



## **Section 1:**

# **Rationale for statutory and mandatory training**

## **Introduction**

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Organisations have legal responsibilities to provide a safe and healthy environment for their staff, subcontractors and visiting members of the public. They are required to provide a range of training that ensures that their workforce has the correct level of knowledge and skill to operate safely and that a safe and healthy working environment is maintained. Although there is legislation that requires statutory training to be identified, organisations need to establish their own minimum standards for safe practice tailored to their business demands and requirements.

By publishing their mandatory training requirements, they are establishing an organisational standard that offers clarity for the workforce and ensures consistency and quality in their provision of statutory and mandatory training.

This toolkit has been developed to support organisations in reviewing their current arrangements and establishing sound statutory and mandatory training practice throughout their organisation. Through the toolkit they can develop policy, minimum standards, subsequent implementation and robust monitoring systems that place significant emphasis on competence development, not simply attendance of sessions. There are tools, exercises and checklists that can be used with individuals, teams or across the

## 2 Statutory and mandatory training in health and social care

whole workforce to ensure that statutory and mandatory training is integral to individual development and quality service delivery.

### **The legal requirement for statutory and mandatory training**

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Statutory training is determined by legislation including the Health & 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.

Each function or profession may also contribute to determining its mandatory requirements. This information needs to be integrated into the corporate planning and education commissioning cycles and should ultimately form part of the learning needs analysis, staff appraisal and personal development plans.

Training and development activities are not restricted to traditional forms of training courses but include a variety of methods and approaches that offer staff flexible access to statutory and mandatory training.

### **Establishing statutory and mandatory training standards in an organisation**

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It is vital that organisations understand their legal requirements in order to fully comply with them. The Workplace (Health, Safety & Welfare) Regulations 1992 cover the six key areas of health & safety regulations governing a wide range of organisations: Health & Safety in the Workplace; Risk Assessment; COSHH; RIDDOR; Fire Safety; Electrical Testing.

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 and can result in premises closure or significant fines being levied against the organisation. In a serious breach of statutory regulations, responsible individuals may be personally culpable and this can result in fines or even jail terms being given if the organisation is found guilty.

The regulations aim to ensure that the health, safety and welfare requirements of the workforce are met (including those with disabilities). Regulations make it very clear that measures taken by the organisation should be suitable and applicable for anyone. As an example, this means that public access, toilets and workstations need to cater for those with special physical/learning needs.

To ensure that this happens, the organisation puts in place policies and procedures which outline the standard expected and the method of achieving that standard but that is only part of the process. The organisation then needs to ensure that all employees understand and implement the policies in a consistent way to be certain that practice mirrors policy.

There are a number of methods employed to do this:

- induction training for all new members of staff (*see* Appendix 1 for checklist)
- employee handbooks that contain the necessary information
- statutory and mandatory training stipulated by the organisation as necessary for the job/role
- team briefing as a mechanism for updating, reviewing and informing the workforce of changes to the policies.

The organisation will need to make some decisions about what it considers essential learning for its staff and establish standards covering those areas. The key questions are:

- what needs to be done to meet requirements and regulations? (statutory)
- and

## 4 Statutory and mandatory training in health and social care

- what does the organisation see as its priorities and essential to the business? (mandatory)

These answers are then brought together in the policy statement and the procedures and form the statutory and mandatory standards of good practice for the organisation.

### Matching mandatory training requirements to organisational need

It is useful to consider this in a little more detail as establishing the mandatory requirements needs to be directly connected to the things that are essential for the organisation to achieve its objectives.

Following a simple checklist can enable an organisation to establish what it considers to be its mandatory training. This will vary from organisation to organisation as priorities, culture and climates will vary.

A checklist for defining mandatory training requirements is included in Appendix 2.

- **Identify organisational priorities.** The organisation uses its identified priorities to set out an annual work programme. The workforce will require a set of knowledge and skills (a core skill set) to be able to deliver those priorities. Mandatory training should ensure that the workforce has the basic skill set to deliver the outcomes required.
- **Consider national targets.** Performance monitoring of public sector organisations may require the organisation to adapt its priorities to recognise some national/regional benchmark or target that its performance will be measured against, i.e. income and expenditure balance resulting in financial solvency. This may require a level of budgetary control or financial awareness throughout an organisation.

