

Health and Care (Staffing) (Scotland) Act 2019 2024-2025 Annual Report

City of Edinburgh Council Children's Services, Criminal Justice Services

Overview

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.

The provisions of the Act came into force on 1 April 2024. The Health and Care (Staffing) (Scotland) Act 2019 places duties on Local Authorities in Scotland to ensure appropriate staffing levels in health and care services, focusing on safety, quality, and the wellbeing of both staff and service users.

The Act also requires Local Authorities to publish annual reports detailing how they have met their staffing duties in relation to newly commissioned services in the relevant financial year.

This report relates to services newly commissioned by Children's Services within the 2024/2025 financial year only and refers to the planning and securing of services.

Legislative responsibilities

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
- 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.

1. Compliance with Section 3 (2) of Health and Care (Staffing) (Scotland) Act 2019

Information Required 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.

1.1 Commissioned services in scope for 24/25 report

One housing support service is in scope for the 24/25 report.

Provider	Service name	Care service type	Date commenced
Link Living	Edinburgh Young Persons Service	Housing Support service	26/08/24

1.2 Background

The City of Edinburgh Council (the Council) contracts visiting housing support services to support 16+ year old young people living in independent accommodation. The young people will have presented through the National Transfer Scheme (NTS) or spontaneously presented to the Council, Unaccompanied Asylum-Seeking Children (UASC). The young people will have been assessed as having the skills to live in independent accommodation but require support to develop their independent living skills and to integrate into their new community.

1.3 Aims, Objectives and Principles

The principles of Getting It Right for Every Child is at the heart of all Children, Education and Justice Service (CEJS) services. The Council and Providers work in partnership to commission and deliver services that will fully support children and young people as they grow and develop, helping them to be:

- Safe... protected from abuse, use, neglect, or harm.
- Healthy ... experiencing the highest standards of physical and mental health and supported to make healthy safe choices.

- Achieving ... receiving support and guidance in their learning – boosting their skills, confidence, and self-esteem.
- Nurtured ... having a nurturing and stimulating place to live and grow.
- Active ... offered opportunities to take part in a wide range of activities – helping them to build a fulfilling and happy future.
- Respected ... to be given a voice and involved in the decisions that affect their well-being.
- Responsible ... taking an active role within their schools and communities.
- Included ... receiving help and guidance to overcome social, educational, physical, and economic inequalities; accepted as full members of the communities in which they live and learn.

The five foundations and principles of The Promise; Voice, Family, Care, People and Scaffolding are at the heart of this service. The Council work in partnership to commission and deliver services that will fully support children and young people as they grow and develop.

1.4 Governance

All services must, where appropriate, link with the Edinburgh Promise, GIRFEC, Imperatives – Pathways, Closing the PRAG (Poverty Related Attainment Gap) in Literacy and Numeracy, Attendance, Health, and Wellbeing.

Providers must adhere to all current and relevant legislation which will include at minimum legislation noted in service specifications. This includes being responsible for reviewing this legislation and making required changes as needed.

- The Education (Scotland) Act 2016
- The Education (Additional Support for Learning) (Scotland) act 2004 as amended.
- Children and Young People Act (Scotland 2014)
- The Age of Legal Capacity (Scotland) Act 1991
- The Children (Scotland) Act 2020
- The Children (Scotland) Act 1995
- The Human Rights Act 1998
- United Nation Convention on the Rights of the Child (UNCRC)
- The Standards in Scotland's Schools, etc. Act 2000
- The Protection of Children Act 2003
- School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004
- Education (Additional Support for Learning) (Scotland) Acts 2009
- Protection of Vulnerable Groups (Scotland) Act 2007
- The schools (Health Promotion and Nutrition) (Scotland) Act 2007
- The Looked after Children (Scotland) Amendment Regulations 2009

