

SOUTH WEST STRATEGIC HEALTH AUTHORITY

**Statutory & Mandatory Paper
April 2008**

To: All CMG members, Professional Advisors, Placement Development Team Lead (Practice and Academic) and Education Co-ordinators

From: Clare Chivers, Workforce Development and Quality Manager, NHS South West

Date: 4th April 2008

Ref: CC/Hdrive

Subject: **STATUTORY & MANDATORY TRAINING FOR UNDERGRADUATE PROGRAMMES (UNIVERSITY OF PLYMOUTH, UNIVERSITY OF EXETER AND UNIVERSITY COLLEGE PLYMOUTH, MARJON.**

1. BACKGROUND

- 1.1 Statutory and mandatory training issues were raised with SWP SHA Contract Management Group meeting with the University of Plymouth on the 23rd February 2006. The group debated what is required as the minimum standard of training to be completed before the student enters practice.
- 1.2 Clarity was and remains to be necessary for all undergraduate programmes commissioned by former SWP SHA and now NHS South West. The current status reflects there is no consistency in requirement or teaching statutory and mandatory training and therefore formalisation is essential for all undergraduate programmes.
- 1.3 The following recommendations have been made in-line with the Benchmarking pricing and national standard framework contract for professional health training (DH, 5th April 2006, Gateway Reference 5879; Schedule 2 Model National Partnership Agreement between Education Providers and NHS Trusts and Other Organisations involved in the provision of practice learning experiences).

2. RECOMMENDATIONS FOR THE PLACEMENT PROVIDER

- 2.1 The Placement Provider will take steps to ensure the health, safety and welfare of students undertaking practice learning, as they would for their own employees (8.1).
- 2.2 The Placement Provider will ensure that the students receive an appropriate introduction and induction to the practice are in which the learning will take place (4.2).

3. RECOMMENDATIONS FOR THE EDUCATION PROVIDER

- 3.1 The Education Provider will inform students of their individual obligations to comply with the policies of the Placement Provider in relation to health and safety (8.3).
- 3.2 The Education Provider will take all reasonable care to ensure that students are appropriately prepared to carry out lifting, handling and moving tasks prior to undertaking practice learning (8.4).
- 3.3 The Education Provider will ensure that students undertaking practice learning will have appropriate preparation, commensurate with the practice learning opportunity being undertaken (4.1).
- 3.4 **To achieve these recommendations** it was necessary to identify the Statutory and Mandatory training requirements. SWP SHA proposed the following:
- the **Education Provider** will prepare under-graduate students to carry out Moving and Manual Handling techniques, Fire Safety and Prevention and Basic Life Support Skills;
 - the **Placement Provider** will provide information to the Education Provider including;
 - * details of policies implemented by the Placement Provider concerned with risk management and clinical governance, for example:
 - Uniform and clothing requirements;
 - Infection Control;
 - * Radiation and Ionisation;
 - * Moving and Manual Handling;
 - * Fire Prevention;
 - * Basic Life Support Skills;
 - * Security;
 - * Personal Safety;
 - * Confidentiality.

4. PHASE 1 - CONSULTATION

- 4.1 At the Workforce and Learning Group meeting held 19th April 2006 the Education Co-ordinators considered these proposals and agreed in principle with the above recommendations.
- 4.2 There was further discussion about the requirement of other aspects of 'essential' training, for example Conflict Resolution, Equality and Diversity, Data Protection, Confidentiality.
- 4.3 At the meeting the following actions were agreed:
- a template would be developed and sent to all Education Co-ordinators.
 - Education Co-ordinators will circulate the template within their organisations to gather details about requirements of statutory and mandatory training requirements.
 - the completed template should be returned to clare.chivers@southwest.nhs.uk via email by the 31st October 2006.
 - the data will be collated and used to inform education contract discussions with Higher Education providers.
 - the outcomes of the contract discussions will be circulated to Education Co-ordinators for wider Trust dissemination.
 - it is envisaged the revised statutory and mandatory training requirements for undergraduate programmes will commence September 2007.

