

ANNEX 1(D)

PRESCRIBED GROUPS WHICH MUST BE CONSULTED WHEN PREPARING OR REVISING INTEGRATION SCHEMES; PREPARING DRAFT STRATEGIC PLANS; AND WHEN MAKING DECISIONS AFFECTING LOCALITIES RELATING TO THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

CONSULTATION QUESTIONS

1. Do these draft Regulations include the right groups of people?

Yes

No

2. If no, what other groups should be included within the draft Regulations?

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

We would have a preference that the regulations, or accompanying guidance, should make it clear that when children's services are being integrated, children and young people, their families and carers, and the various types of providers of support and care to children, should also be consulted. This would reflect that the views of these young people and organisations may be different to adults and their organisations, reflecting some differences in requirements.

ANNEX 2(D)

MEMBERSHIP, POWERS AND PROCEEDINGS OF INTEGRATION JOINT BOARDS ESTABLISHED UNDER THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

CONSULTATION QUESTIONS

1. Are there any additional non-voting members who should be included in the Integration Joint Board?

Yes

No

2. If you answered 'yes', please list those you feel should be included:

We would have a preference that there was a requirement for at least one non-voting advisory member of the Integration Joint Board to have experience of working with children and young people, in the event that children's services are included in the integration scheme.

3. Are there any other areas related to the operation of the Integration Joint Board that should also covered by this draft Order?

We would like to suggest that one way to secure the position of services to children, alongside the other health and social care services, would be through imposing a requirement that at least one member of the Integration Joint Board should be designated as a 'children's champion' and be given lead responsibility to champion the views of children and the place of children's services within the Integration Board.

4. Are there any further comments you would like to offer on this draft Order?

Elsewhere in our response to these regulations we have suggested that there could be a requirement that, where children's services are integrated, there must be a dedicated sub-committee of the Integration Board responsible for regular decisions that relate to children's services. This regulation would be one section in which a small addition to regulation 16 could achieve this.

ANNEX 3(D)

ESTABLISHMENT, MEMBERSHIP AND PROCEEDINGS OF INTEGRATION JOINT MONITORING COMMITTEES ESTABLISHED UNDER THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

Consultation Questions

1. Do you agree with the proposed minimum membership of the integration joint monitoring committee, as set out in the draft Order?

Yes

No

2. If you answered 'no', please list those you feel should be included:

We would have a preference that there was a requirement that at least one non-voting advisory member of the Integration Joint Monitoring Committee had experience of working with children and young people, in the event that children's services are included in the integration scheme.

3. Are there any other areas related to the operation of the integration joint monitoring committee that should also covered by the draft Order?

We would like to suggest that one way to secure the position of services to children, alongside the other health and social care services, would be through imposing a requirement that at least one member of the Integration Joint Monitoring Committee should be designated as a 'children's champion' and be given lead responsibility to champion the views of children and the place of children's services within the Integration Monitoring Committee.

4. Are there any further comments you would like to offer on this draft Order?

Elsewhere in our response to these regulations we have suggested that there could be a requirement that, where children's services are integrated, there must be a dedicated sub-committee of the Integration Joint Monitoring Committee responsible for regular decisions that relate to children's services. This regulation would be one section in which a small addition to the regulations could achieve this.

**PRESCRIBED MEMBERSHIP OF STRATEGIC PLANNING GROUPS
ESTABLISHED UNDER THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND)
ACT 2014**

CONSULTATION QUESTIONS

1. The draft Regulations prescribe the groups of people that should be represented on the strategic planning group. Do you think the groups of people listed are the right set of people that need to be represented on the strategic planning group?

Yes

No

2. If no, what changes would you propose?

In general, we are keen to see membership of the relevant committees take account of the sometimes different circumstances of children and children's services. We think that, in some circumstances and some locations, it will be difficult for representatives to reflect the broad range of views and circumstances that exist across the full breadth of health and social care. We believe that this is particularly the case for the Strategic Planning Groups, given that there is already an intention of having a very broad membership. However, we are concerned to see that there is no requirement for an Integration Authority to include membership of any person, individual or organisation who is representative of the views of children and young people who use health and social care services or service providers who support children and young people.

