



Item No. 18

Meeting Date

Wednesday 11th June 2025

Glasgow City Integration Joint Board Finance, Audit and Scrutiny Committee

Report By: Pat Togher, Chief Officer

Contact: Geri McCormick, Head of Commissioning

Phone: 0141 287 2732

Health and Care (Staffing) (Scotland) Act 2019 Reporting Duty

Purpose of Report:

To present to the IJB Finance, Audit and Scrutiny Committee the annual report (2024-2025) on purchased Social Care required under the Health and Care (Staffing) (Scotland) Act 2019.

Background/Engagement:

The Health and Care (Staffing) (Scotland) Act 2019 was passed by the Scottish Parliament in May 2019. Introduction of the Act was delayed by the Covid-19 pandemic.

Many of the duties under the Act came into effect in April 2024 with the duty on Local Authorities and Integration Authorities to publish a report under Section 3(6) of the Act taking effect from April 2025.

An Implementation Group chaired by the HSCP's Chief Nurse has led work to ensure compliance with the Act across health and social care. The HSCP has also undertaken engagement with Scottish Government, Care Inspectorate and other authorities to develop its approach to reporting under the Act.

Governance Route:

The matters contained within this paper have been previously considered by the following group(s) as part of its development.

HSCP Senior Management Team ☒

Council Corporate Management Team ☐

Health Board Corporate Management Team ☐

Council Committee ☐

Update requested by IJB ☐

Other ☐

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	Not Applicable <input type="checkbox"/>
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Recommendations:	The IJB Finance, Audit and Scrutiny Committee is asked to: a) Note the content of the report; and b) Note the report required under Section 3(6) of the Act contained at Appendix 1.
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Relevance to Integration Joint Board Strategic Plan:
This is a legislative requirement of the HSCP and is required to enable the HSCP to fulfil its commitments in relation to purchased services outlined within the strategic plan.

Implications for Health and Social Care Partnership:

Reference to National Health & Wellbeing Outcome:	Outcomes 3, 8 and 9 – improve service user experience, support continuous improvement, effective use of resources.
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Personnel:	None
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Carers:	None
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Provider Organisations:	Provider organisations have their own duties under the legislation. The HSCP must have regard to the duties on provider organisations when planning or securing care.
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Equalities:	None
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Fairer Scotland Compliance:	None
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Financial:	None
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Legal:	The requirement to publish an annual report has been created by The Health and Care (Staffing) (Scotland) Act 2019
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Economic Impact:	None
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Sustainability:	None
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Sustainable Procurement and Article 19:	None
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Risk Implications:	Failure to comply with the reporting duty under the Act would be a failure of GCHSCP to fulfil its legislative duties.
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Implications for Glasgow City Council:	Glasgow City Council is the contracting authority for social care services purchased for the HSCP.
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Implications for NHS Greater Glasgow & Clyde:	Health Services have separate duties under the Act.
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1. Purpose

- 1.1. To present to the IJB Finance, Audit and Scrutiny Committee the annual report on purchased Social Care required under the Health and Care (Staffing) (Scotland) Act 2019.

2. Background

- 2.1. [The Health and Care \(Staffing\) \(Scotland\) Act 2019](#) was enacted by the Scottish Parliament and received Royal Assent on 6th June 2019. Its implementation was delayed by the Covid-19 pandemic.
- 2.2. The Act finally came into effect in April 2024 and makes provisions in relation to staffing by the National Health Service and by providers of care services.
- 2.3. GCHSCP instigated a Safer Staffing Implementation group, chaired by the Chief Nurse, to coordinate the implementation of the Act with representatives across relevant health and social care teams.
- 2.4. Section 3(2) of the Act places duties on local and integration authorities when “planning or securing the provision of a care service from another person under a contract, agreement or other arrangement”. These are that such authorities 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
- 2.5. The Act also places a duty, under Section 3(6), on authorities to “as soon as reasonably practicable after the end of each financial year” to publish information on:
 - the steps they have taken and
 - any ongoing risk that may affect their abilityto comply with Section 3(2) of the Act.
- 2.6. The Scottish Government has confirmed that “as soon as reasonably practicable after the end of each financial year” means a deadline of 30th June to publish the report under Section 3(6) of the Act.

3. Actions Taken

- 3.1. There has been significant consultation between the Scottish Government, the Care Inspectorate, CoSLA, and integration authorities on the wider interpretation and scope of the reporting duty in Section 3(6) of the Act. The Scottish Government has said that “each Local Authority/Integration Authority operates differently, and the guidance is flexible and adaptable so that it fits into and sit alongside what each Local Authority /Integration Authority currently do, for example, any current processes and existing policies and procedures.”

