

Health and Care (Staffing) (Scotland) Act 2019: Annual Report

Under section 3(2) of the [Health and Care \(Staffing\) \(Scotland\) Act 2019](#) (“the Act”), every local authority and integration authority must have regard to a number of listed factors when planning or securing the provision of a care service from a third party:

- the guiding principles in the Act (section 1 of the Act);
- the requirement on care service providers to have regard to the guiding principles (section 3(1) of the Act);
- the duty on care service providers to ensure appropriate staffing (section 7 of the Act);
- the requirement on care service providers with regard to training of staff (section 8 of the Act);
- the requirement on care service providers to have regard to guidance issued by the Scottish Ministers (section 10 of the Act);
- the duties on care service providers under [Chapter 3 of Part 5 of the Public Services Reform \(Scotland\) Act 2010](#), for example with regard to registration of care services; and
- the duties on care service providers under Chapter 3A of Part 5 of the Public Services Reform (Scotland) Act 2010, for example with regard to the use of any prescribed staffing methods or staffing tools. Note that the [Health and Care \(Staffing\) \(Scotland\) Act 2019](#) inserted chapter 3A into the Public Services Reform (Scotland) Act.

Section 3(6) of the Act states that relevant organisations must publish information annually on the steps they have taken to comply with the requirement in section 3(2) regarding the planning and securing of care services and any ongoing risks that may affect their ability to comply with this requirement.

This template should be used by local authorities and integration authorities to publish the information required and should be read in conjunction with the statutory guidance that accompanies the Act, specifically chapter 15.

The information in this template should relate to the financial year, i.e. 01 April to 31 March. All reports must be published by 30 June at the latest each year.

In order to collate the information published, the Scottish Government also requests that you send the completed template to hcsa@gov.scot.

Declaration

Name of local authority / integration authority: Shetland Island's Council

Report authorised by: Ruth MacMillan

Executive Manager Adult Social Work / Acting CSWO / Interim Depute Chief Officer

20/05/25

Details of where the report will be published: www.shetland.gov.uk/integration-partnership/ijb-performance-outcomes

Information Required

1. Please detail the steps you have taken as an organisation to comply with section 3(2) of the Health and Care (Staffing) (Scotland) Act 2019:

3(2) In planning or securing the provision of a care service from another person under a contract, agreement or other arrangements, every local authority and every integration authority (within the meaning of section 59 of the Public Bodies (Joint Working) (Scotland) Act 2014) must have regard to—

(a) the guiding principles for health and care staffing, and

(b) the duties relating to staffing imposed on persons who provide care services—

(i) by virtue of subsection (1) and sections 7 to 10, and

(ii) by virtue of Chapters 3 and 3A of Part 5 of the Public Services Reform (Scotland) Act 2010.

A single care service has been planned/secured from a third party in 2024/2025. The service is a short breaks and respite service which provides breaks for unpaid carers by supporting the cared for person in their own home. This is a contract renewal, following a direct award, for a service which has been in place for a number of years and has a track record of a high quality service delivery which is in line with the principles set out in the Act.

The contract stipulates the expectations of the Council in terms of the principles set out in section the Act in regard to staffing levels, staff training and service provision. In addition to this regular meetings are held between the service, the commissioning officer (Executive Manager Adult Social Work) and the contracts manager in order to discuss service deliver as well as any issues and/or risks.

2. Please detail any ongoing risks that may affect your ability to comply with the duty set out in section 3(2).

Due to our remote island location there are limited local options available for planning and securing care services therefore procurement exercises may result in having singular bids or consideration being given to direct awards.

To date this has not created any significant difficulties or risks in terms of our ability to comply with the duty set out in section 3(2) however this is something we must remain mindful of.