they, or their supervisors, feel they are not performing effectively in their role. Anyone who delegates tasks should be aware of their responsibility to support HCSWs, and the HCSWs' accountability for the way they perform those tasks, to reduce risk to patients.
- You need to have effective plans in place to manage situations where HCSWs who cannot produce evidence of performing competently may be a risk to patients.
- You should consider using the e-KSF<sup>1</sup> to demonstrate HCSWs' achievements and to support their ongoing development.

#### **2.1.4. Make sure procedures are in place to deal with dangerous behaviour or behaviour that discriminates against or takes advantage of patients.**

- HCSWs should understand from the start of their employment that bullying, harassing and discriminating against people is not acceptable behaviour and will result in disciplinary action.
- Any HCSW who feels they have been the victim of this behaviour, or has seen a member of staff acting in a dangerous, discriminatory or abusive way, must know where and how to report their concerns.
- You must also have procedures in place to deal with aggression and violence, and you must support HCSWs who experience aggression or violence at work.

#### **2.1.5. Promote this code of practice and the 'Code of conduct for support workers in health care' to your staff, HCSWs, patients and relatives.**

- The codes are designed to make sure services for patients are safer and more effective. They should also lead to better and more fulfilling working conditions for HCSWs, but can only achieve their aims if people are aware of the standards and apply them in practice.
- As an employer, when a HCSW fails to meet the standards set out in the code, you have a duty to respond by:
  - providing appropriate counselling, support and development opportunities and
  - following approved disciplinary procedures when necessary.

### **3. Monitoring how NHS Boards are meeting the standard**

3.1 NHS Quality Improvement Scotland (QIS) ([www.nhshealthquality.org](http://www.nhshealthquality.org)) will check the quality of the systems and processes for self-monitoring put in place by NHS Boards taking part in the national pilot<sup>2</sup>. These systems and processes will be designed to:

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<sup>1</sup> The e-KSF is a web-based toolkit developed to help implement and run the KSF. It is also seen as an important tool for monitoring the use of KSF and to provide an easy way for organisations to complete national reporting requirements.

<sup>2</sup> The national pilot will test out arrangements for employer-led regulation of HCSWs and will begin, for one year initially, in January 2007.

- help boards to achieve the standards and
- make sure that boards are meeting these standards and report on how they are doing this.

To help boards prepare for this self-monitoring, NHS QIS [www.nhshealthquality.org](http://www.nhshealthquality.org) will develop a self-assessment document so boards can show how they are meeting the standards. Self-monitoring carried out by boards, and the external quality assurance NHS QIS [www.nhshealthquality.org](http://www.nhshealthquality.org) carries out, will be consistent with monitoring processes which relate to the NHS QIS clinical governance and risk management standards<sup>3</sup>.

#### **4. Equality and diversity**

4.1 You can use the Scottish Executive Equality Impact Assessment Toolkit (EQIA), [www.scotland.gov.uk/Publications/2005/02/20687/52422](http://www.scotland.gov.uk/Publications/2005/02/20687/52422) to assess whether your recruitment policies meet the legal obligations to include disabled people in the workforce. You could also monitor the workforce to measure how far it reflects the diversity of the local community.

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<sup>3</sup> NHS Quality Improvement Scotland (2005) Clinical Governance and Risk Management: Achieving safe, effective, patient-focused care and services. NHS QIS. October 2005.