- The Public services Reform (Scotland) Act 2010
- Social Care (Self Directed Support) (Scotland) Act 2013
- The Carers (Scotland) Act 2016
- City of Edinburgh service Plan Children and Families (2023 – 2025)
- Children and Young People (Scotland) Act 2014
- Edinburgh 2050 Vision (2017)
- Child Poverty (Scotland) Act 2017
- The Equality Act 2010
- Edinburgh Integrated Plan for Children and Young Person's services
- Edinburgh Children's Partnership Children's services plan 2017-20
- 2018 national improvement framework and improvement plan
- Developing a positive whole-school ethos and culture – Relationships, Learning and Behaviour, Scottish Government (2018)
- Consultation on Excellence and Equity for All: Guidance on the Presumption of Mainstreaming (November 2017)
- Curriculum for Excellence
- The Promise 2021
- Getting it right for Every Child
- Looked After Children and Young People: We Must and Can Do better' (2007) (Published by the Scottish Executive, January 2007)
- Getting it Right for every Child: Guidance on Overnight Stays for Looked After and Accommodated Children. (Published by the Scottish Government, January 2008)
- Protecting Children and Young People: The Charter (Published by the Scottish Executive, April 2004)
- National Guidance for Child Protection in Scotland 2010 (Published by the Scottish Government in 2010)
- Included, engaged, and involved part 2: a positive approach to managing school exclusions (Published by the Scottish Government, March 2011)
- Included, engaged, and involved part 2: a positive approach to managing school exclusions (Published by the Scottish Government, March 2011)
- Sweet Sixteen? The Age of Leaving Care in Scotland (Published by Scotland's Commissioner for Children and Young People, March 2008)
- Supporting Young People Leaving Care in Scotland: Regulations and Guidance 2004 (Published by the Scottish Executive, March 2004)
- Extra support at school: the rights of looked after Children (Enquire Briefing)

- Curriculum for Excellence. In particular: - Building the Curriculum 1: - 5
- Residential Care and Education: Improving Practice in Residential Special Schools and Secure Care Accommodation services in Scotland; A joint report by the Care Commission and HMIE (2007)
- Residential Care and Education: Improving Practice in Residential Special Schools in Scotland; A joint report by the Care Commission and HMIE (2004)
- These are our bairns; a guide for community planning partnerships on being a good corporate parent. (Published by The Scottish Government in 2008)
- Go Outdoors! Guidance and good practice on encouraging outdoor activities in residential Childcare (Issued by SIRCC, SCCYP and the Scottish Government, 2010)
- Health Promotion Guidance: Nutritional Guidance for Children and Young People in Residential Care Settings (Published by the Scottish Government in 2011)
- Suicide Prevention for Looked After Children and Young People – the Care Inspectorate. (Published by the Care Inspectorate in 2011)
- End of life care and planning for Children and Young People with life-limiting conditions

Providers promote the principles behind the “Promise” and the Health and Social Care Standards, which include dignity, privacy, choice, safety, realising potential, equality, and diversity. The Provider shall comply with the Health and Social Care Standards for Residential Care Homes for Children and Young People or for School Care Accommodation services. 2016.

2 Safer Staffing Requirements and Guiding Principles

2.1 Care Inspectorate Registration

Providers shall have the appropriate Care and or Support Service Care Inspectorate registration and must comply with all conditions of registration and the Care Inspectorate’s policy and procedures for delivering relevant services.

We expect Providers to achieve a minimum of grade 4 ‘good’ at inspection. If the grade drops below 4, Providers are required to provide an improvement plan for our consideration.

2.2 Compliance with the Health and Social Care Standards

The Council and the Care Inspectorate’s expectations are aligned to the Health and Social Care National Standards of dignity and respect; compassion; to be included; responsive care and support; wellbeing. All services will comply with the Health and Social Care Standards

2.3 Scottish Social Services Council (SSSC)

Staff involved in the provision of services will either be registered with the Scottish Social Services Council and/or any other appropriate body. The Provider and their workforce will comply with the SSSC Codes of Practice, available from the SSSC.

2.4 Self-directed Support (SDS)

All services will be delivered in line with the Social Care (Self-directed Support) (Scotland) Act 2013.

2.5 Health and Safety

As detailed in the conditions of contracts, all services will be delivered in line with Health and Safety legislation and best practice. The provider will ensure their staff are appropriately trained in health and safety requirements to be able to support people.

2.6 PVG compliance

All staff will hold an appropriate PVG.

2.7 Recruitment of staff

Staff will be recruited based on the principles of safer recruitment including PVG screening and referencing of candidates, with particular regard to the protection of children and young people.

2.8 Staffing

Providers shall employ sufficient staff and ensure that all staff employed or to be employed by a Provider are suitably qualified, trained and experienced to deliver the Service, and meet all requirements of the contract.

Providers shall ensure that all staff have or will, undertake training on awareness of the principals of Trauma Informed Practice and psychologically informed environments.

Relevant staff will be registered with the Scottish Social Services Council (SSSC) or with the General Teaching Council for Scotland (GTCS), whichever is applicable.

Providers must ensure Protecting Vulnerable Groups and checks (or the equivalent throughout duration of contract) are conducted prior to any staff member commencing regulated work. The Council may require additional checks and/or compliance with registration of applicable bodies by the Provider and its staff throughout the duration of the contract. The Provider shall be fully responsible for ensuring these requirements and any costs are met.