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- 3.2. There remain some areas where interpretation by each authority is required. Principally these relate to the scope of the reporting duty, GCHSCP has considered the requirements of the legislation as well as the guidance produced to date and believes that the duty extends to services for which a contract is put in place during the relevant period but does not include call offs from existing frameworks and contracts for individual service packages.
- 3.3. This approach aligns with [Glasgow City Council's Standing Orders Relating to Contracts](#) and [Scheme of Delegated Functions](#). Under Standing Order 16.6, "Any Social Care Contract for the delivery of care packages to individuals assessed by the Chief Officer as having complex sensitive care requirements shall be excluded from these Standing Orders."
- 3.4. Direct awards made under Standing Orders Relating to Contracts 23, 26, 27, and 28 have been included in the report at Appendix 1. Also included are contract extensions and modifications made under Standing Orders Relating to Contracts 24.
- 3.5. Consultation with Scottish Government and other partner organisations continues and any further guidance emerging from that process will be reflected in reports for future years.
- 3.6. GCHSCP Commissioning has liaised with Legal Services who have provided guidance in relation to inclusion of duties under the Act in relevant tender documents and procurement exercises as required. This liaison continues for current and future procurement activities.
- 3.7. In addition, GCHSCP Commissioning have updated documents under the Contract Management Framework to ensure alignment with the Act. The biannual Provider Service Return now includes staffing questions that align with the duties on providers under the Act. The Risk Assessment for services under the Contract Management Framework has been similarly aligned with the Act. This ensures that risk assessments for purchased services include clear and direct reference to the duties under the Act.

4. Reporting

- 4.1. The Scottish Government has produced a template for the reporting duty under the Act which consists of two questions which reflect Section 2(5) of the Act:
- 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:
 - Please detail any ongoing risks that may affect your ability to comply with the duty set out in section 3(2).
- 4.2. The completed template for GCHSP is in the appendix to this report. Should the committee approve the report then it will be sent to the Scottish Government via their nominated email address. Together with publication of the paper on the GCHSCP website for the committee meeting, this will meet GCHSCP's duty under Section 3(6) of the Act.

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5. Recommendations

5.1. The IJB Finance, Audit and Scrutiny is asked to:

- a) Note the content of the report; and
- b) Note the draft report to the Scottish Government (Appendix 1)

Appendix 1 – Glasgow City Health & Social Care Partnership - Health and Care (Staffing) (Scotland) Act 2019: Annual Report

Declaration

Name of local authority / integration authority: Glasgow City Health & Social Care Partnership

Report authorised by:

Name: Geri McCormick

Designation: Head of Commissioning

Date: 12 May 2025

Details of where the report will be published: <https://glasgowcity.hscp.scot/ijb-finance-audit-and-scrutiny-committee-papers>

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:

GCHSCP has included the following care services, as defined in the Health and Care (Staffing) (Scotland) Act 2019, that have been planned and secured within the relevant reporting period (April 2024 – March 2025):

<u>Route</u>	<u>No. of Services Planned & Secured</u>
Direct award of social care contracts without prior advertisement	10
Extension/modification of existing social care contracts	16
Care Home services contracts	7
Services outwith Glasgow other than care home services	4
Residential placements for looked after and accommodated children	11
Open Procurement	1

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

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GCHSCP has robust governance processes in place with each care service noted above being subject to the Glasgow City Council's Standing Orders on Contracts and Scheme of Delegation.

Each service is subject to approval in line with the HSCP's Scheme of Delegation and have proportionate due diligence checks undertaken by Commissioning, Operational, and Finance staff within GCHSCP to ensure that the proposed service meets the needs of service users while being sustainable.

Following approval by Business Meeting, submission to the Council's Contracts and Property Committee may also be required as directed by the Standing Orders on Contracts.

Commissioning staff will work with service providers to ensure that the commencement of the service is undertaken with appropriate, safe and effective staffing in place. Services are subject to contract management through the HSCP's Contract Management Framework which has been aligned with the duties under the Health and Care (Staffing) (Scotland) Act 2019.

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. GCHSCP 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 GCHSCP monitors as part of our commitment to ensure services are sustainable. Recent changes to National Insurance with uncertainty about equivalent funding has added to these pressures. Recruitment issues within social care have been prominent for some time and continue to inhibit the ability of the market to respond to the requirements for services.

In this context GCHSP is seeking to put in place person led, sector leading contracts which will assist in addressing the 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.

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