

Draft Regulations Relating to Public Bodies (Joint Working) (Scotland) Act 2014

Renfrewshire Council

Consultation Response

SET 1

Annex 1

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

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

No

2. If no, please explain why:

The Integration Joint Board model does not involve the transfer of staff therefore it is difficult to see the practical implications of *The transfer of staff between the constituent authorities of an Integration Joint Board* on page 5.

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

Yes

4. If yes, please suggest:

1. The arrangements for provision of administrative support to the Integration Joint Board (IJB) and the arrangements for financing the IJB should be added to the Column B prescribed information list for *Local governance arrangements for the Integration Joint Board where the Integration Scheme is prepared under section 1(3) or 2(3) of the Act* on page 2.
2. The role of the Chief Social Work Officer should be separately referenced in the Column B prescribed information list for *Clinical and Care Governance of services provided in pursuance of integration functions* on page 4.

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

With regard to the proposals on *Performance targets* on pages 3 and 4, responsibility can only transfer to the IJB where it has control over the service delivery being measured. Acute targets cannot be transferred unless the IJB controls the variables: it would not be appropriate for the default transfer of acute sector HEAT targets to IJBs.

Annex 2

PROPOSALS FOR PRESCRIBED FUNCTIONS THAT MUST BE DELEGATED BY LOCAL AUTHORITIES RELATING TO THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

1. Do you agree with the list of Local Authority functions included here which must be delegated?

No

2. If no, please explain why:

In relation to all of the delegated functions, the IJB must act in accordance with the principles of all of the stated Acts.

Guidance and regulation under these Acts should be included. It could be argued that these are covered under Section 25 (3) of the 2014 Act but it would be better to provide clarity.

Housing Support Services, aids and adaptations

There remains significant concern regarding the inclusion of Housing Support Services and aids and adaptations as services which must be delegated.

It would be more appropriate for these services to be considered for inclusion by integration authorities, rather than prescribed, as these go beyond existing health and social care functions in Renfrewshire. The regulations refer to specific elements of the National Assistance Act 1948, the Local Government and Planning (Scotland) Act 1982 and the Housing (Scotland) Act(s) 1987, 2001 and 2006 relating to charging for accommodation, acquisition or sale of properties, promotion of Registered Social Landlord functions, gardening charges etc. This is much too wide a focus and would require to be managed by mainstream Local Authority Housing Services, unless there has been agreement to specifically include Housing Services within local partnership structures.

- Housing (Scotland) Act 1987 Section 5 - (The provision of facilities for obtaining meals and laundry facilities and services in connection with the provision of accommodation by a local authority under section 2 of the Housing (Scotland) Act 1987). Although it may make sense for meals and laundry services to be delegated to the new Joint Board, "laundry facilities" goes too far as that could include the Council's communal laundrettes.
- Housing (Scotland) Act 2001 Section 92 - (The promotion of the formation or development of registered social landlords and the provision of assistance to a Registered Social Landlord or any other person concerned with housing matters.) This means that any assistance such as grants, advice and information provided by the Council to RSLs would be covered and, again, this seems too wide.
- Housing (Scotland) Act 2006 Section 71 - (The provision of assistance in connection with the acquisition or sale of property or work on land or in premises for the purposes mentioned in section 71(2).) On the face of it, this would cover any assistance given for purchase, sale, repairs and improvement of houses and

land.

The Council believe only 'aids and adaptations' should be prescribed as a delegated function. Housing Support Services, such as homelessness and tenancy support services should in our opinion be discretionary, closely aligned rather than delegated to the new Integration Authority. This would allow the Council and the new Integration Authority to locally determine the optimum complementary service delivery arrangements for Housing Support Services instead of imposing what could be ineffective and impractical delivery models.

Domestic abuse services are intrinsically linked to children and family services (e.g. child protection; support for children where domestic abuse is an issue) and Integration Authorities may wish to consider rather than prescribe inclusion depending on whether children's and criminal justice services will be managed by the Integration Authority.

Drug and Alcohol Services – There are specific services provided for children which are embedded within the Council's drug and alcohol services such as Family Support; Community Safety; Outreach and Young Persons Substance Workers. As Renfrewshire Council is establishing a Children's Partnership (including Children's Services and Education Services) rather than delegating to the Integration Authority under the terms of this Act, we believe that greater flexibility is required to ensure management and delivery structures meet local needs. Local discretion should be permitted to retain such childcare specialist services within the Local Authority where this could offer a better outcome.

