POLICY NOTE

THE PUBLIC BODIES (JOINT WORKING) (LOCAL AUTHORITY OFFICERS) (SCOTLAND) REGULATIONS 2014

SSI 2014 No. 282

1. The above instrument was made in exercise of the powers conferred by section 23(1) of the Public Bodies (Joint Working) (Scotland) Act 2014 ("the 2014 Act"). The instrument is subject to the negative procedure.

Policy Objectives

2. The schedule of the 2014 Act permits the delegation of a range of local authority functions within the context of arrangements for joint working. This includes a number of functions arising from the Adult Support and Protection (Scotland) Act 2007 ("the 2007 Act"). The 2007 Act also confers a number of functions directly on an officer of the local authority.

3. The purpose of these Regulations is to enable functions conferred on a local authority officer by the 2007 Act to be exercised by certain other persons and to ensure that only suitably experienced staff are able to carry out specified functions within the context of these joint working arrangements. Prescribing these functions for the purpose of section 23(1) of the 2014 Act is necessary to ensure that, where a local authority's functions under the 2007 Act are delegated, the related functions of a local authority officer under that Act can be exercised by officers or employees within the integration authority to whom the local authorities functions are delegated. This will facilitate further improvements to joint working and better outcomes for individuals.

4. The prescribed conditions set out in the Regulations are necessary to ensure that a person who is not an officer of a local authority may only exercise the prescribed functions for the area of that local authority if the person meets the criteria set out in the Adult Support and Protection (Scotland) Act 2007 (Restriction on the Authorisation of Council Officers) Order 2008. The criteria as set out in that Order remain unchanged.

Consultation

5. A public consultation took place, running from 12 May 2014 to 1 August 2014 and 172 responses were submitted in total. Where we received permission to do so, the responses to the consultation have been published on the Scottish Government website. It includes responses from Health Boards, local authorities, representative bodies, third sector and carers organisations.

Impact Assessments

6. An equality impact assessment has already been completed on the Public Bodies (Joint Working) (Scotland) Bill and a summary published. To view the Equality Impact Assessment click here. No additional issues arise as a result of this instrument.

Financial Effects

7. A Business and Regulatory Impact Assessment was completed on the Public Bodies (Joint Working) (Scotland) Bill and a summary was published. To view the Business and Regulatory Impact Assessment click here. No additional issues arise as a result of this instrument.

Scottish Government
Directorate for Health and Social Care Integration
Integration and Reshaping Care Division