POLICY NOTE

THE PUBLIC BODIES (JOINT WORKING) (PRESCRIBED HEALTH BOARD FUNCTIONS) (SCOTLAND) AMENDMENT REGULATIONS 2016

SSI 2016/15

1. The above instrument was made in exercise of the powers conferred by section 1(6) of the Public Bodies (Joint Working) (Scotland) Act 2014. The instrument is subject to negative procedure.

Policy Objectives

2. This instrument amends the Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Regulations 2015 (SSI 2014/344) to provide for the inclusion of the following provisions within Schedule 1:

    - All functions of Health Boards conferred by, or by virtue of Part 4 (provision of named persons) and Part 5 (child's plan) of the Children and Young People (Scotland) Act 2014.

3. The Public Bodies (Joint Working) (Scotland) Act requires Health Boards and Local Authorities to agree arrangements for joint working in their area. These joint working arrangements will involve the delegation of functions by the local authority, or by the Health Board, or both. The policy objectives are:

    - To create a single system for local joint strategic commissioning of health and social care services, which is built around the needs of patients and service users, and which supports whole system redesign in favour of preventative and anticipatory care in communities.
    - To ensure that integrated arrangements include, at least, adult social care, adult primary and community health care, and aspects of adult hospital care that offer the best opportunities for service redesign and better outcomes.

4. Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Regulations 2015 (SSI 2014/344) sets out which health functions and services must, may and may not be included in the integrated arrangement.

5. Schedule 1 sets out all the health functions that may be included in integrated arrangements. This list comprises all functions of Health Boards except those which, for a particular reason, are inappropriate for inclusion in integration. Column A describes the functions that may be integrated and column B lists any necessary exclusions or exceptions.

6. This instrument enables Health Boards to include functions relating to Part 4 and Part 5 of the Children and Young People (Scotland) Act 2014, in their integrated arrangements, should they wish to do so. This approach is consistent with the policy approach for Health Board functions that relate to children, in so far as, these functions may be delegated. This will ensure Health Boards have the flexibility to delegate functions that

lend themselves to an integrated approach to planning and service delivery in order to improve outcomes.

Consultation

7. No public consultation has been carried out for this Instrument. The Scottish Government conducted formal consultation on:

   - Integration of Adult Health and Social Care in Scotland: Consultation on Proposals (between 8th May 2012 and 11th September 2012); and
   - Regulations and orders made under the Public Bodies (Joint Working) (Scotland) Act 2014 (between 12 May 2014 and 27 August 2014).

Impact Assessments

8. 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

9. 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