- **Define the skill set.** Establish the core skill set required to deliver organisational objectives, i.e. if an organisational objective is to ensure that every member of the workforce has an annual appraisal then line managers should have 'appraisal training' as mandatory for their level of responsibility and staff should have a session on 'getting the most from your annual appraisal', perhaps as part of the mandatory induction programme.
- **Agree and ratify mandatory training requirement.** The organisation will need to establish a process for compiling and ratifying mandatory training as an organisational standard. This may involve the chief executive or board formally agreeing to implement it through their normal channels. Other organisations may wish to consult with the workforce through staff forums or committees before formally adopting the process as an organisational standard.

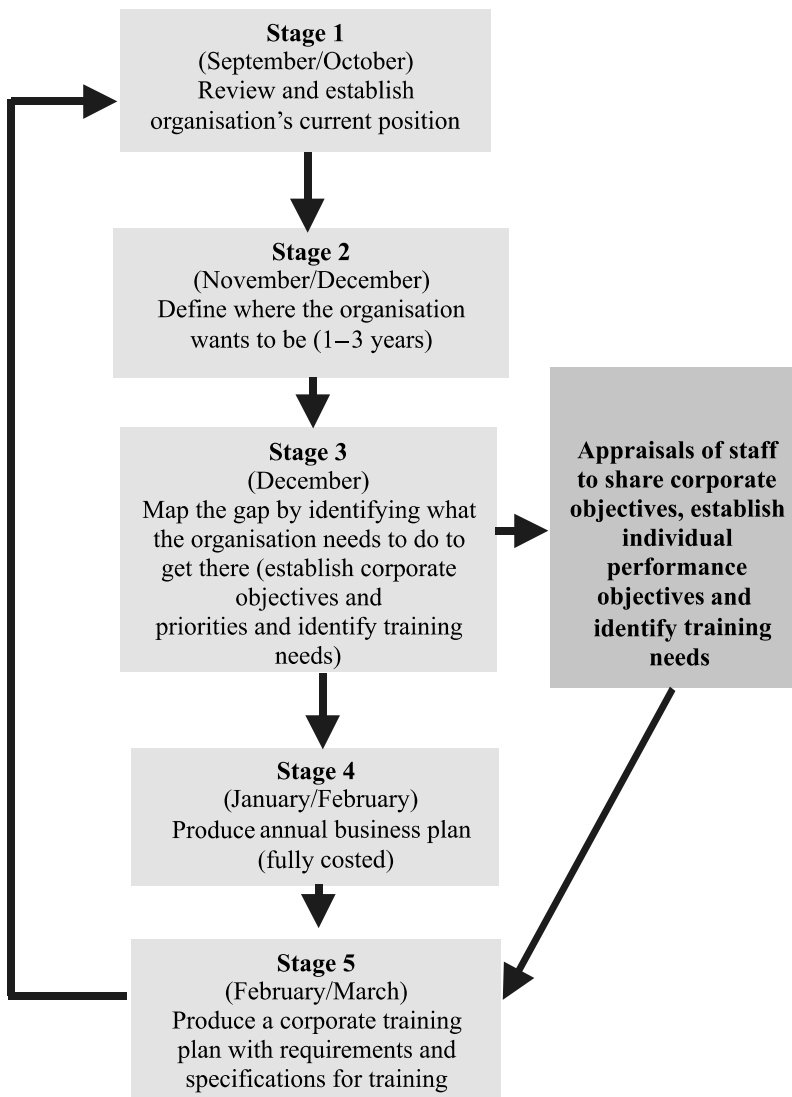
## **Identifying the training needs of the workforce**

Seeing statutory and mandatory training as necessary to develop core skills means that these basic and often generic subjects are not overlooked in the key planning processes used by the organisation. Making them integral to the corporate planning process ensures that:

- mandatory core skills training establishes competence (safety), capability (ability to manage change) and capacity (ability to deal with large and complex workloads) throughout the workforce
- the corporate planning process establishes the work programme for the coming year, identifying the absolute deliverables for achieving performance targets and objectives and highlighting the subsequent training needs associated with them

## 6 Statutory and mandatory training in health and social care

- the organisation, having identified the required training, includes a training budget in its running costs that finances the training requirement
- there is a corporate mechanism for identifying training needs which is usually linked with appraisal or personal development planning processes already in operation. Whatever the



**Figure 1.1** Harmonised timetable for identification of training needs.

mechanism, it needs to be responsive to the climate and culture of the organisation and the environment in which it operates.

