

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 [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: Orkney Island's Council / Orkney Integration Joint Board.

Report authorised by: Darren Morrow, Head of Children, Families and Justice Services and Chief Social Work Officer.

Details of where the report will be published: <https://www.orkney.gov.uk/our-services/orkney-health-and-social-care-partnership/integration-joint-board-ijb/ijb-governance/>.

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.*

Through the financial year 2025/26, Orkney commissioned no new care delivery services. All of our contracts, when they are awarded or renewed, however, stipulate 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.

Through the year, a small number of care placements were commissioned for people and the individual placement agreements set out expectations on providers to adhere to the principles of the Act.

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 from third party organisations. Most of our providers are local Third Sector organisations and whilst it is, therefore, easier to monitor an organisation's adherence to the principles of the Act, many of the organisations, like the statutory sector, are experiencing recruitment challenges.

It is the increasing difficulty in substantively filling vacant care posts that poses the greatest challenge in ensuring the principles of the Act are upheld.