

*Status: This version of this provision is prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Health and Care (Staffing) (Scotland) Act 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



# Health and Care (Staffing) (Scotland) Act 2019

2019 asp 6

## PART 3

### STAFFING IN CARE SERVICES

PROSPECTIVE

#### 9 Annual report on staffing in care services

- (1) As soon as reasonably practicable after the end of each financial year, the Scottish Ministers must publish, and lay before the Scottish Parliament, a report setting out—
- (a) a summary of how the duties imposed by sections 3, 7 and 8 on persons who provide, plan and secure care services are being discharged,
  - (b) the effect that staffing levels in care services have on the discharge of those duties,
  - (c) the steps that Ministers have taken to support staffing levels in care services in order to assist the discharge of those duties,
  - (d) how the matters mentioned in paragraphs (a), (b) and (c) will be taken into account in determining the future supply of—
    - (i) registered nurses,
    - (ii) medical practitioners, and
    - (iii) such other kinds of care professionals as the Scottish Ministers consider relevant to the discharge of the duties imposed by sections 3 and 7, and
  - (e) the steps that Ministers have taken to ensure that funding is available to any person who provides a care service in order to assist the discharge of those duties.
- (2) In subsection (1), “staffing levels in care services” means the numbers of the following types of individuals working in care services—
- (a) registered nurses,
  - (b) medical practitioners, and

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- (c) such other kinds of care professionals as the Scottish Ministers consider relevant to the discharge of the duties imposed by sections 3, 7 and 8.
- (3) In preparing a report under subsection (1), the Scottish Ministers must have regard to—
- (a) any review carried out by SCSWIS under section 82D(1) of the Public Services (Reform) (Scotland) Act 2010,
  - (b) any information from persons who provide care services on the use of staffing methods prescribed under section 82B of that Act,
  - (c) any performance report published by an integration authority under section 42(4) of the Public Bodies (Joint Working) (Scotland) Act 2014,
  - (d) any report or other information provided to the Scottish Ministers by the Scottish Social Services Council under paragraph 10 of schedule 2 of the Regulation of Care (Scotland) Act 2001,
  - (e) any information provided by local authorities which relates to—
    - (i) how they carry out the duties imposed on them by section 3 of this Act, and
    - (ii) how persons who provide care services carry out the duties listed in section 3(2)(b) of this Act, including, in particular, any information relating to risks caused by staffing levels which local authorities have previously reported to the Scottish Ministers, and
  - (f) any other information which the Scottish Ministers consider relevant.

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**Changes and effects yet to be applied to :**

- s. 9 coming into force by [S.S.I. 2024/20 reg. 2\(2\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(1)s. 5(2)(a)(xi)(b) coming into force by [S.S.I. 2024/20 reg. 2\(2\)](#)
- s. 5(4)s. 5(5)(a)(ix)(b) coming into force by [S.S.I. 2024/20 reg. 2\(2\)](#)
- s. 5(5)(a)(i)-(viii)(c) coming into force by [S.S.I. 2024/20 reg. 2\(2\)](#)
- s. 5(7)s. 5(8)(a)(xi)(b) coming into force by [S.S.I. 2024/20 reg. 2\(2\)](#)
- s. 5(10)s. 5(11)(a)(xi)(b) coming into force by [S.S.I. 2024/20 reg. 2\(2\)](#)