East Dunbartonshire Health & Social Care Partnership

Health and Care (Staffing) (Scotland) Act 2019: 24-25 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: EAST DUNBARTONSHIRE HSCP

Report authorised by: Derrick Pearce

Name *Derrick Pearce*

Designation *Chief Officer*

Date *26/5/25*

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 2024 – 31st March 2025, EDHSCP planned and secured the following care services:

Route	Care Service Model	Services Planned & Secured
Direct Awards	Support Service x 3 Housing Support x 1	4
Open Procurement	N/A	0
Scotland Excel New National Framework Agreements	Support Service x 1 Care Home Service x 1	2
Scotland Excel Existing National Framework Agreements Extensions / Minute of Variations	Care Home Service (MOV) x 1 Care Home Service (Ext) x 1 Fostering Service (Ext) x 1	3
		9

In planning and securing these services, EDHSCP has taken account of the general principles of the Health and Care (Staffing) (Scotland) Act 2019 and of the 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.

EDHSCP has robust governance processes in place, with the services noted subject to East Dunbartonshire Council's Procurement procedures, Contract Standing Orders and Contract Management Framework arrangements. Reporting to the Integrated

Joint Board also took place where necessary to ensure appropriate oversight and governance.

Prior to submitting to Executive Officers for approval, proportionate due diligence checks were undertaken by the Strategic Commissioning, Operational, and Finance teams within the HSCP and Council to ensure the proposed service meets the needs of service users while being sustainable.

The planning or securing of all services, including those reported above, involves but is not limited to checking appropriate registration with the Care Inspectorate / Grade Three's or above, capability and capacity to deliver required services, contingency planning arrangements and financial sustainability. Bespoke Service Specifications and Contract Terms and Conditions underpin each service and include the following standard clauses or requirements in relation to Staff: mandatory PVG checks, SSSC registration, ensuring the provision of sufficient, suitably trained, qualified and competent staff, compliance with Safer Recruitment requirements, provision of regular support and supervision, on-going training, minimum skill set pertaining to knowledge, experience, competencies and qualifications - all of which is required to ensure the safe provision of services and support delivery of agreed outcomes.

Strategic Commissioning and Operational teams work collaboratively with providers to ensure that services are commenced with appropriate, safe and effective staffing in place. Thereafter, services are monitored via the Council's Contract Management Framework. Key documents within the Framework, including Risk Assessments to inform the level of monitoring and oversight required, have been aligned with the Act. Whilst the Strategic Commissioning Team actively monitors service performance in line with contractual obligations, this is carried out in a supportive and constructive manner, with a clear focus on improving outcomes for individuals who use services. Provider obligations under the Act are re-enforced during Provider Forums that are routinely held throughout each calendar year.

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

The duties under the Act remain relatively new and guidance and practice in relation to staffing for both providers and integration authorities continue to evolve. Further guidance on a consistent approach to the Act, including the reporting duty, would be welcome. EDHSCP has mature and well-embedded processes for obtaining staffing information from providers but, where required, this could be enhanced through improved information sharing between statutory partner organisations (e.g. Care Inspectorate) while avoiding duplication in roles and responsibilities.

There are well-known financial pressures within the social care sector which EDHSCP monitors as part of its commitment to ensuring services are sustainable. Recent changes to employees' National Insurance contributions and uncertainty about equivalent funding have added to these pressures. Recruitment issues within social care have been prominent for some time and continue to inhibit to varying levels, the market's ability to respond to the requirements for services.

In this context EDHSCP is seeking to put in place person-centered contracts which will also assist in addressing services that are being delivered under legacy contracts. These legacy arrangements typically pre-date developments such as the

Health and Care Staffing Act and therefore do not enhance the effective discharging of duties under the Act.