

## 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 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.

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](mailto:hcsa@gov.scot).

## Declaration

Name of local authority / integration authority: Argyll and Bute Council (ABC)

Report authorised by: Chief Executive of ABC

Name Pippa Milne



Designation Chief Executive ABC

Date JUNE 2026

Details of where the report will be published: Argyll and Bute Council website

The Guiding Principles of the Act are informing activity in the provision of safe and quality services and ensuring the best health services and/or care outcomes. We are underpinning this by planning review of standards and outcomes within the principles of equalities and person centred care, supporting staff and a multi-disciplinary approach to the delivery and allocation of resource to service users.

We will approach this by embedded the principles of the act in our renewed Joint Strategic Plan reviewing our implementation experience and putting this into a policy and practice model that supports our general workforce approach.

## 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:**

This document relates to the reporting period 01 April 2025 to 31 March 2026, for Argyll and Bute Council (ABC) (in close cooperation with Argyll and Bute Health and Social Care Partnership (AB HSCP)) and sets out the risks and actions taken to provide safe and secure staffing for all aspects of the registered services we are obliged to provide.

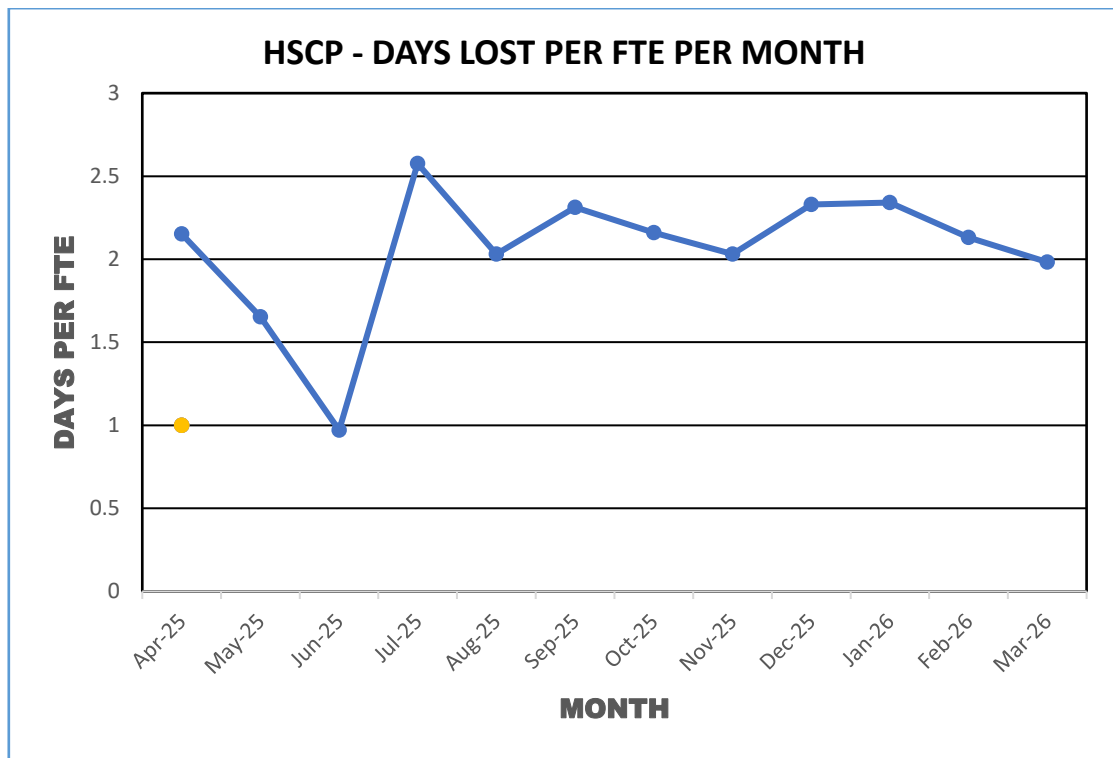
The context in which we operate within Argyll and Bute is recognised as exceptionally challenging:

- Geographically our population is spread across a vast geography and while it includes towns also covers remote mainland areas and 28 inhabited islands.
- Economically we are competing for staff with the leisure and hospitality sector.
- Demographically we have a declining working age population and a steeply increasing level of need due in particular to the aging population. Data from the Census of 2022 confirms that 27.2% of the population in Argyll and Bute are aged 65 and over [Age - Census Maps, NRS](#).
- A housing crisis [Housing emergency | Argyll and Bute Council](#).
- The gap between resources and need appears to be widening.

