POLICY NOTE

THE PUBLIC BODIES (JOINT WORKING) (PRESCRIBED CONSULTEES) (SCOTLAND) REGULATIONS 2014

SSI 2014/283

1. The above instrument was made in exercise of the powers conferred by sections 6(2)(a), 33(6), 41(4), and 46(4)(a) of the Public Bodies (Joint Working) (Scotland) Act 2014. The instrument is subject to negative resolution procedure.

Policy Objectives

2. The Public Bodies (Joint Working) (Scotland) Act 2014 requires Health Boards and local authorities to enter into arrangements for joint working in relation to adult health and social care. This instrument's policy objective is to ensure the active involvement and engagement through consultation of the appropriate range of stakeholders when preparing, or revising, an integration scheme, drafting a strategic plan or making any decision that will have a significant impact on a locality.

3. The Schedule to the Regulations lists 'standard consultees'. These are individual people, groups and groups of people who have an interest in decisions made in respect of the Integration Scheme, strategic plan and in localities, as the decisions taken will have an impact on the service they use, those they care for or the service they provide.

Integration Scheme

4. In preparing, or revising, an Integration Scheme the Health Board and local authority will decide the model of integration and the range and scope of services which will be planned for by the Integration Authority. The Regulations require the Health Board and local authority to jointly consult:

- the standard consultees insofar as they have an interest in health and social care services in the area of the local authority for which the Integration Scheme is being prepared;

- any other local authority operating in the area of the Health Board; and

- when preparing an Integration Scheme.

5. Other local authorities operating in the area of the Health Board are to be consulted in relation to integration schemes. This is because it may have implications in their decisions for their own integrated arrangements. The Regulations will ensure that the full range of appropriate stakeholders are involved in the preparation or revision of the Integration Scheme.

Strategic Plan

6. The strategic plan sets out how the Integration Authority will direct the provision of services integrated across health and social care and includes how they plan to meet the needs of the population. The Regulations have the effect that the Integration Authority must consult the standard consultees, in so far as they have an interest in the integrated health and social care services and a link to the area of the local authority. These are the services, and area, to which the strategic plan relates to, so it is appropriate that they should be consulted. The Regulations therefore ensure that the full range of appropriate stakeholders are involved in decisions relating to the preparation of the strategic plan.

Localities

7. The Public Bodies (Joint Working) (Scotland) Act 2014 requires each Integration Authority to divide their area into two or more localities that match the natural communities that are found within larger local authority areas. The intention is that these smaller areas will facilitate the drawing together of professionals, the third and independent sectors, carers and service users to lead the planning and delivery of services for their local community. The Regulations have the effect that before the Integration Authority makes a decision that will have a significant impact on a locality, the Integration Authority is required to consult with:

- the standard consultees, in so far as they have an interest in the integrated health and social care services and link to the area of the local authority; and

- the residents of the locality.

8. Consultation on decisions about localities is required to extend only to persons or groups having an interest in the particular decision to be taken. Including residents of the locality in addition to the standard consultees, is appropriate as locality planning is intended to plan services around the needs of the community and as such, it is important that residents are consulted as far as the decisions may affect them. The Regulations therefore ensure that the full ranges of appropriate stakeholders are involved in decisions that relate to significant changes within the locality.

Consultation

9. A public consultation took place in two sets, running from 12 May 2014 to 18 August and 172 responses were submitted in total. A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website. It includes responses from all Health Boards and the majority of local authorities.

Impact Assessments

10. 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

11. 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