

PROPOSALS FOR PRESCRIBED INFORMATION TO BE INCLUDED IN THE INTEGRATION SCHEME RELATING TO THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

CONSULTATION QUESTIONS

1. Do you agree with the prescribed matters to be included in the Integration Scheme?

Yes

No

2. If no, please explain why:

3. Are there any additional matters that should be included within the regulations?

Yes

No

4. If yes, please suggest:

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

Whilst we have no additional matters that we feel should be included within the regulations, we would support clarity from Ministers in statutory guidance in relation to the format and tone of the Integration Scheme. Schemes must be developed as a Partnership reference document and therefore should not be open to future misinterpretation by any partner.

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

Specific areas which we do not consider should be included in the mandatory list are:

1. The Disabled Persons (Employment) Act 1958 – section 3. This would include a range of supported employment initiatives, and whilst Falkirk Council advocates a holistic approach to health and social care, we do not feel that this is a relevant inclusion. Employment in a facility provided under this Act will not always directly attributable to being in receipt of health or social care services and therefore should not be included as a prescribed function. We would however consider as an important element of the local Strategic Plan i.e. a wider partnership responsibility in the context of the Community Planning Partnership and the skills pipeline.

2 The Adult Support and Protection (Scotland) Act 2007. Falkirk Council would advocate for the totality of this function to remain within the remit of the Council and not be delegated to the IJB. The operation of these powers in practice is closely linked with the Councils functions under Part 6 of the Adults with Incapacity (Scotland) Act 2000. The policy intention of placing one with the Council and the other with the IJB is unclear.

3 The Local Government and Planning (Scotland) Act 1982 – section 24. This is insufficiently central to meeting care needs to require to be in the list for compulsory transfer to the IJB. On a practical level, the service will often be provided with Housing Service alongside HRA funded services from which it will be difficult to disentangle.

The Council has some concern arising from the inclusion of the charging provisions in the National Assistance and Social Work (Scotland) Act. The nature and level of charges for social care services has often been a matter political controversy. While there is logic in the IJB having power to charge, it would be helpful if the forthcoming guidance clarifies whether this transfer is intended to encompass the power make the policy on charging including the level of charges.

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

No

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:

It is our understanding that as the Regulations stand, a significant number of health services would come into the management, planning or operational remit of the IJB. These, as far as we can determine, include such areas as family planning, women's health and other adult hospital services including a degree of unplanned inpatient admission services e.g. A&E. This has the potential to overwhelm the significant planning and delivery of services for specific care groups, for example older people and could detract attention away from areas where real and sustained change could benefit our communities.

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

Yes
No

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.

Falkirk Council would request that Regulations are amended to provide further clarity in terms of the functions, scope and also the scheduling of inclusion of services, particularly in relation to those which will be required to be disaggregated to individual partnerships.

The identification of the scope of the services for transfer (and the resulting budgetary provision) just from the heading *unplanned inpatients*, for example, will prove difficult and may give rise to inconsistency across different integration authorities. The Council recognises the difficulty in trying to define the services intended but suggests that something more specific, for instance, a non exhaustive of list of services which would be included within the heading should be considered in addition to detailed statutory guidance.

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

The disaggregation of services, particularly hospital services, currently provided across more than one integrated board area may be a particular challenge for NHS Boards and therefore we would welcome further guidance and clarity regarding Ministerial expectations and any exceptions.

**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:

Outcome 7: This outcome is only relevant if ASP continues to fall within the remit of the Community Planning Partnership and not the IJB. ASP goes beyond people who use health and social care services.

Outcome 8&9: These outcomes relate to processes rather than measurable change.

Outcome 9: This outcome is very hard to measure and suggests that 'waste' should be measured.

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?

Clarity should be provided that these outcomes relate to the change that we would like to see as a result of integrated service provision, rather than a set of standards. We feel that there is a possibility that that service users will not fully understand the intent or purpose of some of the outcomes.

If outcomes are perceived as standards, there is a risk that service users will misunderstand the intention of the outcomes and attempt to hold agencies accountable for specific outcomes rather the provision of service.

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

No further comments.

**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:

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?

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

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No further comments

**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?

No further comments.