

PROPOSALS FOR PRESCRIBED FUNCTIONS THAT MUST BE DELEGATED BY LOCAL AUTHORITIES RELATING TO THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

CONSULTATION QUESTIONS

1. Do you agree with the list of Local Authority functions included here which must be delegated?

Yes

No

2. If no, please explain why:

3. Are there any further comments you would like to offer on these draft regulations?

PROPOSALS FOR REGULATIONS PRESCRIBING FUNCTIONS THAT MAY OR THAT MUST BE DELEGATED BY A HEALTH BOARD UNDER THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

CONSULTATION QUESTIONS

1. Do you agree with the list of functions (Schedule 1) that may be delegated?

Yes

No

If no, please explain why:

2. Do you agree with the list of services (Schedule 2) that must be delegated as set out in regulations?

Yes

No

If no (i.e. you do not think they include or exclude the right services for Integration Authorities), please explain why:

3. Are you clear what is meant by the services listed in Schedule 2 (as described in Annex A)?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If not, we would welcome your feedback below to ensure we can provide the best description possible of these services, where they may not be applied consistently in practice.

4. Are there any further comments you would like to offer on these draft regulations?

**PROPOSALS FOR NATIONAL HEALTH AND WELLBEING
OUTCOMES RELATING TO THE PUBLIC BODIES (JOINT
WORKING) (SCOTLAND) ACT 2014**

CONSULTATION QUESTIONS

1. Do you agree with the prescribed National Health and Wellbeing Outcomes?

Yes

No

If no, please explain why:

2. Do you agree that they cover the right areas?

Yes

No

3. If not, which additional areas do you think should be covered by the Outcomes?

4. Do you think that the National Health and Wellbeing Outcomes will be understood by users of services, as well as those planning and delivering them?

Yes

No

5. If not , why not?

6. Are there any further comments you would like to offer on these draft Regulations?

We agree with the prescribed outcomes within the draft regulations. We believe the reference to 'continuous improvement' within the eighth outcome is a critical part of improving the quality of care and support for users of services. We believe that these National Health and Wellbeing outcomes are meaningful and will be understood by users of services as well as people planning and delivering them.

The key challenge will be to ensure that the progress towards achieving these outcomes is communicated in a meaningful way. A number of workstreams have been established to implement this agenda. For example, the Scottish Social Services Council (SSSC) and NHS Education for Scotland (NES) have created an activity plan based around five workforce outcomes which have been developed with stakeholders and underpin the prescribed outcome of 'Engaged Workforce' and reinforce the connectedness with other reform agendas such as Self-Directed Support, Everyone Matters and Reshaping Care for Older People. A network of health and social care champions will be working with Partnerships and workforce groups to identify what support is required to enable these outcomes to be achieved. The activities undertaken by this workstream will help to promote better outcomes for people and facilitate workforce engagement in locality planning and service improvement.

**PROPOSALS FOR INTERPRETATION OF WHAT IS MEANT BY THE
TERMS HEALTH AND SOCIAL CARE PROFESSIONALS RELATING
TO THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014**

CONSULTATION QUESTIONS

1. Do you agree that the groups listed in section 2 of the draft regulations prescribe what 'health professional' means for the purposes of the Act?

Yes

No

2. If you answered 'no', please explain why:

There are some categories of worker which are missing from this section. For example, the prescription for 'health professional' does not include healthcare support workers. Workers within broadly equivalent roles are included within the prescription for social care professionals.

3. Do you agree that identifying Social Workers and Social Service Workers through registration with the Scottish Social Services Commission is the most appropriate way of defining Social Care Professionals, for the purposes of the Act?

Yes

No

4. If you answered 'no', what other methods of identifying professional would you see as appropriate?

We agree that identifying social workers and social service workers through registration with the Scottish Social Services Council (SSSC) is the most appropriate way of defining social care professionals, for the purposes of this Act. We note that the definitions are partly about ensuring that key groups are consulted in relation to the National Health and Wellbeing Outcomes and any proposed staff transfers under the Act.

There are some categories of workers which may not be clearly defined within these definitions of "health and social care professionals":

- The definition of "social care professional" may not include workers who are indirectly involved in providing care or support to users of social care services. Some of these workers may be registered with the SSSC as social workers but will not necessarily be involved in the direct provision of care. For example, workers involved in contracting and commissioning or learning and development functions are likely to have some role in this agenda. It is not entirely clear where these workers fit within these definitions. One option may be to amend the final element of the "social care professional" definition (which includes "other social care professionals") to take these workers into account.
- The register for social services workers is function based rather than qualification based, meaning that an applicant must be performing a relevant role in a service registered by the Care Inspectorate, rather than holding a specific qualification, before they become eligible to register with the SSSC. The Register for social workers and students is based on either holding or studying for a suitable social work qualification. For example, a social worker may be registered with the SSSC but may not be involved in the direct or indirect provision of care. If this definition of social care professional is used it may be helpful to clarify that this definition of social worker (within the first bullet point under "social care professional") relates to social workers involved in the provision of care and support to users of social care services.
- The final point within the definition for 'social care professionals' could be expanded to illustrate some of the groups which are involved in the provision of care but do not register with the SSSC. There are a number of examples which include social work assistants and personal assistants (PAs) employed by individuals in receipt of Direct Payments.
- Unpaid carers and volunteers involved in the provision of care would not be involved in any staff transfer but it may be helpful to identify their role here as they will also be consulted around outcomes. These individuals play a vital role in the provision of many services. For example, the Scottish Government's Carers' Strategy notes that carers are equal partners in the delivery of care.
- There may be a need to clarify where healthcare support workers fit within the definition of "health professional".

5. Are there any further comments you would like to offer on these draft Regulations?

ANNEX 6(D)

**PRESCRIBED FUNCTIONS CONFERRED ON A LOCAL AUTHORITY OFFICER
RELATING TO THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT
2014**

CONSULTATION QUESTIONS

1. Do you believe that the draft Regulations will effectively achieve the policy intention of the Act?

Yes

No

2. If not, which part of the draft Regulations do you believe may not effectively achieve the policy intention of the Act, and why?

3. Are there any further comments you would like to offer on these draft Regulations?