

## FAQ – Pharmacy

	Question	Answer
Q1	<b>What is the Health and Care (Staffing) (Scotland) Act 2019?</b>	<p>The Health and Care (Staffing) (Scotland) Act 2019 (HCSSA) is a piece of legislation passed by the Scottish Parliament on 1st April 2024.</p> <p>It provides a legal, statutory basis that health and social care services in Scotland have appropriate staffing levels in place to provide safe and high-quality care.</p> <p>This will be achieved by having the right people, with the right skills, in the right place, at the right time to improve outcomes for people using our services and to improve staff wellbeing.</p>
Q2	<b>Who does the HCSSA relate to?</b>	The Act relates to all staff involved in the provision of care.
Q3	<b>What are my Role and Responsibilities within the Health and Care (Staffing) (Scotland) Act 2019?</b>	<p>As a Pharmacist, Pharmacy Technician or Pharmacy Support Worker at any level, you already have a duty to ensure your patients get the best care.</p> <p>If there is a staffing issue in your area impacting on patient care and it is within your control to fix it, you have a duty to do so.</p> <p>If you are not able to fix it, you have a duty to escalate this to an appropriate ‘Clinical Leader’ or someone with authority to mitigate staffing pressures.</p>
Q4	<b>Who is the “Clinical Leader”?</b>	Within Pharmacy services, anyone who is a registered healthcare professional in a team lead role can be considered a ‘Clinical Leader’.

<p><b>Q5</b></p>	<p><b>What are the responsibilities of a 'Clinical Leader'?</b></p>	<p>A 'Clinical Leader' must maintain real-time awareness of staffing levels and needs within the Act and is someone with a responsibility for rotas and duty allocations with authority to redistribute staff when and where required. Additionally, they will have time in their job plan for this role and are responsible for ensuring staff are familiar with the Act and more broadly are suitably trained for their roles.</p> <p>Clinical leaders are expected to mitigate or escalate staffing issues as appropriate, reporting to senior management when necessary and communicating decisions clearly to staff. The Act also requires clinical leaders to record all actions eg) Datix. If mitigation is not possible senior management are responsible for accepting risk.</p>
<p><b>Q6</b></p>	<p><b>What do we mean by mitigation?</b></p>	<p>Once a staffing issue is identified the first step is to try to mitigate the impacts, so that patient care is not impacted.</p> <p>For example, if a pharmacy technician phones in sick to a dispensary or hub, the clinical leader may move a pharmacy technician from another area to cover this gap (if this is appropriately staffed).</p> <p>Other common mitigations that need recorded are for example, team leads being pulled to support clinical delivery or cancellation of training.</p>
<p><b>Q7</b></p>	<p><b>What If I don't agree with the mitigation plans?</b></p>	<p>If you are involved in the staffing issue, the Act puts a duty on the clinical leader to discuss and communicate the mitigation actions to you.</p> <p>If in your opinion the mitigation is not appropriate, the Act requires that your objections are recorded and the mitigation reassessed.</p>

<p><b>Q8</b></p>	<p><b>Does the Act prescribe minimum staffing levels?</b></p>	<p>No. The Act does not come with specific, or extra funding but should allow senior managers to have a better knowledge of any staffing issues in each area.</p>
<p><b>Q9</b></p>	<p><b>Does this mean there is more funding for staffing?</b></p>	<p>No. The Act does not come with specific, or extra funding but should allow senior managers to have a better knowledge of any staffing issues in each area.</p>
<p><b>Q10</b></p>	<p><b>What is Real Time Staffing (RTS) &amp; Risk Escalation (RE) in Pharmacy?</b></p>	<p>Real Time Staffing (RTS) and Risk Escalation (RE) are the NHS Scotland-wide operational processes that ensure safe and appropriate staffing in real time. RTS connects the clinical reality of a shift with organisational governance, statutory duties, and national assurance requirements.</p>
<p><b>Q11</b></p>	<p><b>Why does this matter for Pharmacy?</b></p>	<p>Under the Health and Care (Staffing) (Scotland) Act 2019, all staff have duties to:</p> <ul style="list-style-type: none"> <li>· Ensure safe and appropriate staffing levels</li> <li>· Identify and record risk early</li> <li>· Seek senior clinical advice</li> <li>· Apply Professional Judgement at each census period</li> </ul>

		<ul style="list-style-type: none"> <li>· Record mitigations and actions taken</li> </ul> <p>Failure to apply RTS and RE in pharmacy may lead to:</p> <ul style="list-style-type: none"> <li>· Delays in medicines supply</li> <li>· Interruptions to clinical pharmacy services</li> <li>· Increased risk of dispensing or administration errors</li> <li>· Reduced medicines reconciliation quality</li> <li>· Impact on patient flow and discharge</li> <li>· Organisational assurance gaps</li> </ul>
<b>Q12</b>	<b>What does Real Time Staffing (RTS) mean?</b>	Real time staffing is about how all areas are required to evidence staffing levels to ensure they are appropriate. Teams are required to assess the staffing your levels requires and provide a consistent way to record, escalate and mitigate any staff risks based on local and professional judgement.
<b>Q13</b>	<b>What is professional judgement?</b>	Professional Judgement is the application of professional expertise and knowledge to assess, determine and justify safe staffing levels and skill mix.
<b>Q14</b>	<b>What if Real Time Staffing (RTS) shows we are always working with reduced staffing numbers?</b>	The Act does not prescribe what safe staff numbers are, that is up to each Health Board to define. It is up to each service to identify and mitigate the impacts of what is recorded for real time staffing. Once any staffing issue has been identified it should be recorded and mitigated where possible. This will then be able to be reviewed and acted upon at senior levels. It may be that service redesign is considered to have the correct staff available at the correct time.
<b>Q15</b>	<b>What if my area is always short staffed?</b>	You have a duty to mitigate and or escalate as appropriate. Senior decision makers have a duty to review Datix and other information sources to identify areas of recurring and severe risk.

		This then puts a responsibility on the Health Board to consider mitigations to reduce that risk, this could include service re-design.
<b>Q16</b>	<b>Can non-clinical managers make staffing decisions?</b>	The Act specifies a duty to seek clinical advice for any staffing interventions, so no decisions can be made without appropriate clinical input. In the context of the act, named healthcare professions are considered as clinical managers.
<b>Q17</b>	<b>How is compliance of the Act monitored?</b>	NHSGG&C must report annually to Scottish Ministers on compliance and support Healthcare Improvement Scotland (HIS), as required, including providing information, to enable HIS to perform its functions.

Useful links:

- [Health and Care Staffing Scotland Act 2019](#)