

GMC's response to the consultation on the Health and Care (Staffing) (Scotland) Act 2019 statutory guidance

Thank you for the opportunity to contribute and respond to the development of the guidance via this consultation and previously the working groups that were established.

We welcome this statutory guidance as part of the Health and Care (Staffing) (Scotland) Act 2019, which will support the provision of appropriate staffing and, in so doing, better outcomes for patients through safe and high-quality care. We understand this legislation and supporting guidance applies to organisations as opposed to individuals.

Doctors occupying leadership roles within organisations subject to these new duties are also expected to uphold our guidance. In our guidance on [Leadership and management](#) we say doctors continue to have responsibility for the safety and wellbeing of patients when they perform non-clinical duties, including when they work as a manager, and they are still accountable to us for their decisions and actions while they serve as a member of a decision-making body for a health or social care organisation, such as a hospital or health board (see page 5 and paragraph 20).

It is therefore reassuring to see elements of our professional standards reflected in this draft guidance. It is notable that in the guiding principles for health and care staffing you emphasise a rights-based approach for service users, involving them in decisions which affect them. This aligns with our expectations of doctors, including in our [Decision making and consent](#) guidance – to treat patients as individuals and respect their dignity, taking prompt action if they think patient safety, dignity or comfort is being compromised.

We agree that the wellbeing of staff is important, and we acknowledge the role culture can play in ensuring doctors work effectively with colleagues to deliver for patients. This can be seen through our [caring for doctors, caring for patients](#) report. We are therefore supportive of the emphasis throughout the guidance for those subject to these duties to create a culture of transparency and open communication, and an environment in which staff feel able to raise issues with patient safety, mistakes, or areas of concern.

This will support doctors and other health and care professionals to raise concerns about patient safety, and echoes what we say in our core piece of guidance, [Good medical practice](#), that all doctors must promote and encourage a culture which allows staff to raise concerns openly and safely (see paragraph 24).

In the latest edition of [Good medical practice](#), due to come into effect in 2024, we have further emphasised the importance of staff wellbeing and acknowledge that workplace culture is determined by the shared values and behaviours of a group of people. Everyone has the right to work and train in an environment which is fair, free from discrimination, and where they're respected and valued as an individual.

We previously suggested adding links to guidance from professional regulators to the lists of further resources you provide, and we can see that you have included us. It may be useful to provide links to

some of the specific pieces of guidance which are relevant to the areas you discuss, for example, Raising and acting on concerns about patient safety and Leadership and management for all doctors.

We look forward to continuing to work with you as you implement the legislation and the guidance.