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**To: Leadership Board**

**On: 19<sup>th</sup> February 2020**

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**Report by: The Chief Executive**

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**Heading: Renfrewshire Integration Scheme (Health and Adult Social Care)**

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**1. Key Messages**

- 1.1 In 2015 the introduction of Public Bodies (Joint Working) (Scotland) Act 2014 required Health Boards and Councils, referred to as partner organisations, to integrate planning for, and delivery of, certain adult health and social care services to IJBs.
- 1.2 Under this legislation, partner organisations were required to prepare jointly a formal Integration Scheme setting out how this joint working was to be achieved.
- 1.3 In March 2015 Renfrewshire Council and NHS GGC jointly submitted Renfrewshire's Integration Scheme to Scottish Ministers, which was subsequently laid before Parliament and approved in June 2015.
- 1.4 The 2014 Act requires each local authority and the Health Board to carry out a review of the Scheme every 5 year for the purpose of identifying whether any changes to the scheme are necessary or desirable. The legislation requires the partner organisations to consult on the revised Scheme, and take account of feedback, in developing the final Scheme.
- 1.5 In line with this legislation, Renfrewshire's revised Integration Scheme must be approved by Scottish Ministers by 26 June 2020.
- 1.6 This report seeks the Board's approval to consult on the draft revised Integration Scheme attached as Appendix 1.

**2. Recommendations**

- 2.1 It is recommended that the Board:
  - i. Approve the consultation draft of Integration Scheme (Appendix 1); and
  - ii. Note that a final Integration Scheme will be brought to the Council and Health Board, taking account of consultation feedback, for approval in advance of it being submitted to Scottish Ministers.

### **3. Background**

- 3.1 In 2015, through the introduction of The Public Bodies (Joint Working) (Scotland) Act 2014, new governance and delivery arrangements for health and adult social care were established nationally under newly formed Integration Joint Boards (IJB).
- 3.2 The 2014 Act prescribed Health Boards and Councils, referred to as partner organisations, to integrate planning for, and delivery of, certain adult health and social care services to IJBs. Under this legislation, partner organisations were required to prepare jointly a formal Integration Scheme setting out how this joint working was to be achieved.
- 3.3 This Scheme is a legal partnership agreement which covers all matters prescribed under the 2014 Act. These include:
- The integration model i.e. delegation of functions to the IJB;
  - The functions to be delegated to the IJB;
  - The governance arrangements under which the IJB will operate;
  - Targets, measures and reporting arrangements
  - Clinical and care governance arrangements;
  - Workforce matters;
  - The role and responsibilities of the Chief Officer of the IJB;
  - Financial arrangements;
  - Risks, claims and complaints;
  - Information sharing; and
  - Dispute Resolution.
- 3.3 In March 2015 Renfrewshire Council and NHS GGC jointly submitted Renfrewshire's Integration Scheme to Scottish Ministers, which was subsequently laid before Parliament and approved in June 2015.
- 3.4 The 2014 Act requires each local authority and the Health Board to carry out a review of the Scheme every 5 year for the purpose of identifying whether any changes to the scheme are necessary or desirable. The legislation requires the partner organisations to consult on the revised Scheme, and take account of feedback, in developing the final Scheme.
- 3.5 The final agree Scheme must be approved by Scottish Ministers by 26 June 2020.

### **4. Integration Scheme Review**

- 4.1 A local review process has been undertaken by the partner organisations to develop the updated draft Scheme. This was carried out in consultation with key stakeholders including the Renfrewshire Health and Social Care Partnership's (HSCP) Chief Officer and Chief Finance Officer; the Chief Social Work Officer, Renfrewshire Council Legal Services and the Scottish Government. In addition, there has been a pan-GGC review undertaken where appropriate, namely – the Finance clause, hosted services arrangements and to agree a common format and layout.
- 4.2 A consultation draft of the updated Integration Scheme can be found in Appendix 1 of this report.

- 4.3 Significant elements of the scheme are prescribed by legislation and cannot be changed. The scheme refers to the functions of the Council that are delegated to the Integration Joint Board. These are the functions that the Council must delegate and there is no discretion available to the Council to change these.
- 4.4 Minimal changes have been made to the original Scheme. The key changes are updates to:
- The tense used in some sections e.g. to reflect where plans are now in place rather than a stated commitment to develop a plan within a timeframe;
  - Outdated terminology such as the name of fora;
  - Adopt common numbering and naming convention for Integration Scheme layout/clauses across GGC;
  - The Finance Clause, which has been revised collectively by the 6 GGC HSCP Chief Finance Officers to ensure great consistency and clarity in approach across the Health Board area;
  - Reflect new legislation including the Carers Act and GDPR; and
  - Hosted Services, however this does change Renfrewshire's local hosting arrangements. This information can be found within Annexe 3 of the Integration Scheme.
- 4.5 Similar to the process in 2014/15, Clause 10: Participation and Engagement will be updated post consultation to reflect stakeholder engagement undertaken.

