Health and Care (Staffing) (Scotland) Act 2019
12IR 'HIS: monitoring and development of staffing tools'

Healthcare Improvement Scotland's Recommendation to Scottish Ministers March 2025

1.0 Introduction

Healthcare Improvement Scotland (HIS) recommends to Scottish Ministers revisions to the staffing tools, prescribed under section 12IJ(3) of the [Health and Care (Staffing) (Scotland) Act 2019](#) (HCSA) as follows:

- The replacement of the 'Mental Health and Learning Disability Staffing Level Tool Version 3' with a new staffing level tool 'Mental Health and Learning Disability Inpatient Nurse Staffing Level Tool Version 1'

    - Staffing tool: Mental Health and Learning Disability Inpatient Nurse Staffing Level Tool Version 1

    - Type of health care: Mental health and learning disability provision

    - Location: Mental health units in hospital and learning disability units in hospitals

    - Employees: Registered nurses (includes other staff working under the supervision or delegation by a registered nurse)

- Revisions to the existing Professional Judgement Tool as follows:

    - Staffing tool: Professional Judgement Tool Version 3

    - Type of health care: 12IK the first column of the table in subsection (1) The types of health care

    - Location: 12IK the second column of the table subsection (1) kinds of locations

    - Employees: 12IK the third column of the table in subsection (1) employees of a kind

2.0   Replacement: Mental Health and Learning Disability Staffing Level Tool

2.1   The current Mental Health and Learning Disability (MHLD) Staffing Level Tool was adapted from a model developed by West Midlands Care Improvement Services in 2007 for suitability in Scotland. The tool was later updated in 2018 prior to the programme transitioning to HIS in 2021. The tool is a time-tasked activity tool which is data burdensome for clinical staff to complete. In addition, the tool does not provide a validated 'multiplier', based on patient care hours per day, that could also be utilised as part of the national eRostering contract within the SafeCare Module to inform real-time staffing decision making. This requires a different tool methodology which is based on three components: patient numbers (occupancy); patient dependency/acuity; and nursing activities, which is captured utilising observation studies.

2.2   The Healthcare Staffing Programme (HSP) worked in collaboration with Scottish Health Boards and other persons with whom HIS must collaborate when developing staffing tools throughout the tool development process.

2.3   Observation studies commenced in March 2024. Sampling methodology was utilised to ensure data was captured across all MHLD specialties and was representative of the variance across NHS Scotland, including patient demographics and Health Boards.

2.4   The HSP experienced significant challenges due to Boards ability to undertake the observational studies due to system pressures and the availability of staff to act as observers. This was further compounded by the number of MHLD areas that did not pass the quality audit threshold for inclusion. Only areas that demonstrate that they are delivering safe, high-quality care by achieving the 70% quality audit score progress to participating in the observational studies.

2.5   The observation studies were concluded in September 2024 with the data captured (circa. 6650 hours of observed care) required manual transcribing into a digital format. This contributed to further delays and additional resource being utilised from across HIS to expedite the data entry. The data has now been collated, cleansed and validated and subsequently used to develop a suite of 'multipliers' for the different sub-specialties as follows:

- Adult Acute Admission Mental Health Ward
- Eating Disorder Wards
- Forensic Low Secure Wards
- Learning Disability Wards
- Older Age Mental Health Wards
- Psychiatric Intensive Care Units
- Rehabilitation Wards
- Inpatient Addiction Services
- Perinatal (mother and baby) Wards

- Forensic Medium Secure Wards
- Child and Adolescent Mental Health Wards

2.6 The multipliers will inform the number of nursing care hours patients at different levels of dependency/acuity require within these specialties. The total number of care hours then informs a recommended staffing level, whole time equivalent (WTE), inclusive of the national predicted absence allowance (WTE). This will inform the output of the MHLD staffing level tool to be utilised by NHS Boards as part of their legislative duty to follow the Common Staffing Method under section 12IJ of the health and Care (Staffing) (Scotland) Act 2019.

2.7 To ensure the multipliers provide meaningful staffing recommendations, the HSP team have gathered test data from across NHS Scotland to retrospectively apply the multipliers. The HSP have undertaken correlation analysis with the Boards actual staffing and professional judgement and the recommended output from the multipliers and the new staffing tool. Feedback was sought on the effectiveness of the outputs from the replacement staffing tool from the expert working group and Boards.

2.8 The final MHLD Staffing Level Tool will be presented back to the expert working group in May 2025 prior to progressing through HIS's governance structures for approval as the replacement tool.

2.9 There is a risk that the outcome of the correlation analysis and feedback do not demonstrate that the replacement staffing level tool will be effective in informing appropriate staffing levels necessitating HIS to revoke its recommendation. This would result in a further 6-month minimum delay to the availability of the staffing tool. The work on the multipliers and evaluation will be concluded by May 2025 prior to the publication of the full report on the HIS website in June 2025. This provides sufficient time for a level of confidence to be ascertained prior to the amended regulations being laid before parliament in August 2025.

