

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 concerns re the process, as this appears to be standard practice, the draft regulations seem to be unusually prescriptive. This significantly detracts from local democratic accountability and the principle of subsidiarity. Local Authorities differ substantially across Scotland and there is a need for them to have the flexibility to deliver services in the most appropriate manner. Being unusually prescriptive detracts from that ability.

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:

There is a need for clarification on whether included functions refer to governance and strategic planning arrangements or actual operational management? If it is the latter this creates difficulties for small organisations in respect of economies of scale. Often staff in small organisations have a very broad role which cannot be placed simply within one professional role or title. Housing support needs further clarification as this can also refer to other services such as homelessness support or domestic abuse support. . There is a big difference for instance between a large authority which operates a range of homeless hostels as part of its homelessness service and therefore employs housing support staff within hostels, to a small rural authority in which the homelessness service consists of dual roles between homelessness staff whose role requires that they do homeless interviews, investigate cases, undertake the assessment, place households in accommodation and also offer low level housing support (higher level support for those with complex needs would be separate). Although the homelessness service could be included in its entirety, it would then lose its link to the rest of Housing which is equally detrimental. In addition housing support services may be contracted out and this can include money advice required to meet the housing support requirements of the Housing (Scotland) Act 2010 in cases of rent arrears.

We have a significant concern that mandating the delegation of housing support services could have the effect of imposing unworkable delivery models on our housing support functions - especially as only some of the recipients of housing support will also be recipients of social care. Only those elements of housing support which are wholly designed to support people with social care needs will be mandatory i.e the provision of aids and adaptations. This position does not preclude housing support services being delegated by local agreement, in a way and to a degree that best fits the way services are configured locally.

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

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

S92 of the Housing (Scotland) Act 2001 (page 36)

- It would be helpful if the Scottish Government could be more specific about the scope of the functions here, i.e. exactly which services are to be included in the delegated functions. The Local Authority has provision to offer assistance to a Housing Association in the form of loans for development etc. This has little in the way of a link with health and social care which raises questions as to its inclusion here. Housing is a much broader function than that which links with health and social care.

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 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.

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

The policy intention is clear and the lists of functions and services are clear. However, the separation of strategic planning and operational management needs to be more clearly articulated, together with the associated accountabilities for staffing, budgets and performance. Worked examples would help in relation to emergency outpatient care and unscheduled hospital bed day use.

**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:

Whilst it is recognised that the outcomes are not presented in order of significance, there is a view that Outcome 7 should feature at the beginning of the outcomes, due to its importance.

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?

**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?

Identifying Social Workers and Social Care Workers through registration with the Scottish Social Services Council is the most appropriate way of defining Social Care Professionals for the purposes of the Act. However there needs to be an understanding that in small Authorities professionals may have membership of more than one professional body. There needs to be flexibility for these staff and services.

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

We are happy with the wording and believe that all health and social care professionals are accommodated.

**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?

Care needs to be taken in some areas. The references to the Scheme of Assistance and Aids and Adaptations needs to take account of the fact that this includes different elements. While there is an Occupational Therapy assessment, there is also the provision of housing advice and the undertaking of improvement works. Provision of housing advice is covered by the professional standards governed by the Scottish Government's National Standards for Advice and Information Providers which allows accreditation at the appropriate level. Linkages with professional housing advisers would therefore become more complex.