Providers will fulfil its statutory obligations concerning the employment of Staff and at all times will have on duty a sufficient number of suitably trained, qualified and competent Staff in accordance with Good Social Care Practice, the Law and Guidance of the relevant regulatory bodies, and any requirements set out in the Service Specification.

2.9 Data protection

Services will be delivered in line with data governance processes.

3 Quality Assurance and contract monitoring

There is a Commissioning Lead Officer for each service, as well as a Contracts Advisor who is fundamental in gathering information for thorough contract monitoring from different sources involved in children and young people's care.

Additionally, when we monitor Foster Placements, we have allocated representatives for each organisation.

Each provider is required to submit a six monthly report on individual placements and to attend a review meeting to discuss the care/support/education of the child / young person. Within the agenda are set items against which KPI have been identified.

Providers are sent KPI forms, which must be completed for each individual in their care. These are then sent to the Social worker and reviewing officer involved with the young person, for their review and comments. Education Placements also request the input of the Educational Psychologist. The forms request the following information:

- Name of Child/YP
- SWIFT reference number
- Date of Birth
- Placement Start Date
- Placement end date (if applicable)
- Social worker and their team
- Placement type
- Whether placement is Emergency, short-term, or long-term
- Planned/unplanned ending
- If unplanned did an action/support meeting take place?
- Date of meeting (if applicable)
- Whether a transition plan was in place or not.
- Whether a Child's Plan is in place and operational
- Whether there have been any restraint or safe holding incidents, seclusion or restrictive practice (In line with The Promise)
- Education absences (if applicable)
- Whether a young person is on a full or part time timetable
- Number of days away from placement
- Reason for absence, family visit, friends, respite?
- Whether placement is ongoing or has ended.
- Whether there have been any Child Protection Investigations
- Details of any other incident that is detrimental to the health and welfare of the child or young person in placement, including Periods of Missing from Placements / Not returning
- Unexpected Respite Provision
- Number of Complaints Raised by Child / Young Person

- Details of any additional services, including agreed time frame and the aims and objectives of the additional Services.
- Any interventions and support given and the impact of any additional Services.
- Care Inspectorate: The date of last inspection and overall grading? If the provision has fallen below the required grade 4 "Good", the Provider must report this immediately to CEC commissioning Team and provide a copy of their improvement plan.
- Education Scotland: The date of last inspection and overall grading? If the provision has fallen below the required grade 4 "Good" the Provider must report this immediately to CEC Commissioning Team and provide a copy of their improvement plan.
- The Promise – In respect of the child / young person in their care, Providers are asked to tell us how they are meeting the 5 principles: Voice; Family; Care; People; Scaffolding
- Educational Placement – The Provider is required to tell us about the Learning level of achievement; absence and exclusion from school.
- Transitions – Information is requested about the transition and any relevant comments, including the destination of the transition, for example, returned home to family, natural end to placement etc. If no Transition plan was put in place, we request the reasons why this was not completed.

The above information is discussed at the 6 monthly contract monitoring meeting, alongside the comments from the social worker, reviewing officer, and educational psychologist (if applicable).

Additionally, at the meeting, we discuss the following:

- Additional Support
 - Details of any additional funding, including agreed time frame, cost, aims, and outcomes
 - Details of any 1:1 Support
 - Description of interventions and support given and impact of any additional funding
 - Whether additional funding is still required
- Supplier Business Review and Updates
 - New Developments
 - Legislative Updates/Impact
 - Lessons learned
 - Community Benefits
 - Financial Update
 - PVG
 - Insurances

- GDPR; Discussion on any data sharing updates / concerns / requests

Further review is held at the RARG where all out of authority placements are reviewed.

4 How is it Commissioned

Contracts are awarded following a rigorous tender submission and evaluations process.

5 Risks

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

Recruitment Challenges: providers report difficulties not only with attracting the volume of applicants necessary but them being suitable qualified. This has not affected the safe delivery of the contract awarded in 2024/2025.

Limited Data: SDS Option 2 providers have fewer contractual requirements than Option 3, which increases workload pressures for Council staff to ensure due diligence and carry out checks with providers re staffing data. This is currently under review.

Financial: providers are experiencing exceptional financial challenges due to the National Insurance increase, cost of living, inflation, etc.

These are the current main risks however Children, Education and Justice Directorate risk register is kept updated with ongoing and emerging risks.

6 Declaration

Name of Local Authority	City of Edinburgh Council
Report prepared by:	Yvonne McWhirr
Designation	Regulation Officer
Date	29 August 2025
Report authorised by	Rose Howley Service Director Performance Quality and Improvement and Chief Social Work Officer
Details of where the report will be published	City of Edinburgh Council website