

South Ayrshire Council

Integration of Health and Social Care

**COUNCIL COMMENTS ON DRAFT REGULATIONS
RELATING TO THE PUBLIC BODIES (JOINT WORKING)
(SCOTLAND) ACT, 2014 – SETS ONE & TWO**

Set 1

1. Annex 1: Proposals for Prescribed Information to be Included in the Integration Scheme Relating to the Public Bodies (Joint Working) (Scotland) Act 2014

South Ayrshire Council broadly agrees with the content of the draft regulations relating to prescribed matters to be included within the Integration Scheme. The Council would request, however, that in addition to setting out arrangements for the management of complaints relating to services provided in pursuance of integration functions, that the regulations should also set out the arrangements for the management of requests submitted under Freedom of Information and Data Protection Legislation in as far as they relate to information held by the Integration Joint Board in pursuit of its legal responsibilities, such as in connection with its Strategic Plan, for example.

2. Annex 2: Proposals for Prescribed Functions that must be Delegated by Local Authorities Relating to the Public Bodies (Joint Working) (Scotland) Act 2014

The Council in agreeing earlier this year the functions that it would delegate to the Shadow Integration Board it has established in its area with its partner NHS Ayrshire and Arran, and ultimately to the Integration Joint Board, will, in addition to the Social Work and Social Care functions listed in Annex 2(B), delegate all functions related to Children and Families Social Work and Criminal Justice Social Work. In summary, therefore, the Council supports the mandatory list of services in respect of Social Work and Social Care functions, but it has serious concerns regarding current proposals around the delegation of Housing functions. The Council acknowledges that whilst many of the services offered to users of health and social care will be improved through Integration, it believes that the delegation of Housing Services should be restricted to only those parts of Section 71 of the Housing (Scotland) Act, 2006 that relate to the provision of aids and adaptations and in doing this, that consideration needs to be given to how the funding of these will be agreed, managed and administered across different tenure types.

Additionally, whilst supporting the inclusion of drug and alcohol services within the matters to be delegated to the Health & Social Care Partnership, South Ayrshire Council is of the view that whilst it would be appropriate for the planning of these services to be reflected within the Partnership's Strategic Plan and for wider reporting to the Community Planning Partnership to be integrated with reporting on other health and wellbeing matters through the Health and Social Care Partnership, the delivery of services should continue to be through the existing Alcohol and Drugs Partnership.

3. Annex 3: Proposals for Regulations Prescribing Functions that may or must be Delegated by a Health Board Under the Public Bodies (Joint Working) (Scotland) Act 2014

The Council welcomes the contents of the proposed regulations relating to those functions that may or must be delegated by Health Boards.

4. Annex 4: Proposals for National Health and Wellbeing Outcomes Relating to the Public Bodies (Joint Working) (Scotland) Act 2014

South Ayrshire Council supports the proposed National Health and Wellbeing Outcomes as developed and believes that these will be understood by users of services as well as by those planning and delivering them.

5. 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

The Council agrees that identifying Social Care Professionals as defined in Section 3 of the draft Statutory Instrument is the most appropriate way of defining Social Care Professionals for the purposes of the Act.

6. Annex 6: Prescribed Functions Conferred on a Local Authority Officer Relating to the Public Bodies (Joint Working) (Scotland) Act 2014

The Council supports the policy intention in respect of this part of the 2014 Act.

Set 2

1. 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

South Ayrshire Council is of the view that the draft regulations include the right groups of people to be consulted in the circumstances detailed.

2. Annex 2: Membership, Powers and Proceedings of Integration Joint Boards Established Under the Public Bodies (Joint Working) (Scotland) Act 2014

On Page 4, Section 8(1) relating to the Term of Office of Members – councillors are appointed to local authorities to serve a four year term. South Ayrshire Council would suggest that elected members appointed to an Integration Joint Board (IJB) should be similarly appointed. A three year term would lead to elected members then having to be reappointed for a further one year to the IJB during the period of their four year term which, the Council would argue, would not be the most efficient of arrangements in terms of public administration. The Council further requests that consideration be given to staggering the period of office of health and council members to ensure that all IJB members are not required to stand down at the same time. This would, it is argued, assist in ensuring some continuity in decision making within the Board.

Page 4, Section 8(3), South Ayrshire Council does not agree with the proposal that councillors who fail to gain re-election to the Council and who were nominated to serve on the Joint Board by the local authority should be able to remain as a member of an

IJB after their democratic mandate has expired. The Council would ask that this provision within the regulations be changed and that elected members who are not re-elected automatically, as a matter of course, lose their place as a voting member of the IJB.

In terms of the Schedule on Page 8 of Annex 2, Section 1(1) – in connection with the calling of the first meeting of the IJB, the Council would submit as the Chairperson will not be elected until this meeting takes place that the first meeting should be called by the Chief Officer.

Also in relation to the Schedule, Section 3 – Quorum – this currently requires that at least two thirds of the voting members appointed by the health board and at least two thirds of the voting members nominated by the council are present. South Ayrshire Council believes that this level of participation could be difficult to sustain and that the two thirds requirement in each case should be reduced to one-half.

In terms of Section 6 of the Schedule relating to Conflicts of Interest, this refers to a pecuniary or other interest of a member or any associate of theirs. South Ayrshire Council believes, in this context, that it would be helpful if a fuller description was provided of what is meant by the terms “associate” and if paragraph 6(2) contained reference to an objective test such as, for example, wording similar to the following: “whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice a Board Member’s discussion or decision making in their role as a Board Member.”

3. Annex 3: Establishment, Membership and Proceedings of Integration Joint Monitoring Committees Established Under the Public Bodies (Joint Working) (Scotland) Act 2014

As South Ayrshire Council and NHS Ayrshire & Arran have agreed to proceed on the basis of the Body Corporate model of Integration rather than the Lead Agency approach, the proposed provisions of these regulations will not apply in South Ayrshire and as a consequence the Council offers no comments.

4. Annex 4: Prescribed Membership of Strategic Planning Groups Established Under the Public Bodies (Joint Working) (Scotland) Act 2014

The Council on the whole agrees with the prescribed membership proposed for the Strategic Planning Group, although would question the need to list both non-commercial providers of health and social care and third sector bodies carrying out activities related to health and social care, as it believes that these will, in effect, be the same providers, groups or bodies.

5. Annex 5: Prescribed Form and Content of Performance Reports Relating to the Public Bodies (Joint Working) (Scotland) Act 2014

The Council agrees with the prescribed matters to be included in the performance report, but is concerned that Section 2(3) requires a comparison to be provided between the reporting year and at least the 5 preceding reporting years. Clearly this volume of information may not be available in all cases for a number of years as the IJB will only be established in 2015. Also, it is likely given other advice from Government and others that the Partnership Strategic Plan will be prepared on the basis of a rolling three year period. Given this, South Ayrshire Council believes that the historical performance information provided should only be required for up to a maximum of three years.

In conclusion, the Council believes that the Shadow Integration Board that it established on 1st April, 2014, with its partner, NHS Ayrshire and Arran, has made good progress in preparing for the integration of services locally and in planning for the effective delivery of these. Given this, the Council requests that wherever possible the default position be one of encouraging local flexibility and autonomy in the planning and delivery of services designed to meet local need.

Ref: WG/KB
South Ayrshire Council
31st July, 2014