In order to reflect this, we would like to see membership of the Strategic Planning Groups expanded to include one individual who represents children and young people who use health and social care within the Local Authority area, and one individual who represents providers of health and social care to children. We would suggest that this should be regardless of whether children's services are integrated, in order to ensure that there is appropriate support for those transitioning to adult services. However, this requirement could be limited to only those integration authorities that have chosen to integrate some children's services.

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

**PRESCRIBED FORM AND CONTENT OF PERFORMANCE REPORTS
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 performance report?

Yes

No

2. If no, please explain why:

At Stage 3 of the progress of the Act, Bob Doris MSP expressed concerns which we shared, that the implementation of the Act should ensure that there is effective joining-up of planning between children's services and adult services, regardless of whether integration authorities choose to include children's services in the integration scheme.

On that basis, we would like to see reporting requirements that ensure that this is the case, and we do not believe that the current requirements, achieve this purpose.

Firstly, we suggest that there is a requirement, when children's services are not included in the Integration Scheme, that integration authorities should report any information about steps they have taken to ensure that young people moving from children's services into the health and social care services that are planned by the integration authority experience a continuity of service and smooth transitions.

We would also like to propose that when some children's services are integrated, there is requirement for integration authorities to break down the proportion of the total spend that has been spent on health and social care services provided to people under the age of 18 or provided mainly for the purpose of improving the health and wellbeing of people under the age of 18.

3. Are there any additional matters you think should be prescribed in the performance report?

Yes

No

4. If yes, please tell us which additional matters should be prescribed and why:

Our view is that there is currently too little to link these reports to the children's services plans that are required by Part 3 of the Children and Young People (Scotland) Act 2014. We would like to suggest that there is a requirement on the integration authorities, when they have chosen to include children's services in their Integration Scheme, that they set out how they have met the objectives of their relevant children's services plan. Alternatively, the regulations could include a requirement that, before the integration authority completes their performance report, they must take account of any reports (required by section 13 of the Children and Young People (Scotland) Act 2014), produced within the previous three years, on a children's services plan for the local authority area.

We also suggest that a link is created with section 2 of the Children and Young People (Scotland) Act 2014, by requiring integration authorities to also report on the steps that they have taken in the reporting period to secure better or further effect within its areas of responsibility of the UN Convention on the Rights of the Child (UNCRC) requirements. This should be required, regardless of whether children's services have been included in the integration scheme, as we believe there is a possible impact on children, particularly because of transition, even when children's services are not included in the scheme.

5. Should Scottish Ministers prescribe the form that annual performance reports should take?

Yes

No

6. If you answered yes, what form should Scottish Ministers prescribe?

The regulations should make it clear that the report should be provided in a form that allows public scrutiny. We propose that this includes, as a minimum, publishing it on the internet.

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

In general we think it is right that the reporting requirements should be closely connected to the national health and wellbeing outcomes. However, this inevitably makes the quality of the reporting requirements reliant on the quality of the initial health and wellbeing outcomes, and as such we would like to re-emphasise our concerns about the national health and wellbeing outcomes, as drafted.

We would also like to express a number of technical concerns about the precise wording of Regulation 2(2). In particular, we are concerned that, as worded, it is not clear how the different forms of care home services that young people experience should be considered. There is a distinct form of considering care for children who become looked after, and there is a distinction made between children who are looked after at home, and those who are looked after away from home. Within the category of looked after away from home, looked after and accommodated is just one form. It is not clear to us, if an integration authority should include expenditure on providing accommodation for a child who is looked after and accommodated (or in the new category of Continuing Care, and therefore in future potentially over the age of 18) in the definition of 'care home services' provided in the Regulations. If this is included, this has the potential to either create an unintended (and potentially perverse) incentive for integration authorities to seek to have fewer young people in the looked after and accommodated category, or at the very least to muddy the waters of what the figure in regulation 2(2)(c) is intended to show, by including expenditure which has a very different context.