

Agenda Item	<b>5</b>
Report No	<b>HCW/13/25</b>

**Committee:** Health, Social Care and Wellbeing Committee

**Date:** 20 August 2025

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

**Report By:** Assistant Chief Executive - People

## **1. Purpose/Executive Summary**

- 1.1 The Health and Care (Staffing) (Scotland) Act 2019, [The Health and Care \(Staffing\) \(Scotland\) Act 2019](#) came into full effect on 1 April 2024. The Act establishes a statutory duty on health and care service providers in Scotland to ensure appropriate staffing levels. The legislation aims to support the delivery of safe, high-quality care and improve outcomes for service users across both health and social care sectors.
- 1.2 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.
- 1.3 The report presents the first annually mandate report to Scottish Ministers outlining progress on the implementation of the Act.

## **2. Recommendations**

- 2.1 Members are asked to:
  - i. Note the annually mandate report by The Highland Council on the implementation of the Health and Care (Staffing) (Scotland) Act 2019

## **3. Implications**

- 3.1 **Resource** - No implications
- 3.2 **Legal** - No implications
- 3.3 **Risk** - No implications
- 3.4 **Health and Safety (risks arising from changes to plant, equipment, process, or people)** – There are no such issues arising directly from the contents of this report.

3.5 **Gaelic** – None

## **4. Impacts**

4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children’s Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.

4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.

4.3 This is an update report and therefore an impact assessment is not required.

## **5. Introduction**

5.1 [The Health and Care \(Staffing\) \(Scotland\) Act 2019](#) provides a statutory basis for the provision of appropriate staffing in health and care services, enabling safe and high-quality care and improved outcomes for service users. It builds on existing policies and procedures within both health and care services, and effective implementation aims to embed a culture of openness and transparency, ensuring staff are informed about decisions relating to staffing and able to raise concerns. The provision of the Act came into force on 1<sup>st</sup> April 2024.

5.2 The Act represents a significant step toward embedding safe staffing practices across Scotland’s health and care sectors. By mandating evidence-based staffing decisions, enhancing transparency, and empowering staff, the Act aims to ensure that services are equipped to deliver high-quality, person-centred care consistently and sustainably.

5.3 In implementing the Act, organisations must apply validated staffing tools and methodologies, including professional judgement and real-time risk assessments, to determine and maintain safe staffing levels.

5.4 The Act promotes a culture of openness and transparency, ensuring that staff are Informed about staffing decisions, empowered to raise concerns without fear of reprisal, provided with adequate training and leadership support.

5.5 The Act applies to a wide range of services across health and care settings such as acute and community health care, adult and children residential care homes, commissioned services, 3<sup>rd</sup> sector care providers and early learning and childcare settings.

## **6 Annual Report 2025**

6.1 Annual reporting specifically looks at the time since the Act came into force (1<sup>st</sup> April 2025). This is the first annual report:

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

- 6.1.2 *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.*
- 6.1.3 Highland Council have commissioned a number of new services from April 2024. These include Barnardos Clover project, 12 individual placement agreements with registered fostering agencies and 5 new child-minding contracts. The Highland Council can confirm that there is a requirement on care service providers to have regard to guidance issued by the Scottish Ministers with respect to the Act.
- 6.1.4 The Highland Council have robust commissioning and procurement procedures which, as part of the procurement process fully consider and ensure that providers have regard to the Health and Care Staffing Act by virtue of the expectations placed on them to meet National Standards (including the National Standard for Early Learning and Childcare) and to be achieving 'Good' grades of 4 or above at inspection by the Care Inspectorate.
- 6.1.5 The procurement and commissioning arrangements ensure care service providers to have regard to the guiding principles, providers duty of care and their requirements with respect to training of staff.
- 6.1.6 Example of requirements from child-minding providers:  
'We expect them to evidence how they will meet the National Standard which includes staffing, quality environment, development of children's skills, health and wellbeing, physical environment indoors and out, self-evaluation and improvement, parental engagement, inclusion and meeting needs of children with Additional Support Needs, business sustainability and provision of snacks and meals. They also have a qualification requirement which they must meet within timescales.'
- 6.2 The 2025 annual return also required:
- 6.2.1 *detail any ongoing risks that may affect your ability to comply with the duty set out in section 3(2)*
- 6.2.2 Highland Council report no known risks to the ability to comply with the duties currently, but it is acknowledged that there is the potential of limited choice when commissioning services particularly in remote and rural areas.

Designation: Assistant Chief Executive - People

Date: 10 July 2025

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