



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

2019 asp 6

## PART 1

### GUIDING PRINCIPLES FOR STAFFING

#### **3 Guiding principles etc. in care service staffing and planning**

- (1) In carrying out the duty relating to staffing imposed by section 7, any person who provides a care service must have regard to the guiding principles for health and care staffing.
- (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.
- (3) Every local authority and every integration authority must have regard to any guidance issued by the Scottish Ministers about the operation of subsection (2).
- (4) Before issuing such guidance, the Scottish Ministers must consult—
  - (a) Social Care and Social Work Improvement Scotland,
  - (b) such persons as they consider to be representative of the providers, commissioners and users of care services,
  - (c) such trade unions and professional bodies as they consider to be representative of individuals working in care services,
  - (d) such persons as they consider to be representative of carers (within the meaning of section 1 of the Carers (Scotland) Act 2016), and
  - (e) such other persons as they consider appropriate.

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*Changes to legislation: There are currently no known outstanding effects for the Health and Care (Staffing) (Scotland) Act 2019, Section 3. (See end of Document for details)*

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- (5) The Scottish Ministers must publish any guidance issued under subsection (3).
- (6) As soon as reasonably practicable after the end of each financial year, every local authority and every integration authority (within the meaning of section 59 of the Public Bodies (Joint Working) (Scotland) Act 2014) must publish information on—
- (a) the steps they have taken, and
  - (b) any ongoing risk that may affect their ability,
- to comply with subsection (2).

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**Commencement Information**

- I1** S. 3(1)(2)(5)(6) in force at 1.4.2024 by S.S.I. 2024/20, **reg. 2(2)**
- I2** S. 3(3)(4) in force at 15.5.2023 for specified purposes by S.S.I. 2023/131, **reg. 2, sch.**
- I3** S. 3(3)(4) in force at 1.4.2024 in so far as not already in force by S.S.I. 2024/20, **reg. 2(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Care (Staffing) (Scotland) Act 2019, Section 3.