3.0 Revision: Professional Judgement Tool

3.1 The Multi-disciplinary Professional Judgement (MDPJ) Tool was initially developed in 2022/23 following extensive stakeholder engagement. The aim had been that this tool could be used by other professional groups, or multi-disciplinary teams, as part of the Common Staffing Method, even in the absence of a specialty specific Staffing Level Tool. It was approved by the then HSP Staffing Level Tools Oversight Group in August 2023 to proceed for digitalisation.

3.2 Since an agreed digital platform to host the new tool had not yet been identified, there was a 'soft launch' of the tool using an advanced Excel format. Access to the tool and training was made available through the HSP Request for Assistance process.

3.3 The HSP explored every avenue possible under the national e-rostering contract to host the new multi-disciplinary professional judgment tool, which had been a directive from Scottish Government and Board Chief Executives given this was part of the tendering specification for the system. The potential for RLDatix, the provider of the national e-rostering system, to develop this tool at a future date has not been ruled out but this would need to be scheduled within their development roadmap and as such timescales for this are unlikely to be realised in the foreseeable future.

3.4 HIS were directed by the Scottish Government to assess the feasibility of revising the existing Professional Judgement Tool hosted on the Scottish Standard Time System (SSTS). The revisions to the existing tool were to address concerns raised that the 4-hour blocks made it difficult for staff to capture additional staffing at hand over periods and that the time removed for unpaid breaks was incorrect.

3.5 The work to develop a revised Professional Judgement Tool on SSTS began in August 2024. HIS's HSP has collaborated with the technical supplier Atos and the named persons under section 12IR(3) of the Act to agree on the necessary revisions to the existing tool, utilising the insights gained from the MDPJ tool development on Excel. This work is expected to be completed by June 2025. The revisions to the Professional Judgement Tool will include enhanced functionality as follows:

- Removal of 4-hour blocks (did not reflect contemporary shift patterns or hand over periods)
- Introduction of recording required staffing utilising shift patterns
- User recording of unpaid breaks
- 'Other' tab for recording of non-nursing and/or medical staff with 0% predicted absence allowance incorporated

3.6 Although the revised tool has the capability to be used by other professions (kinds of employees), with the potential to be utilised beyond the types of healthcare specified in section 12IK(1), HIS are not recommending its use beyond those types of healthcare specified.

3.7 HIS will continue to promote the new Professional Judgement tool as a standalone resource to support the application of the Common Staffing Tool for healthcare areas not specified under the Act and who do not have access to a staffing level tool. This will help inform future opportunities to broaden the scope of the 'duty to follow the Common Staffing Method' (12IJ), which will be considered during HIS's review of the Common Staffing Method in 2025/26. This review aligns with HIS's duty for the 'monitoring and review of the common staffing method' (12IQ).

3.8 The final professional judgement tool has been shared with the expert working group and will now progress through HIS's governance structures for approval as the revised tool.

3.9 The digital development of the tool will be concluded by May 2025 prior to the publication of the full report on the HIS website in June 2025. This provides sufficient time for a level of confidence to be ascertained prior to the amended regulations being laid before parliament in August 2025.

4.0 Recommendations

HIS recommend the following amendments to The National Health Service (Common Staffing Method) (Scotland) Regulations 2025, that accompany the Health and Care (Staffing) (Scotland) Act 2019, as follows:

4.1 Mental Health and Learning Disability

- Schedule Staffing Level Tools Column 1 Kind of health care Provision: 'Mental health and learning disability provision by registered nurses in mental health or learning disability units in hospitals' – remains unchanged

- Schedule Staffing Level Tools Column2 Staffing level tool:

  'Mental Health and Learning Disability Staffing Level Tool Version 3 (9)'

  (9) Version 3 was developed by Healthcare Improvement Scotland and was made available online at https://workforce.mhs.scot.nhs.uk/eyou/Authentication/Login.aspx, in 2025, to those granted access.

  Replacement with a new staffing level tool as follows:

  'Mental Health and Learning Disability Inpatient Nurse Staffing Level Tool Version 1 (9)'

  (9) Version 1 was developed by Healthcare Improvement Scotland and made available online on the RLDatix SafeCare Platform as part of the national e-rostering contract, in 2025, to those granted access.

  The rationale for adding 'Inpatient Nurse' to the title is to differentiate it from the planned staffing level tool developments for 'Community Mental Health and Learning Disability and Specialist Roles' (tool name to be confirmed). This distinction also helps communicate that the tool is a completely new staffing level tool, hence it being assigned Version 1.

  The link to the online tool has not been included due security concerns. The RLDatix system is hosted on the world wide web and not behind the NHS SWAN network. In addition, all NHS boards would have a separate URL to their own instance of the system requiring the regulations to include multiple different links for this one staffing level tool.

4.2 The Professional Judgement Tool

Revisions to existing tool – changing from Version 3 to Version 4 as follows:

For the purposes of section 12IJ(3)(b) of the 1978 Act, the professional judgement tool for each kind of health care provision described in the first column of the table in the schedule, is the **Professional Judgement Tool Version 4(2)**

*(2) Version 4 was developed by Healthcare Improvement Scotland and was made available online at https://workforce.mhs.scot.nhs.uk/eyou/Authentication/Login.aspx, in **2025**, to those granted access.*

Please note that the version numbers referenced above reflect the changes required to the version numbers that are anticipated will be reflected in the revised regulations when published in April 2025.