

# Health and Care (Staffing) (Scotland) Act 2019: Annual Report

## Declaration

**Name of Integration Authority:** Midlothian Integration Joint Board

**Report authorised by:**

Morag Barrow

Chief Officer, Midlothian IJB

28/04/2025

**Details of where the report will be published:**

[What we do Information - Midlothian Health and Social Care Partnership](#)

## 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.*

Work is ongoing with Midlothian Council as the Partner who provide commissioning support to Midlothian IJB to ensure that planning, procurement and contract management processes are well executed and governed. This includes the ability to report on the duties of the Health and Care (Staffing) (Scotland) Act.

From 1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2025, no new or commissioned contracts have been issued that have been planned and secured by Midlothian Health and Social Care Partnership (HSCP) and procurement by Midlothian Council on behalf of Midlothian IJB. This has in part been due to Midlothian Council capacity and resourcing challenges across 2024/25, resulting in a significant backlog in contract management. As a result, there is no eligible contracting assurance information requirement the reporting period.

Midlothian IJB has asked Midlothian HSCP to review a number of contracts in 2025/26 as part of financial planning and to review the local commissioning model, policies, processes, and provisions. The Midlothian IJB Market Facilitation Plan 2025-28 is due for publication in October 2025 and will lead to Midlothian HSCP working alongside all its partners to deliver a new codesigned and collaboratively produced Partner Provider Statement.

As this work develops, the new practices that must be embedded at every step of the commissioning process from conception to procurement to contract performance evaluation that provide assurance on compliance with the duties of the Health and Care (Staffing) (Scotland) Act. The Officers of the HSCP are working closely with the Midlothian Council Contract Team to design a new governance structure that provides assurance of compliance for statutory reporting.

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

Despite having no commissioning activity in 2024/25 that would be eligible for reporting, Midlothian IJB has taken action in readiness for activity in 2025/26 which will be subject to reporting in 2026.

Until new processes can be tested, it is not possible fully assess the risks that may impact on the IJBs ability to comply with this duty.

However, in 2024 we commissioned a [benchmarking position statement](#) to better understand the wider challenges in Midlothian.

This report can be found on our [website](#).

It is possible that we may have difficulty assessing some services ability to comply with their duties to ensure appropriate staffing and staff training due to lack of relevant information provision, limited choices in service providers, or specific situation that make compliance difficult to monitor or record. We will consider the issues and risks as they arise and seek to find solutions where it is possible to do so.