

Consultation Response: Draft Regulations relating to the Public Bodies (Joint Working) (Scotland) Act 2014 (Set 1 of 2)

Macmillan Cancer Support appreciates the opportunity to comment on the draft regulations set out within your two consultation processes. We note that the deadline for the responses on second set of draft regulations is likely to be extended to 3 September. We would like the Scottish Government, however, to accept this set of comments as our response to both sets of draft regulations. We have not used the format set out for consultation because we see no reason to change the contents of any parts of the regulations; but we would want to contribute to the debate about the implementation of legislation and associated regulations.

Across the UK Macmillan Cancer Support has consistently worked to influence the integration of health and social care services to deliver more coherent and effective services for people affected by cancer and their carers. We take the opportunity again to welcome the Scottish Government giving formal expression to this ambition in Scotland.

We are aware that the Scottish Government has been in extended negotiations with both Cosla, the NHS, and many other interested bodies to frame the content of the primary legislation and these draft regulations. Our primary goal is help deliver speedy implementation of the integration models across Scotland and to be helpful partners in any national mechanisms and local solutions. We offer our support as a significant provider and funder of services as well as an organising force that allows people affected by cancer and their carers to have their say in policy matters as well as the joint planning of individual treatment and care.

We, therefore, have no suggestions for change in respect of the prescribed delegated functions or information that must be provided about them. Our general view is that as much delegation as possible should be pursued by partners into the control of IJBs or JMCs. For example, cancer affects children and young people as well as adults and although we respect the rights of local authorities to safeguard education functions it is our experience that Local Authorities which have social work children's services within integrated schemes stand a better chance of managing transitions into adult care services. Similarly a broad approach to Housing Support can be of real benefit in co-ordinating care and managing resources effectively.

We are aware however that there have been protracted discussions about the role of acute sector responsibilities and 'financial' contributions' from hospital based services towards local communities within their local authority areas. We should start with the sense offered in the recent letter [18 June 2014] to CEs and Chairs of NHS Boards and to CEs and Council Leaders of Local Authorities. Inevitably the re-design of services for people with Long term Conditions, including cancer, will offer opportunities to re-examine other aspects of the acute sector's role beyond unplanned care. The Scottish Government's concern not to disrupt management or budgetary control for acute sector capacity is understandable. As you will know Macmillan Cancer Support has provided £5m to support the Scottish Government's programme, with NHS and LA partners, to 'transform cancer care after

treatment' [TCAT]. This 5 year programme has already provided valuable lessons for the engagement of hospital clinicians and specialists in helping re-define support services in the community for people affected by cancer. At one recent event in Fife a consultant stated that 'in over 20 years of practice in the area she had met LA colleagues and taken part in strategic discussions with them for the first time'. The more we move towards risk stratification of assessment of need and self management principles the more there will be evidence of the importance of acute sector involvement in planning local services with local people in the context of strategic planning within integrated partnerships. Macmillan Cancer Support and partners would welcome opportunities to share this work more widely. The morphing of the significant funding scheme for re-shaping care of older people into 'integration' for adult services provides a good opportunity to look more widely at integration and care pathways. As always Macmillan Cancer Support would offer financial support to any models that benefitted people affected by cancer and that is what is happening through TCAT.

We welcome the extensions of the national outcomes to include Objective 5 testing how well health and social care services can contribute to reducing health inequalities. Macmillan Cancer Support have long recognised the link between deprivation and poverty in health outcomes for people and that is why we have been the largest funder of cancer poverty services across the UK, including in partnership with the Scottish Government in the cancer centres. Access to financial benefits and support to work are important aspects to achieving results in this key area however there are wider issues about empowerment, self management, and community capacity. It is our ambition to use the new legislation to support our partners and their communities to help people affected by cancer and their carers and others with LTCs to mitigate disadvantage and difficult social circumstances. We would welcome the chance to be part of any discussions nationally that looked at 'performance reporting' on these matters.

One of the most significant shifts within the legislation and draft regulations is the recognition that users and carers of health and social care services have defined rights of participation and engagement, and membership within decision making and planning structures. Within Macmillan Cancer Support this is a cornerstone of our work on behalf of people affected by cancer and their carers. We also have a strong tradition of collaboration with other third sector partners representing service users and carers with other LTCs. We would welcome opportunities to explore how effective representation and consultation could be achieved nationally and within each of the different integrated local partnerships. The required membership of service users and carer, and third sector organisations within strategic planning groups is a major step forward.

We look forward to working with the Scottish Government and all local partnerships to give effect to the new integration requirements.