### Challenges

In general terms the challenges have been:

- Sickness absence continues to be an area of risk within the HSCP, with an average of around 2 days lost per Full Time equivalent over the last 12 months:



- Recruitment and reliance on the use of Agency also remains a challenge, although there have been some reductions in this usage within Adult Services.
- The Children & Families Service is experiencing above average vacancy rates, compounded by difficulties in securing suitably experienced agency staff.
- High number of Newly Qualified Social Workers (NQSW), who require additional supervision, mentoring and training. They are unable to hold Child Protection or high-risk complex cases, placing additional demands on experienced staff and Team Managers.
- Decrease in availability of foster placements placing increased demand on our Children's Houses.

Despite this exceptionally challenging context there have been some significant strides taken to ensure we achieve levels of staffing necessary to meet immediate operational need.

- An ongoing redesign with the Care at Home services is making progress, and the hope is that there will be a more efficient, and technically advanced service delivery as a result.
- A service wide approach to prioritising workload within Children & Families, ensuring statutory responsibilities and child protection work take precedence.
- Growing Our Own initiatives continue [Growing Our Own – My Council Works](#). Staff from throughout the Council with an interest in Social Work or Social Care are encouraged to explore a career move and are financially supported through qualification. This has been augmented by the introduction of the Graduate Apprenticeship in Social Work, delivered by University of the West of Scotland, for which Argyll and Bute Council is part of the pilot programme. There is also a plan for an HSCP pilot Career Inspiration week to occur later in the year, with the aim of informing and attracting our young people to careers within the Council and NHS.

In the last year there has been continued senior staff scrutiny of the staffing situation across Social Work and Social Care. In Children, Families and Justice Services there has been exceptionally close senior staff analysis of staffing patterns in these services. A far greater emphasis has now been placed on formally managing and supporting staff who are experiencing long term absences or short-term persistent absence, in order to support attendance and performance.

The Care Inspectorate have recently published a review of Social Work Governance. [Review of social work governance and assurance in Scotland](#). Argyll & Bute's CSWO has instituted a Social Work & Social Care Governance Committee as a result of this work. One element of the Terms of Reference of this Committee references assurance on staffing structures and numbers across the sector.

Some specific steps taken to ensure safe staffing are highlighted below by service:

### **Adult Residential Services**

- ABC owns and manages 6 residential units and 1 nursing care home unit which have a number of residents with differing needs. At no stage have there been any risks to these residents. However, there have been high sickness absence rates among staff in 2 of those units during the reporting period. These services are located in remote areas of Argyll & Bute, namely Campbeltown and the Island of Islay. During the reporting year each home experience extremely high instances of sickness absence which at its limit was as follows:
  - Kintyre Care Centre – Campbeltown 10 staff absent responsible for 290 hrs of support per week
  - Gortanvogie – Islay staff absent responsible for 212 hrs of support. This is a reduction on last year for this home.
- This, combined with difficulties in recruiting, has resulted in a reliance of Agency use, which is expensive. Across all of our registered care homes our spend on agency staff for the last financial year was approximately £900K. This represents a reduction on the previous year. We have seen an improvement in the recruitment of new staff and return to work of staff on long

term absences. This has allowed us to reduce our reliance on agency staff. In one of the homes we have completely eliminated this early in the new financial year of 26/27 through more recruitment and the introduction of a new rota which provides a better work life balance and makes it more attractive to staff.

- Pockets of short-term absences still occur throughout the year which all the services are as prepared as they can be for in order to meet any, and all challenges.