Support Services - Currently Support Services is a prescribed function and it is not clear what services this covers. Health Boards and Local Authorities have a great variety of arrangements in place to provide support services, often as central corporate functions. It is more important that these support services are available rather than delegated to the Integration Authority, which could destabilise current cost effective corporate arrangements for the delivery of services. Local discretion should be permitted to agree what best suits the needs of individual Integration Authorities.

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

Where services are not prescribed, Renfrewshire Council will make provision to ensure that effective links are in place between core health and social care services and wider services relating to housing, children and criminal justice.

Annex 3

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

1. Do you agree with the list of functions (Schedule 1) that may be delegated?

No

If no, please explain why:

Some of the functions will not be easily disaggregated to Integration Authorities and it is recommended that there is flexibility to agree the most appropriate local arrangements.

Clarity is required around arrangements for resources shared between the IJB and the Health Board e.g. medical equipment, cleaning services, medical specialists who carry out both planned and emergency work.

2. Do you agree with the list of services (Schedule 2) that must be delegated as set out in regulations?

No

If no (i.e. you do not think they include or exclude the right services for Integration Authorities), please explain why:

As above, each of the included services will have to be considered in detail by the Health Board in terms of their appropriateness to be disaggregated.

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

Yes

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.

N/A

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

The regulations refer to health services which must or may be prescribed within the context of strategic planning only. There is no definition or prescription regarding the allocation of acute budgets.

**Annex 4
PROPOSALS FOR NATIONAL HEALTH AND WELLBEING
OUTCOMES RELATING TO THE PUBLIC BODIES (JOINT
WORKING) (SCOTLAND) ACT 2014**

1. Do you agree with the prescribed National Health and Wellbeing Outcomes?

No

If no, please explain why:

The nine health and wellbeing outcomes set out a basis for improving health and reducing health inequalities, and provide Integration Authorities with a framework against which to plan and monitor progress which accords with the overall aims of joining health and social care services.

However as the outcomes are very broad statements, this means they will be open to interpretation. For example, a service user will have very strong views on whether their dignity has been respected. This is down to individual perception and as such not easily monitored. Likewise, 'keeping people safe from harm' is too broad a definition as many aspects of a person's life will be outwith the influence of the IJB.

The Council recognises the importance of 'reducing health inequalities' and there are a number of partnership measures in place to work to address them including community partner activity. We would ask that the health and well being outcomes recognise the long term nature of the partnerships' contribution to the work to address health inequalities.

2. Do you agree that they cover the right areas?

Yes

3. If not, which additional areas do you think should be covered by the Outcomes?

N/A

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

5. If not, why not?

N/A

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

The outcomes cover the key areas required, however do not recognise that the IJB will be required to work jointly with many other organisations and individuals across the third, independent and public sector to achieve these. There could perhaps also be more of a focus on community-led health activities given the recent Community Empowerment legislation.

It is appropriate to embed these outcomes in the strategic planning process undertaken by Integration Authorities, as well as in terms of self-evaluation and inspection activities, which is covered within the explanatory notes.

Annex 5

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

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

2. If you answered 'no', please explain why:

N/A

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

4. If you answered 'no', what other methods of identifying professional would you see as appropriate?

N/A

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

There is no reference to Mental Health Officers (MHOs) and it is anticipated that they would play a key role.

Annex 6

PRESCRIBED FUNCTIONS CONFERRED ON A LOCAL AUTHORITY OFFICER RELATING TO THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

1. Do you believe that the draft Regulations will effectively achieve the policy intention of the Act?

Yes

2. If not, which part of the draft Regulations do you believe may not effectively achieve the policy intention of the Act, and why?

N/A

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

No

SET 2

Annex 1

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

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

Yes

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

N/A

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

The standard list of consultees is appropriate, however it may be challenging to identify one person or organisation that is truly representative of that grouping. There may be occasions where there is a need to consult with other Local Authorities within a Health Board area on strategic plans, in addition to Integration Schemes, whereby improvements or developments may be identified which are required across a Health Board area.

Annex 2

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

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

Yes

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

The Chief Financial Officers of the Health Board and the Local Authority should be included in the list in Article 3(1).