## **5. Consultation Process**

- 5.1 The Public Bodies (Joint Working) (Scotland) Act 2014 requires each local authority and Health Board to jointly consult when preparing their Integration Scheme, and specifies which groups which must be included within this process:
- Health professionals
  - Users of health care
  - Carers of users of health care
  - Commercial providers of health care
  - Non-commercial providers of health care
  - Social care professionals
  - Users of social care
  - Carers of users of social care
  - Commercial providers of social care
  - Non-commercial providers of social care
  - Staff of the Health Board and local authority who are not health professionals or social care professionals
  - Non-commercial providers of social housing
  - Third sector bodies carrying out activities related to health or social care
- 5.2 Subject to Council approval of the consultation draft Scheme, and in line with the prescribed statutory process, Council and NHS Glasgow will jointly carry out a consultation on the Scheme over a 3-week period from 24 February 2020 until 13 March 2020.
- 5.3 A final draft Integration Scheme, taking account of any views expressed by those consulted, will brought to meetings of both the Council's Leadership Board and Health Board in April 2020 for approval.

## 6. Approval Process

- 6.1 Subject to local approval, the partner organisations must jointly submit the revised Scheme to the Scottish Ministers for final approval
- 6.3 A revised Integration Scheme takes effect on such day as may be specified by the Scottish Ministers.
- 6.4 As soon as practicable after a revised Integration Scheme takes effect, the Local Authority and the Health Board must publish it.

## 7. Timeline

- 7.1 A timeline for the consultation and approval of the revised Integration Scheme is set out in the table below:

Requirement	Lead party	Date
Consultation draft of Integration Scheme approved by partner organisations	NHS GGC	11 February 2020
	Renfrewshire Council Leadership Board	19 February 2020
Consultation Period (3 weeks)	Prescribed Stakeholders	24 February 2020 – 13 March 2020
Final Integration Scheme drafted to reflect consultation feedback	Chief Officer	16 April 2020
Integration Scheme approved by partner organisations	NHS GGC Health Board	28 April 2020
	Renfrewshire Council Leadership Board	29 April 2020
Submitted to Scottish Ministers	NHS GGC and Renfrewshire Council Chief Executives	May 2020
Approved by Ministers	Scottish Government	June 2020
Integration Scheme Published	NHS GGC and Renfrewshire Council Chief Executives	June 2020

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## Implications of this Report

**Financial** – none

**HR & Organisational Development** - none

**Community/Council Planning** – none

**Legal** – Under the Public Bodies (Joint Working) (Scotland) Act 2014 each Local Authority and its local Health Board must carry out a review of their Integration Scheme every 5 year for the purpose of identifying whether any changes to the scheme are necessary or desirable

**Property/Assets** – none

**Information Technology** – none

**Equality & Human Rights** –

**Health & Safety** - none

**Procurement** – none

**Risk** – none

**Privacy Impact** - none

**Cosla Policy Position** – none

**Climate Risk** – none

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**List of Background Papers – None.**

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INTEGRATION SCHEME  
BETWEEN  
RENFREWSHIRE COUNCIL  
AND  
GREATER GLASGOW AND CLYDE HEALTH BOARD

## **1. Introduction**

The Public Bodies (Joint Working) (Scotland) Act 2014 (the Act) requires Health Boards and Councils to integrate planning for, and delivery of, certain adult health and social care services. They can also choose to integrate planning and delivery of other services – additional health and social care services beyond the minimum prescribed by Ministers. The Act requires them to prepare jointly a formal integration scheme setting out how this joint working is to be achieved.

Renfrewshire Council (the “Council”) and Greater Glasgow and Clyde Health Board (the “Health Board”) have elected to use a “body corporate” arrangement whereby services will be delegated to a third body called the Integration Joint Board (“IJB”) whose composition reflects a partnership approach between the Council and the Health Board under the leadership of a single Chief Officer.

This Integration Scheme (“Scheme”) sets out the detail as to how the Health Board and Council will work jointly to integrate and plan for services in accordance with the Act. Once the Scheme has been approved by the Scottish Ministers, the IJB (which has distinct legal personality) will be established by Order of the Scottish Ministers.

As a separate legal entity the IJB has full autonomy and capacity to act on its own behalf and can, accordingly, make decisions about the exercise of its functions and responsibilities as it sees fit.

The IJB is responsible for the strategic planning of the functions delegated to it and for ensuring the delivery of its functions through the locally agreed operational arrangements set out within the integration scheme in Section 4. Further, the Act gives the Health Board and the Council, acting jointly, the ability to require that the IJB replaces their strategic plan in certain circumstances. In these ways, the Health Board and the Council together have significant influence over the IJB, and they are jointly accountable for its actions.

The Council and the Health Board are committed to maintaining the Renfrewshire Health and Social Care Partnership (RHSCP) whose key focus is to ensure high



quality adult health and social care services that improve outcomes for local people in the communities of Renfrewshire.

The core values of the RHSCP are improvement; efficiency; transparency; and fairness which are underpinned by the integration delivery principles of prevention and protection and in line with national outcomes.