### Adult Care at Home Services

- **Sickness** - High sickness levels present a challenge to effective service delivery. This continues to be a challenge on a weekly basis for the service.
- **Recruitment and retention challenges** - The HSCP as well as our partner providers are facing significant challenges relating to the recruitment and retention social care posts. We have seen a mixture of successful recruitment drives throughout the year as well as some which have not been as fruitful.
- **Provider sustainability** - Challenges recruiting staff as well as increasing costs affects the sustainability of our providers in particular smaller independent providers that hold smaller amounts of service compared to their larger counterparts are most at risk. This continues to be an enormous pressure on the sector, at the time of writing the HSCP is working under huge pressure to mitigate for a provider who has notified of their intention to cease trading as a result of staffing and financial pressures.
- The partnership is planning to redesign our current care at home contract which will include reviewing rates with the goal of supporting our providers to remain sustainable for the future and attract new providers to the area.
- **Agency cost** - Due to challenges sourcing appropriate resources to deliver support we are relying on agency to provide some of this which has a significant financial impact on the HSCP. In the last financial year the cost of agency staff within the internal care at home service was approximately £2.6M which is a reduction on the previous FY 24/25. See table below:

| Agency Staffing Cost Analysis for Adults Registered Services | 2024/25<br>£'000 | 2025/26<br>£'000 |
|--|------------------|------------------|
| Care Homes Total   | 1,246            | 899              |
| Care @ Home Total  | 2,979            | 2,646            |
| <b>Total</b>   | <b>4,225</b>     | <b>3,545</b>     |

- **Budget** - Due to a significant overspend difficult decisions have had to be made this includes the threshold of care policy, the removal of the extra care housing element provided to a small number of individuals in Kintyre as well as an overall reduction in the number of commissioned care hours delivered across A&B. These decisions have been made to align our service with our available budget and will also hopefully reduce some of the current reliance on agency, and support available resources in the area.
- The ongoing redesign of the Care at Home service aims to address some of these challenges by reviewing roles and responsibilities, updating job descriptions, re-evaluation of roles, restructuring the services we provide and introducing systems to support efficient service delivery such as electronic monitoring systems.

### **Children's Residential Houses**

- There has been a stabilisation of the staffing in Argyll & Bute's Children's Houses over the past year. This can be attributed to the greater scrutiny on absences and performance throughout Children, Families and Justice Services.
- This has resulted in the three children's houses now able to care for 6 children and young people in line with their Care Inspectorate registration.
- Work has also been undertaken on reviewing the functioning of the children's houses with aligned work patterns and efficient rotas being introduced across all three houses.

### **Children's Disability Services**

- Due to an inability to attract people to this type of work in our area, it has meant the offer in large parts is confined to a direct payment model of provision.

### **Fostering Services**

No significant issues with staffing to established levels

### **Adoption Services**

No significant issues with staffing to established levels.

### **Through Care, After Care and Continuing Care**

No significant issues with staffing to established levels.

### **School Hostel Accommodation**

Argyll and Bute Council have two school care accommodations in Dunoon and Oban. There are no significant issues with staffing to established levels.

### **Early Years Registered Services**

Of the 54 Early Learning Centres within the ABC area, there have been no material staffing issues during the reporting period, although this has been as a result of central team cover in many small, rural ELC settings, which has an impact upon staffing consistency for children and the ability of the central team to support ongoing improvements across the service more widely.

### **Procurement Services – for External services**

The management of commissioned care providers is undertaken through our existing processes and templates prompt us to assess providers (as proportionate and relevant to the contract) in the following areas, relevant to the section 3(2) of the Health and Care (Staffing) (Scotland) Act 2019, pre-contract award:

- A. We use the Single Procurement Document (SPD) to assess that providers have the appropriate registration with the regulatory authority.
- B. Our contract terms and conditions require compliance with relevant legislation.
- C. We assess compliance with Fair Work Practices, in particular:
  - payment of at least the real Living Wage
  - provide appropriate channels for effective workers' voice, such as trade union recognition
  - investment in workforce development
  - no inappropriate use of zero-hour contracts
  - action to tackle the gender pay gap and create a more diverse and inclusive workplace

- offer flexible and family friendly working practices for all workers from day one of employment
- oppose the use of fire and rehire practices

D. We assess compliance with Quality Management Procedures, including:

- Documented arrangements for providing the workforce with quality related training and information appropriate to the type of work for which this organisation is likely to bid. This will demonstrate that the organisation has in place, and implements, training arrangements to ensure that its workforce has sufficient skills and understanding to discharge their various responsibilities. These must include a programme of training that will keep the workforce up to date with required knowledge about quality related issues, including copies of job profiles, training manuals and records.

