

# Code of Practice for Employers of Healthcare Support Workers in Scotland



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The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

Produced for the Scottish Government by RR Donnelley B62360 10/09

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# CODE OF PRACTICE FOR EMPLOYERS OF HEALTHCARE SUPPORT WORKERS IN SCOTLAND

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

## 1. Introduction

1.1. This code of practice plays a major part in public assurance around the employment of healthcare support workers (HCSWs) in NHS Scotland. It builds on the fundamental principles of patient safety and public protection and aspires to being embedded within the day to day practice of NHS Scotland organisations.

1.2. This code will be supported by existing systems of clinical governance and staff governance and routine monitoring arrangements will apply through staff and information governance monitoring frameworks. Staff governance arrangements in Scotland are made under section 12I of the NHS (Scotland) Act 1978, which makes Health Boards, Special Health Boards and the Common Services Agency legally responsible for putting and keeping in place arrangements for the purposes of improving the management of the officers employed by them; monitoring such management; and workforce planning. Section 12H of the NHS (Scotland) Act 1978 also makes Health Boards, Special Health Boards and the Common Services Agency responsible for putting and keeping in place arrangements for the purpose of monitoring and improving the quality of healthcare which they provide to individuals.

[http://www.opsi.gov.uk/legislation/scotland/acts2004/asp\\_20040007\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/acts2004/asp_20040007_en_1)  
<http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=51&NavFrom=2&parentActiveTextDocId=2301536&ActiveTextDocId=2301567&filesizesize=2046>

1.3. The Staff Governance Standard (3<sup>rd</sup> Edition) is the major policy document [http://www.staffgovernance.scot.nhs.uk/downloads/1233847265-staff\\_governance\\_standards.pdf](http://www.staffgovernance.scot.nhs.uk/downloads/1233847265-staff_governance_standards.pdf) . It contains the five elements that make up the standards of employment practice expected from NHS Scotland employers. As an employer in NHS Scotland, under the Staff Governance Standard, you will 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 policies (PIN policies) <http://www.staffgovernance.scot.nhs.uk/partnership/partnership-information-network/> . These deal with good employment practice and you are expected to comply with them as a minimum standard. Particularly relevant to this code of practice are the PINs on:

- Pre-employment Screening
- 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 HCSW employees which describes the quality standards they must work towards in main areas of practice. You should be familiar with the HCSW code and make sure that you support HCSWs to achieve the standards it contains.

## 2. Code of practice for NHS employers

2.1. As an NHS Scotland employer of HCSWs, you must do the following.

**2.1.1. Make sure people are suitable to enter the healthcare workforce and that they understand their roles and responsibilities.** *This standard will be monitored through staff governance arrangements.*

You must have strict recruitment and selection procedures in place that are in line with the PIN policy on Safer Pre and Post Employment Checks <http://www.show.scot.nhs.uk/publications/j9227.pdf> 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 to promote health and wellbeing.

**2.1.2. Have procedures in place so HCSWs can meet the requirements of the 'Code of conduct for support workers in healthcare'.** *This standard will be monitored through information governance arrangements.*

The information governance standards framework - <http://www.isdscotland.org/isd/1557.html> - provides for the handling of information in a confidential and secure manner to the following ethical and quality standards:

- Information governance policy and planning
- Confidentiality
- Freedom of Information
- Administrative records
- Patient records
- Data Protection
- Caldicott
- Information management
- Information security
- Data quality

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.** *This standard will be monitored through staff governance arrangements.*

- You will need effective ways to mentor, supervise, monitor and assess HCSWs. Trained supervisors should provide formal assessments as well as plan for personal development to meet the Knowledge and Skills Framework (KSF) requirements [www.paymodernisation.scot.nhs.uk/afc/ksf/index.htm](http://www.paymodernisation.scot.nhs.uk/afc/ksf/index.htm) and to address any capability issues that arise, including situations where HCSWs cannot produce evidence of performing competently. The eKSF<sup>1</sup> will provide a useful tool to record evidence of competence and on-going development..
- 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.

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

- 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.

**2.1.4. Make sure procedures are in place to deal with violent or aggressive behaviour that discriminates against or takes advantage of patients and / or staff.** *This standard will be monitored through staff governance arrangements.*

- 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. Further information can be found within the Dignity at Work PIN Policy.
- 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 healthcare' to your staff, HCSWs, patients and relatives and govern its use in the day to day practice as embedded in your organisation.** *This standard will be monitored through staff governance arrangements.*

- 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 standards laid out in the Code of Conduct for Employers**

3.1 Normal staff and information governance arrangements will monitor the quality of the systems and processes put in place by NHS Scotland Boards. These arrangements will ensure that boards are meeting these standards and will report on how well, or otherwise, they are doing this.

### **4. Equality and Diversity**

4.1 NHS Boards have a duty to comply with current equality and diversity requirements that are underpinned by statute. These requirements include publishing the data associated with compliance monitoring.



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RR Donnelley B62360 10/09

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