

ANNEX 1(D)

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**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:

Complaints  
Freedom of Information  
Scrutiny arrangements both internal and external  
Clarification on internal audit arrangements for the Integration Authority.

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

Angus Council agrees that some level of prescription is necessary. It will however also be necessary to allow the maximum level of flexibility to ensure that local solutions can be put in place which take account of local challenges and priorities.

At times the regulations seem to cover matters of process which it is suggested are better sited in guidance. For example in the proposals relating to participation and engagement (Page 21) the proposed prescribed information is the '**process for developing a strategy** for engagement with members of the public etc.' What should be prescribed is that a participation and engagement strategy is required. This strategy should include information about the processes that will be used locally and the arrangements for monitoring the effectiveness of the strategy.

Additional clarification will be required to address Freedom of Information and complaints as progress is made towards integration. A clear and easily accessible process will need to be developed in this regard. The future role of the Social Work Review Committee will also require attention and it is noted that no reference is made in the draft regulations to Section 5B of the Social Work Scotland Act which sets out the complaints procedure for Social Work.

It should be noted that robust arrangements are in place in Angus to ensure there are relevant connections between Adult Protection, Child Protection and Offender management. We have some reservations about the possibility of separation between these functions if prescribed information is not adequately reflected in strategic plans about how connections will continue to be developed and sustained.

It is noted that the delegation of functions is in relation to people 18 years and over, however, the Adults with Incapacity (Scotland) Act 2000 (AWI) introduced arrangements to help people (age 16 and over) who lack capacity to act or make some or all decisions for themselves. It includes people whose incapacity is caused by a mental disorder, such as dementia, learning disability, acquired brain injury or severe mental illness. Further clarity on the minimum age in relation to these groups is required.

**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. We are confident that the prescribed functions that must be delegated by Local Authorities is comprehensive and ensures that a wide range of services for adults will be included in the services provided by the new Integration Authorities.

We wish to note that there is no reference or cross reference to the Children (Scotland) Act 1995 or the Children and Young People (Scotland) Act 2014 in these draft regulations which we assume is an oversight.

On page 33, as it refers to section 12 of the Social Work (Scotland) Act 1968, it should be noted that there may be implications for Looked After Children receiving through care beyond the age of 18 years.

On page 37, as the draft regulations refer to the Mental Health(Care and Treatment)(Scotland) Act 2003, there is no reference to the appointment and functions of Mental Health Officers which currently is a function of the Local Authority. It is suggested that this should be considered within the regulations and /or future guidance.

We look forward to further guidance relating to the proposed functions in particular where this may help to clarify the ambiguity about what housing and homeless support is and what is included in aids and adaptations. This will be necessary to ensure that any possible budgetary implications have minimal impact on service users and that the focus of service delivery remains on improving outcomes.

**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:

We agree with the delegated functions identified within the regulations which may or must be delegated by an NHS Board. We would like to make particular mention of the need to ensure that Public Health functions in relation to Health Education, promotion and improvement are at the disposal of each integration authority in order to allow inequalities to be addressed at a local level.

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

Yes	<input checked="" 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.

On Page 48 we request clarification on the definition of community mental health teams and some clarity on the note which is in the second column of this section. The note indicates that integration authorities should have a coordination and governance role in relation to more specialist mental health services that the population may require. It should be made clear what is being referred to by **more specialist mental health services**.

On page 55 the services to which functions are prescribed lists services provided by Community Learning Difficulties teams. We would suggest for ease of understanding by the public that this is changed to refer to services provided by Learning Disability Teams.

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

We welcome the list of functions which must and may be delegated by a Health Board under The Public Bodies (Joint Working) (Scotland) Act 2014. Angus Council hopes that the delegation of these functions will support them in their aim, through the new integration authority, to move towards whole system redesign in favour of preventative and anticipatory care in communities.

**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?

The outcomes provide a consistent framework against which each integration authority will have to plan, report and account for its activities. With this in mind reference is made to Outcome 8 on Page 65. It is felt that this is not a meaningful outcome and is more of a statement of intent reflecting an inward looking value base.

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?

While the outcomes may be clear and concise the policy background statements are not written in Plain English. We would suggest that consideration is given to short, clear sentences and if possible Crystal Marking before these statements are put into the public domain.

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

**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:

Angus Council wishes to note that Health Visitors are not listed. We would also like to note that in an effort to provide as much clarity as possible in this section a category for managers/supervisors/workers responsible for support services should be added

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?

Angus Council agrees with the health and social care professional bodies identified within the regulations.

It would be helpful to have some clarity in future guidance on the final sentence on Page 76 which refers to other Social Care professionals who are not regulated by the Scottish Social Services Council but provide care and support to users of social care services. It is not clear whether this refers to staff regulated by another body (e.g. care managers who are nurses,) staff who are not regulated at all (e.g. Social Work Assistants,) and/or staff who may not yet need to register according to the Scottish Social Services Council timeline for registration but who may require to register in the future.

**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?

The authority to act and criteria for authorisation of a Council Officer is prescribed by the Adult Support and Protection Act (Restriction on the Authorisation of Council Officers) Order 2008(b).

Angus Council agrees this regulation is required to provide for the operational delivery of Adult Support and Protection legislation particularly when Social Workers or other relevant professionals may be employed out with Council structures.

It is noted that the delegation of functions is in relation to people 18 years and over. The regulations and functions associated with Adult Support and Protection may involve referrals of those aged 16 and 17 years especially those at risk who may not be attending school. Further clarity on the minimum age in relation to these groups is required.