5. PHASE 2 - ANALYSIS

- 5.1 Education Co-ordinators returned completed templates describing details of their organisations requirements. There was varying data provided relating to student type, duration of time required for training and frequency of training.
- 5.2 During Phase 1 further clarity on Statutory and Mandatory has been acquired (Appendix 1).
- 5.3 The implementation of the Knowledge and Skills Framework (KSF) provides a framework for organisations to identify core skills that the NHS considers to be part of the base skill set for all employees. Core Dimension 3: Health, Safety and Security offers 4 levels, a description of the dimension and examples of application related to legislation, policies and procedures. It is expected that statutory and mandatory training opportunities will be linked directly with the KSF.

6. RECOMMENDATIONS

- 6.1 This paper is shared with Education Co-ordinators for wider Trust dissemination.
- 6.2 NHS South West to consider these findings and apply them to negotiations with Higher Education providers when moving to Benchmarking pricing and national standard framework contract for professional health training.

7. PHASE 3 AND AGREEMENT

- 7.1 Ongoing work, consultation and negotiation occurred during the Summer/Winter of 2007.
- 7.2 In March 2008 a final agreement between the NHS Education South West, University of Plymouth and Placement Providers across Devon and Cornwall was achieved.
- 7.3 The agreement is
- There are four topics that constitute as Statutory Training for undergraduate students at the University of Plymouth. These are:
 - * Moving and Manual Handling Techniques
 - * Fire Safety and Prevention
 - * Basic Life Support Skills
 - * Mental Capacity Act 2005 (Code of Practice 2007)
 - Statutory Training will be provided by the University of Plymouth to all the undergraduate students following healthcare programmes commissioned by NHS Education South West.
 - Statutory Training will be provided by the University of Plymouth on an annual basis, at the commencement of each intake year, for the duration of each programme.
 - Statutory Training will be provided by the University of Plymouth prior to the undergraduate students entering their first practice placement within their programme year.
 - If the Statutory Training is not completed prior to the start date of placement, the student will not enter his/her placement until he/she has achieved completion.
 - Implementation of the new way of working is September 2008.

8. PHASE 4 - ONGOING WORK

- 8.1 NHS Education South West will now work with the University of Exeter and University Plymouth College, Marjon to achieve a consistent approach in the preparation of students meeting their statutory training requirements.
- 8.2 This ongoing work will meet the requirements of the national standard framework contract to which NHS Education South West, Higher Education Providers and Placement Providers are all signed up to.
- 8.3 NHS Education South West will continue to work with Placement Providers, via the Placement Development Teams to ensure further clarity is available for students regarding their Induction and Introduction to their placements. (Appendix 1; 9.4)

9. APPENDIX 1

- 9.1 The following information has been taken from `Statutory and Mandatory Training in Health and Social Care – a tool kit for good practice` (Garcarz & Wilcock 2005)

The legal requirement for statutory and mandatory training

- 9.2 Statutory training is determined by legislation including the Health and Safety at Work Act 1974, the Employment Relations Act 1999 and the Race Relations Amendment Act 2000. Mandatory training includes skills and knowledge training for all staff (some specific to certain staff groups and disciplines) and this is determined by the organisation's policies, government guidelines and sector specifications.

Establishing statutory and mandatory training standards in an organisation

- 9.3 It is vital that organisations understand their legal requirements in order to fully comply with them. The Workplace (Health, Safety & Welfare) Regulations 1992 cover six key areas of health and safety regulations governing a wide range of organisations:

- Health & Safety in the Workplace;
- Risk Assessment;
- COSHH (Control of Substances Hazardous to Health);
- RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences);
- Fire Safety;
- Electrical Testing.

- 9.4 Employers have a duty under the Health & Safety at Work Act 1974 to take reasonable measures to ensure the health, safety and welfare of their employees at work. They also have a duty towards people who are not their employees but who use their premises. The implications of failure to comply with the regulations are extremely serious.