



Health and Care (Staffing) (Scotland) Act 2019: Annual Report for Social Work Services

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.

The information in this report relates to the financial year, 01 April 24 to 31 March 25 and will be published by 30 June 25.

To enable the collation of the information published, a copy of the report has been sent to the Scottish Government hcsa@gov.scot.

Declaration

Name of local authority / integration authority: North Lanarkshire Council

Report authorised by:

Name Alison Gordon

Designation Chief Social Work Officer (Children, Families, Justice and Integrated Services)

Date: 23 June 2025

Details of where the report will be published: NLC and UHSCP website(s).

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.

To comply with section 3 (2) of the Health and Care (Staffing) (Scotland) Act 2019 North Lanarkshire Council worked closely with the Care Inspectorate, the Scottish Government, our commissioned Registered Services and key social work staff.

Education, training, scoping roles & responsibilities

Prior to the enactment of the legislation in April 2024 our Social Work Quality Assurance team led on the research around the requirements of the act, focusing on the impact to Commissioned Services and to North Lanarkshire Council in meeting the responsibilities outlined for Local Authorities.

Our engagement activities included:

- North Lanarkshire were one of ten authorities involved in the Scottish Government pilot – [HSCP Chapter Testing Summary Report](#)
- *Focus Groups & Peer Learning for Commissioned Registered Services.* Sessions included education and the sharing of best practice evidence sources surrounding the 8 Guiding Principles, wellbeing of staff, staff training and the Staffing Method Framework.
- *Hosted Care Inspectorate Face to Face & On-line Education Sessions for Social Work staff.* This raised awareness of the act to ensure social work staff were aware of the responsibilities of providers and Local Authorities.
- *Introduced as a standing agenda item at Adult Social Work Governance, Senior and Social Work Leadership Team Meetings and our (cross care group) Social Work Workforce Meeting.* In doing so preparation and implementation of the legislation was given strategic priority.
- *Quality Assurance Newsletter.* Quarterly updates were provided across social work in relation to the new legislation and how we were preparing for it's implementation. Links to the Care Inspectorate Safer Staffing Hub were shared as was training available through the SSSC Open Badge route or alternatively Turas.

Procurement & Contracting

Our Social Work Quality Assurance Team in partnership with operational colleagues are responsible for procuring and contracting of Registered Commissioned Services. Prior to 1st April 2024 they liaised with our Corporate Procurement Team to review contracts which for Registered Services includes: -

National Care Home Contract (NCHC) – 25 Care Homes with nursing and 1 Care Home Residential are commissioned within North Lanarkshire. Scotland Excel own and manage this contract through the National Care Home Contract.

- North Lanarkshire Council did not plan or secure care homes between 1st April 2024 to 31st March 2025.
- **Self-Directed Support (SDS) Framework including Care at Home Services** – This framework is owned by North Lanarkshire Council. It is a ten-year framework effective from 2021, and it will expire in 2031. There are annual entry points for tender submissions from organisations meeting the criteria however in 2024 tender submissions were invited from December 2024 with the contract being effective as of 1st April 2025. We will report on new services added to the SDS Framework in 2025/2026.

- As of 31st March 2025, the SDS Framework for Care at Home Services included 58 services. These services are accessed by Adult Health & Social Care, Children & Families & Justice. Breakdown below of the number of services available to support adults, children and older adults.

Adults	Children	Older Adults
49	19	38

- **Children's Residential Care and Education, including Short Break, Services** – 2 different organisations from the framework are provide services within North Lanarkshire. This contract is owned and managed by Scotland Excel.
- North Lanarkshire Council did not plan or secure any services under this contract between 1st April 2024 to 31st March 2025.
- **Fostering and continuing Care** - 2 services are commissioned within North Lanarkshire. This contract is owned and managed by Scotland Excel.
- North Lanarkshire Council did not plan or secure any services under this contract between 1st April 2024 to 31st March 2025.
- **Individual Placement Agreements** – Where an individual chooses to be supported by a non-commissioned service or out of authority/cross borders, placements are agreed through North Lanarkshire Council by utilising an Individual Placement Agreement.

The findings from the review of the National Care Home Contract, the SDS Framework for Care at Home services and Individual Placement Agreements, all of which are utilised when planning and securing services, confirmed that no modifications were required to legislative requirements. This was due to the Health and Care (Staffing) (Scotland) Act 2019 legislation/guidance stating that there is no requirement to stipulate the actual name of the legislation. The need to comply with the Care Inspectorate Standards and all legislation relevant to social care form part of our contract monitoring approach.

As part of the procurement journey and overall evaluations the guiding principles of the act and person specific training plans are considered in reference to meeting people's unique outcomes. Care Inspectorate registration details and current grades awarded for each of the Key Questions are also taken into consideration.

Contract Monitoring

The Social Work Quality Assurance Team have oversight of all commissioned Registered Services for Adult Social Work, Children & Families and Justice services.

Monitoring arrangements are in place, and these have been modified to include information around staffing arrangements and the key components of the staffing method framework, the guiding principles of the act including staff wellbeing and stakeholder feedback. During monitoring visits, the Quality Assurance Team engage directly with stakeholders to ensure that their views are being taken into consideration when decisions are made about staffing.

A request is made to the Care Inspectorate to extend an invitation to a representative from the Quality Assurance Team to enable them to participate in the feedback session. This approach ensures information about staffing is known timeously. Care Inspectorate grades, requirements and areas for improvement are monitored and taken into consideration when risk assessing the commissioned services and the level of monitoring required.

When a placement is being made in a non-commissioned service including out of authority and cross borders, due diligence processes are in place that includes liaison with the host authority and the appropriate regulator e.g. Care Inspectorate. This enables oversight of safer staffing compliance issues.

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

North Lanarkshire Council have a Self-Directed Support (SDS) Framework including Care at Home Services. This is a 10-year framework with annual entry points, as referenced above. This framework has been live since 2021 and will continue until 2031. Exploration and consideration are in process to make changes to the tendering evaluation process to evidence inclusion of the provider's responsibilities under the Act. This will feature within future entry points. Subsequent modifications arising will be informed in collaboration with procurement legislation and best practice, which may result in limitations to the scope of change applied throughout this period.

The Care Inspectorate do not define training requirements for a provider at the time of registration. Staff training is determined by the needs of the people being supported which is a fluid and dynamic process. To include training requirements as part of any competitive tendering process may not achieve the desired outcome as a result. North Lanarkshire Council take a person-centred approach to the

expectations of providers to update their training plans as and when the needs and aspirations of people change. Monitoring visits carried out by our Social Work Quality Assurance Team capture any gaps as defined by the population at that time.