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

No

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

1. The groups listed in Article 3 (2) (b), (c), and (d) are unlikely to have representative bodies. As such, how will the IJB be able to identify appropriate representatives for these groups? The IJB could simply approach individuals that fall into each category regardless of how representative they may be but is that what is intended?
2. Councils tend to make appointments to external bodies that run until the next Council election or until the member chooses to leave that role. As these appointments may exceed 3 years, Article 8(1) should be amended to reflect that practice.
3. Under Article 8(2), non-voting members shall remain appointed for as long as they hold office (subject to the effect of Articles 13 (resignation of members) and 14 (removal of members)) and under Article 14 (5), the IJB has no right to remove them. It is difficult to see how that could work for certain categories of non-voting members such as the representatives of the third sector bodies, the service users and the unpaid carers as none of these would actually hold office and if their status changed, they could not be removed.
4. In Article 10, the approach taken to voting where there is a temporary vacancy is unusual although appears to be aimed at preventing an inequality of voting. However, if the principle is established that a vote can be cast when a post is vacant, is there any reason why that should not also extend to circumstances where a member is unable to attend a meeting for reasons outwith their control, such as illness?
5. Article 12 does not address the possibility of an Elected Member having been disqualified as a Councillor following a decision of the Standards Commission for Scotland in terms of section 19(1)(d) of the Ethical Standards in Public Life etc

(Scotland) Act 2000. In such circumstances, the one month's notice of removal procedure under Article 14 should not apply and the individual should be automatically disqualified from being a member of the IJB.

6. In terms of Article 14 (1) voting members may be removed by the party nominating them on one month's written notice to the member and the Chair. This paragraph should be amended to provide that, where a voting member ceases to be a Councillor, the one month period of notice shall not apply and the Council is entitled to remove that member with immediate effect and nominate a replacement member.
7. Where a voting member is removed by the IJB under Articles 14 (2), (3) or (4), the Chair should be required to notify the constituent authority which nominated that member.
8. In Article 14(4), the reference to article 8 should be to article 12.

Annex 3

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

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

N/A to Renfrewshire

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

N/A

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

N/A

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

N/A

Annex 4

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

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?

No

2. If no, what changes would you propose?

The strategic planning group should include senior officers with responsibility for financial management / budgetary control (i.e. the Chief Finance Officer or a representative) and senior planning and policy representatives from either the Local Authority or Health Board who are unlikely to be classed as health and social care professionals.

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

The list of groups could be extended to reflect the need to engage more widely with community planning partners not necessarily associated with the provision of health and social care as and when required e.g. other statutory services such as Police Scotland, Fire and Rescue etc or other Council services e.g. Community Safety, Education and Leisure.

There may be difficulty in terms of identifying a single representative to represent a particular grouping e.g. service user representatives. Whilst vehicles such as the Public Partnership Forums etc are in place they will not be able to cover the specific issues of all of the care groupings and services which are prescribed within the regulations. There will be a need for partnerships to potentially look at these arrangements in more detail or to consider including more than one representative, albeit working on the basis of a minimum of one representative for each of the core consultation groups.

The Council welcomes the production of 3 year plans but feels the guidance should be stronger in terms of directing Integration Authorities to prepare longer term plans (5-10 years) as integration arrangements are embedded.

Annex 5

PRESCRIBED FORM AND CONTENT OF PERFORMANCE REPORTS RELATING TO THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

1. Do you agree with the prescribed matters to be included in the performance report?

No

2. If no, please explain why:

The Council questions the relevance of the requirement for the annual report to include a comparison for the preceding 5 years. Given the level and scope of structural and other changes which have been made to services, this would not allow for meaningful comparisons to be made. Furthermore, there is a risk that disproportionate effort would be expended explaining differences which are no longer relevant. We would suggest that one year would be appropriate.

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

Yes

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

It would be helpful if the level of detail to be reported on was standardised as far as possible and linked to LFR's to avoid duplication of work. In addition, clarification of what should and should not be included under specific headings / groups of expenditure would be helpful, as otherwise no meaningful comparisons will be able to be made between Integration Authorities and type of income / expenditure.

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

Yes

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

Comments here are similar to those in 4 above. Unless the form is prescribed it will be very difficult to compare performance etc between bodies. In addition, by following a prescribed form it will ensure that relevant information is reported on by all Integration Authorities. It is also important that there is scope to customise content to suit local circumstances.

The level of detail expected would also be helpful far in advance to ensure that current and proposed systems can deliver without significant manual intervention

and / or financial investment.

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

It isn't clear what level of detail would be required for the performance reports. In addition, where the Act states that e.g. Integration Authorities would need to report on 'any major decisions taken out with normal strategic planning mechanisms' it is not clear what constitutes 'major'. This may depend on the size of both the Integration Authority and their corresponding budgets and governance arrangements.

Guidance is required on the date by which the annual report should be submitted to Scottish Government / published as this is unclear.

It would also be helpful for clarity around the expectations of the Scottish Government around public performance reporting for IJBs.