E. We assess compliance with Health and Safety Procedures including:

- Documented arrangements for providing the bidder's workforce with training and information appropriate to the type of work of which the organisation is likely to bid. This must provide evidence that the bidder has in place and implements training arrangements to ensure that its workforce has sufficient skills and understanding to discharge the various duties. This will provide details of staff health and safety training arrangements and how relevant information is communicated to staff. This must also include a description of arrangements for keeping the workforce updated on legislation and good H&S practice applicable throughout the organisation.
- A documented procedure describing what H&S or other relevant qualifications and experience the bidder's workforce has, to implement the H&S policy to a standard appropriate for the work for which the organisation is likely to bid. This must demonstrate that the workforce possesses suitable qualifications and experience for the tasks assigned to them, unless there are specific situations where they need to work under controlled and competent supervision, e.g. trainees.
- Documented arrangements for involving the bidder's workforce in the planning and implementation of H&S measures. This must demonstrate that the bidder has in place, and implements, a means of consulting its workforce on H&S

matters and shows how the workforce's comments, including complaints, are taken into account.

F. To help us to understand risks related to recruitment and retention that may be an indication of issues or have an impact on compliance with section 3(2) of the Health and Care (Staffing) (Scotland) Act 2019, we assess the following on an ongoing basis for the highest risk contracts:

- Staff turnover
- Staff Sickness
- Vacancies
- Use of overseas, sponsored workers and agency workers
- SSSC requirements (record keeping; any staff with conditions of registration; any unmet conditions, number not yet registered)
- Update to policies and procedures following changes in legislation
- Care Inspectorate inspections, requirements and recommendations.
- The following question has been added to our routine reporting requirements from providers:

“Are there any risks that may affect your ability to comply with the guiding principles and duties relating to staffing imposed on those who provide care services? (For example: recruitment challenges, staff shortages, training gaps, or retention issues, staff wellbeing and workload when making staffing decisions.)”

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

A significant risk to all LAs, remains that the Budget allocated fails to provide sufficient funding to improve social care and social work capacity.

The impacts of any funds being reduced or withdrawn will be significant on Service provisions.

The key risks for these specific services are highlighted below.

### **Adult Registered Services**

- Long term absences remain a risk meaning we have to we rely upon Casual Workers and/or Agency workers. This is an area we seek to improve upon.
- Recruiting in some of the more remote and rural areas remains a challenge. This is an ongoing risk, particularly as the Visa Sponsorship licences have changed significantly over the last few years, resulting in fewer opportunities/applicants.

### **Children's Registered Services**

- Lack of attracting foster carers is placing additional demands on the requirement for external placements. The vastly increasing costs of accommodating young people in registered services external to the local authority is a risk to the financial stability of the entire HSCP. One placement can cost almost £500k per year. The numbers of young people requiring such placements is showing an upward trajectory reaching approximately 15 in the financial year 2025/26. A review of the 'models of care' in Argyll & Bute will require to address this.
- The service continues to face risk arising from unfilled vacancies resulting in reliance on agency workers to help sustain appropriate staffing levels. This is becoming increasingly difficult due to a lack of available agency workers. A focussed workforce strategy is urgently required to mitigate those risks.
- The UK governments mandated transfer scheme for UASC is not adequately funded for those young people over 18 and the duties of the local authority in

Scotland. The majority of our UASC's are aged over 18, with more than half still awaiting final asylum decisions to be made by the Home Office. This is placing increased financial pressures on the local authority.

### **Early Years Registered Services**

- We are unable to attract and retain a skilled and supported workforce to sustain vital ELC service delivery.
- We are unable to deliver a service in our most rural areas preventing parents from accessing childcare which allows them to work.
- We are unable to provide the necessary support to ELC provisions to enable them to deliver a high quality ELC service which meets national standards for care and learning.

### **Procurement Services – for External services**

A small number of providers have flagged recruitment challenges which they feel could pose a future risk to fully meeting the Act's guiding principles in future – this is being monitored through routine contract management activity. There is also an increased risk if procured services have sudden changes in their circumstances which could result in the Council have further additional risk with subsequent challenges.