

East Dunbartonshire Health & Social Care Partnership

Health and Care (Staffing) (Scotland) Act 2019: 25-26 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 organisation’s 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., from 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: EAST DUNBARTONSHIRE HSCP

Report authorised by: Derrick Pearce

Name *Derrick Pearce*

Designation *Chief Officer*

Date *21/5/26*

Details of where the report will be published:

<https://health.eastdunbarton.gov.uk/about/performance-governance-and-finance/health-and-care-staffing-scotland-act-2019/>

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:

During the period 1st April 2025 – 31st March 2026, The HSCP planned and secured the following care services:

Route	Care Service Model	Services Planned & Secured
Direct Awards	Day Care Service (Extension)	1
	Support Service	1
	Residential Care Home Service	2
Scotland Excel New National Framework Agreements	Adult Care Home	1
Scotland Excel Existing National Framework Agreements - Extensions / Minute of Variations	Care Home Service (MOV)	1
Total		6

During the planning and securing of the services outlined, the HSCP complied with the general principles of the Health and Care (Staffing) (Scotland) Act 2019 and duties relating to staffing imposed on care service providers by virtue of subsection 3(1) and sections 7 to 10 of the Health and Care (Staffing) (Scotland) Act 2019.

The services set out, were commissioned in accordance with Council Contract Standing Orders and Procurement procedures and are currently monitored in line with Contract Management Framework (CMF) procedures to ensure on-going compliance with the Act and other relevant legislative, policy and financial requirements. Reporting to the Integrated Joint Board was also undertaken where appropriate to complete oversight and governance requirements.

The commissioning of all services, including those above, requires careful planning and dedicated time to support workforce planning and safe mobilisation. This involves assessing a provider's capability and capacity to deliver the required services and ensuring they are appropriately registered with the Care Inspectorate and maintain a minimum Grade 3 throughout the contract period.

Aligned to the National Care Standards, the requirement of each service is captured within a bespoke Service Specification and set of Terms (contract) which explicitly detail the provider's responsibility in relation to establishing and maintaining safe and appropriate staffing arrangements throughout the contract period. The provision of a consistent, high-quality, person-centred and outcome focussed care and support service, which is flexible and responsive to fluctuating needs, complexity and presenting risk is also a pre requisite of the contract as are mandatory policy requirements relating to Safer Recruitment, PVG checks, SSSC Registration, Health & Safety, Risk Assessment, Lone Working, Whistleblowing, Supervision, Training, Contingency Planning and Fair Work Practices to name a few.

Contract mobilisation takes place prior to service commencement and involves a final service check to ensure each service is ready and safe to commence. Once operational, on-going compliance is monitored via CMF procedures including risk assessments to help inform the level of monitoring and

oversight needed and prescribed Key Performance Indicators (KPI's) to help track provider performance and compliance with the Act. Providers responsibilities under the Act are reinforced during provider forums, one to one meetings and other key stakeholder events. Routine spot checks and/or planned audits are also undertaken during the contract period and conducted in a supportive, improvement focussed manner that prioritises better outcomes for service users.

The HSCP considers that the process outlined demonstrate compliance with Section 3(2) of the Health and Care (Staffing) (Scotland) Act 2019, thus ensuring staffing requirements are, as reasonably practicable, safe and proportionate, workforce planning is sustainable, staff are appropriately trained and supported, governance and monitoring arrangements are robust, and service delivery promotes safe, person-centred and high-quality outcome focussed support.

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

Key external risks rooted in Brexit, the long-term effects of the pandemic and the cost-of-living crisis, continue to fuel instability and unpredictability in the market. Consequently, providers struggle to deliver safe, consistent care, which in turn, potentially hinders the HSCP's ability to comply with the duties set out in section 3(2).

The current financial climate is unprecedented, marked by rising inflation, fluctuating interest rates, increased service costs and tightening fiscal pressures. These factors introduce significant uncertainty and raise the risk of financial instability. Subsequently, the market is grappling with sustainability challenges which ultimately threaten its ability to meet the statutory requirements set out in the Act.

Furthermore, as the growing dependence on overseas workers recruited via Home Office sponsorship licenses increases, a new and distinct risk is beginning to emerge. While these workers are vital in addressing demand and alleviating recruitment shortages across the social care market, the related policy framework governing non-compliance serves as a constant reminder of the fragility of these arrangements and potential impact on individual workers, service users, the wider service and local market in the event a provider's license is revoked.

Although the HSCP recognises the broad range of support available nationally, the reality is that, without the significant long-term investment necessary to stabilise and sustain the market, the cumulative effects of rising demand, persistent workforce challenges, unprecedented financial pressures and evolving policy and regulatory requirements will impact - albeit to varying levels, on staffing levels, staff wellbeing, service quality, outcomes and continuity, and long-term service sustainability.

Despite the challenges outlined, the HSCP remains committed to complying with the Act. Adopting a pragmatic approach, the HSCP collaborates with partners to continuously evaluate and adapt measures, thereby alleviating, and/or mitigating associated pressures to date.