The mechanism used to identify training needs has to be flexible enough to monitor the change agenda and ensure that staff are equipped to perform their duties in a timely fashion. Where timescales between corporate planning cycles and appraisals and training providers are not harmonised, the information detailing training need could be 12 months old before it is actioned. Figure 1.1 is a simple flowchart that offers an example of a harmonised timetable.

A harmonised approach ensures that the organisation is more accurately identifying training needs and can therefore commission training provision more effectively.

## **Using identified needs to commission effective training**

By taking such a systematic approach to the identification of training needs, the organisation benefits from having more flexible provision which is cost efficient and practically effective.

Provision needs to be flexible in order to cater for the different levels of staff and equal access opportunities (location, time and method) and to be able to respond to organisational changes quickly.

Cost efficiency means analysing the statutory and mandatory training need to deliver the most effective training to the workforce as it needs it. Options may include:

- in-house training provision: sessions delivered by skilled (teaching) experts in the topic area, e.g. community practice tutors delivering manual handling or cross-infection training
- generic training programmes provided by similar or specialist organisations that share an understanding of the issues, e.g. a care home manager delivering training on medicines management in residential homes to local residential home staff

## 8 Statutory and mandatory training in health and social care

- practically effective statutory and mandatory training that delivers increased knowledge, skills development and individuals making competent judgements.

Staff involvement is important at this stage to ensure their support of the needs analysis process and to enable accurate assessment of requirement (regardless of their level in the organisation), giving a clear picture of perceived need. Their support is also needed for the organisation's risk assessment process to make sure that actual needs identified through error, omissions, complaints or problems are accommodated within statutory and mandatory training. This can only be achieved with a workforce that understands that risk management mechanisms are about learning and identification of training need and not about blame and retribution.

Clarifying statutory and mandatory training which is role specific requires the involvement of the line manager and post holder to agree the level and range of mandatory training required. A process similar to job evaluation is carried out where the role is broken down into core skills and knowledge and compared to the organisation's standard. A straightforward crossmatching takes place to identify the elements of mandatory training that apply to the role. These elements are added to any statutory training and professional competence-related training already identified.

### **NHS organisations**

For NHS organisations (acute trusts, primary care trusts, walk-in centres, general practices, dentists, opticians, pharmacists, etc.) it is important to note key policy changes nationally that may impact on the organisation's statutory and mandatory training requirements. Examples of this may include:

- raised security status of public buildings
- Agenda for Change
- Knowledge and Skills Framework.

## **Raised security status of public buildings**

Issues of security are a priority for public sector organisations in the current climate and it is important that organisations treat these issues seriously and plan for them. Regular security and evacuation drills may form part of an organisation's mandatory training if it is in a sensitive or vulnerable area.

## **Agenda for Change**

This is the new NHS pay system that harmonises conditions of service across the wide range of disciplines. The new system is intended to offer a more transparent reward system for flexible working and to implement a structured approach to role redesign.

The Changing Workforce Programme is a national initiative intended to create the right educational, legal and regulatory framework to enable role redesign. Any significant changes to roles may impact the statutory and mandatory training requirement.

## **Knowledge and Skills Framework (KSF)**

The KSF is an NHS staff development tool that:

- identifies the skills and knowledge that individuals need to apply in their posts
- helps to guide the development of individuals
- provides a common framework on which to base the review and development of all NHS staff
- provides a basis for pay progression through the NHS.

The framework contains core skills that the NHS considers to be part of the base skill set for all employees. Therefore, they will be adopted by all NHS employing organisations and will have an impact on the statutory and mandatory training requirement.

## **Requirements of the healthcare professions**

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Each professional body will have specific requirements for their members that are linked to their code of practice, their professional competence and accountability or their continuing professional development (CPD).

The organisation knows the skill mix of its workforce and the professions represented within it. It is important that it formally acknowledges those professional requirements and integrates them into role-specific statutory and mandatory training. Although many organisations expect individual professionals to keep up to date with this information and maintain records of their statutory and mandatory training status, this should be supported by responsible employers providing appropriate mechanisms and communication to make it as easy as possible.

## **Social care organisations**

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Professional social workers and those supporting social care generally are governed by a code of ethics for social work. This contains a comprehensive view of the values, principles and core behaviours essential to ethical social care. This is a vital document to shape the mandatory training requirements of those workers it covers.