

Midlothian Integration Joint Board



Tuesday 22nd August 2024, 14:00 – 16:00

Midlothian IJB Health and Care (Staffing) (Scotland) Act Benchmarking Position Report

Item number: 5.10

Executive summary

This report sets out a benchmarking position in relation to Midlothian Integration Joint Boards current position on the duties of the Health and Care (Staffing) (Scotland) Act, 2019. The Act sets out a number of statutory duties relating to the assessment and provision of appropriate staffing for key staffing groups and service provision within health and social care. This legislation came into effect on the 1st of April 2024.

All Integration Authorities must meet the requirements of the Act and relevant secondary legislation. These duties can be found in section 3(2) and (6) of the Act and relate to the planning or securing the provision of care services from third party providers.

Further details of the duties of the Act, reporting requirements, action taken to date and recommendations for action can be found in the draft Midlothian IJB Health and Care (Staffing) (Scotland) Act Benchmark Report 2024 (appendix 1).

A significant proportion of the IJBs budget is utilised through the planning and securing of care provided by a third party. Scottish Government will require all IJBs to return an Annual Report as close to the end of the 2024/25 financial year as practicably possible.

Members are asked to:

- note the report and current benchmarking position and proposed recommendations for action in 2024/25,
- provide feedback, and suggest any amendments to recommended action during the 2024/25 reporting period,
- note that 2024/25 report will be presented to the board in April 2025 for approval before forwarding to Scottish Government

Midlothian Integration Joint Board

1 Purpose

- 1.1 This report sets out a benchmarking position in relation to Midlothian Integration Joint Boards current position on the duties of the Health and Care (Staffing) (Scotland) Act, 2019 relating to the planning or securing the provision of care services from third party providers.

2 Recommendations

- 2.1 As result of this report Members are asked to:
- note the report and current benchmarking position and proposed recommendations for action in 2024/25,
 - provide feedback, and suggest any amendments to recommended action during the 2024/25 reporting period,
 - note that 2024/25 report will be presented to the board in April 2025 for approval before forwarding to Scottish Government.

3 Background and main report

- 3.1 The Health and Care (Staffing) (Scotland) Act, 2019 sets out a number of statutory duties relating to the assessment and provision of appropriate staffing for key staffing groups and service provision within health and social care. This legislation came into effect on the 1st of April 2024.
- 3.2 The duties of the Act are different for Health Boards, Local Authorities, and Integration Authorities. Health Boards and Local Authorities must report on the staffing provision for specific staffing groups defined in the legislation, while Integration Authorities are asked to focus on the assurance relating to the provision of services planned or secured by health and social care and provided by a third party. Reporting templates have been provided by Scottish Government for Health Boards who must report quarterly and annually. These resources have yet to be provided for Integration Authorities and Local Authorities.
- 3.3 All Integration Authorities must meet the requirements of the Act and relevant secondary legislation. These duties can be found in section 3(2) and (6) of the Act and relate to the planning or securing the provision of care services from third party providers. This will require Midlothian IJB to receive assurance from Midlothian HSCP on commissioning activity for a 'care service' provided by a third party and ensure that providers are complaint with the duties of the Act.
- 3.4 The Act defines a 'care service' as mentioned in section 41(1) of the [Public Services Reform \(Scotland\) Act 2010](#). Section 3(2) of the Act describes our duty when planning or securing the provision of a care service from a third-party provider. This must include how we ensure the provision of safe and high-quality care, and the health, wellbeing and safety of staff and people who access services.

- 3.5 The duty applies to services provided by staff working in a care service. The definition of "working in a care service" includes working for payment or as a volunteer, and working under a contract of service or apprenticeship, a contract for services or otherwise than under a contract.
- 3.6 Further details of the duties of the Act, reporting requirements, action taken to date and recommendations for action can be found in the draft Midlothian IJB Health and Care (Staffing) (Scotland) Act Benchmark Report 2024 (appendix 1). The proposed recommendations ensure an appropriate governance route is identified in order for Midlothian HSCP to provide Midlothian IJB with the assurance anticipated for statutory reporting.

4 Policy Implications

- 4.1 This report is in direct response to the [Health and Care \(Staffing\) \(Scotland\) Act, 2019 and the Statutory Guidance](#) which came into effect on the 1st of April 2024.
- 4.2 There are clear links to a range of national policies and drivers including the Scottish Government [Health and Social Care: National Workforce Strategy](#), the guidance for [Three Year Integrated Workforce Plans](#), [Statutory Guidance for Strategic Plans](#), and Scottish Government guidance on [Preparing to Transition Towards a National Care Service for Scotland](#).

5 Directions

- 5.1 This report directly and positively impacts upon NHS Lothians and Midlothian Councils ability to deliver the following Midlothian IJBs Directions
- **Direction 8.1**
NHS Lothian and Midlothian Council should work in collaboration with Midlothian HSCP to support the delivery of the integrated Midlothian HSCP Staff Engagement Plan 2023-24.
 - **Direction 8.2**
NHS Lothian and Midlothian Council should work in collaboration with Midlothian HSCP to support the delivery of the Midlothian HSCP Integrated Workforce Plan 2022-25.
 - **Direction 9.2**
All services delegated to Midlothian IJB must be able to demonstrate Best Value with evidence-based data and meet cost efficiency targets in 2023-24, 2024-25, and 2025-26.

6 Equalities Implications

- 6.1 This report does not directly impact on groups of people with protected characteristics.

7 Resource Implications

- 7.1 There is no resource implication as a result of this report other than the time and capacity required from the officers of Midlothian HSCP.
- 7.2 This report is in line with the principles of Best Value.

8 Risk

- 8.1 There is a risk that by not undertaking the work outlined in this report that Midlothian IJB will not be compliant with the duties of the Health and Care (Staffing) (Scotland) Act, 2019 due to Midlothian HSCP being unable to provide the relevant assurance.

9 Involving people

- 9.1 As commissioning activity is undertaken by both NHS Lothian and Midlothian Council on behalf of Midlothian HSCP who plan and secure these services. This report will also be of interest to those service areas which plan, and secure services provided by third parties, particularly in relation to the improvement actions that must be undertaken in 2024/25. The benchmarking report was therefore reviewed by the Midlothian HSCP Integrated Workforce Governance Board on 25th June 2024.

10 Background Papers

- 10.1 None

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Appendices:

- Appendix 1:** Midlothian IJB Health and Care (Staffing) (Scotland) Act Benchmark Report 2024