## **2. Aims and Outcomes of the Integration Scheme**

The main purpose of integration is to improve the wellbeing of people who use health and social care services, particularly those whose needs are complex and involve support from health and social care at the same time. The Scheme is intended to achieve the National Health and Wellbeing Outcomes prescribed by the Scottish Ministers in Regulations under section 5(1) of the Act, namely:

1. People are able to look after and improve their own health and wellbeing and live in good health for longer.
2. People, including those with disabilities or long term conditions or who are frail are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community.
3. People who use health and social care services have positive experiences of those services, and have their dignity respected.
4. Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services.
5. Health and social care services contribute to reducing health inequalities.
6. People who provide unpaid care are supported to look after their own health and wellbeing, including to reduce any negative impact of their caring role on their own health and wellbeing.
7. People using health and social care services are safe from harm.
8. People who work in health and social care services feel engaged with the work they do and are supported to continuously improve the information, support, care and treatment they provide.

9. Resources are used effectively and efficiently in the provision of health and social care services.

The IJB sets out within its Strategic Plan, which must be updated every 3 years, how it will plan to meet the future needs of local people and use its allocated resources to deliver the Outcomes.

### **3. Supplementary Papers**

Once approved by the Scottish Ministers, the contents of this Scheme shall be full and final and it shall not be possible to make any modifications without a further consultation and subsequent further approval by the Scottish Ministers. For this reason, the Scheme sets out the core requirements for the IJB and will be supplemented by several separate documents which will be in line with the Scheme and will provide further detail in respect of the workings and arrangements of the IJB. As the RHSCP develops, it may be necessary to make changes and improvements to certain operational arrangements and this can be achieved through modification of the separate documents supplementing this Scheme. Any changes to these separate documents may be made by approval of the IJB as it sees fit from time to time and such changes will not require to be intimated to nor approved by the Scottish Ministers.

### **4. Summary of the Scheme and Contextual Information**

The Integration Scheme contains 15 clauses that set out the arrangements for the integration of health and adult social care services within Renfrewshire. The following paragraphs give a summary of each of these clauses and provide some further contextual information:

#### **Clause 1 Definitions and Interpretation**

This clause explains what is meant by any technical language used within the Scheme much of which comes from the Act.

#### **Clause 2 Local Governance Arrangements**

This clause states the arrangements for appointing voting members and the Chair and Vice-Chair of the Integration Joint Board and the periods they will hold office. The

Integration Joint Board will also appoint non-voting members in accordance with the Act and may appoint additional non-voting members.

### **Clause 3 Delegation of Functions**

This clause specifies the functions and services delegated by the Health Board and the Council to the Integration Joint Board as required by the Act. All adult health and social care services are delegated. Social care services include the delegation of Addictions, Domestic Abuse and Adaptations. Children's health services previously provided by the Renfrewshire CHP are also delegated to the Integration Joint Board however Children's social care services remain with the Council's Children's Services Directorate alongside Education.

### **Clause 4 Local Operational Delivery Arrangements**

This clause describes the role of the Integration Joint Board particularly with regard to the strategic planning, operational governance and monitoring of integrated services. It also sets out arrangements and processes for the Health Board and the Council to support the Integration Joint Board in this role.

### **Clause 5 Targets, Measures and Reporting Arrangements**

This clause sets out arrangements for preparing targets and measures to support the Integration Joint Board in the preparation of its Strategic Plan. It also describes reporting arrangements in relation performance.

### **Clause 6 Clinical and Care Governance**

This clause deals with the arrangements put in place to ensure the quality and safety of integrated services. It includes arrangements for reporting, professional supervision, advice and accountability.

### **Clause 7 Chief Officer**

The Act states that each partnership must appoint a Chief Officer who will lead the partnership arrangements. This clause details the role and responsibilities of the Chief Officer for the planning and delivery of integrated services. It sets out who the Chief Officer reports to, and what happens if the Chief Officer is not available.

## **Clause 8 Workforce**

This clause describes what integration of services means for staff involved in their delivery. It confirms that staff will continue to be employed by the Health Board or the Council. As services change to meet future needs, plans will be developed on a planned basis involving the full engagement of those affected by any changes and the Trade Unions. A list of plans which will continue to be developed to support staff is included.

## **Clause 9 Finance**

This clause includes the role of the Chief Finance Officer, the methods for determining the budget to be made available by the Health Board and the Council to deliver these services and the financial management and reporting arrangements for these resources.

## **Clause 10 Participation and Engagement**

This clause lists the stakeholders who were consulted in the development of the Integration Scheme and the methods of consultation used. The Act lists the different stakeholders who must be consulted. The resources and support to be made available by the Health Board and the Council to support the Integration Joint Board to develop a participation and engagement strategy are also outlined.

## **Clause 11 Information Sharing and Data Handling**

This clause states that the Health Board and the Council will continue to work together to agree an information sharing accord and specific procedures for the sharing of information in relation to integrated services.

## **Clause 12 Complaints**

This clause sets out the arrangements for complaints relating to integrated services. Existing procedures will continue to be used and, where a complaint relates to multiple services, the parties will work together to prepare a single joint response wherever possible.

## **Clause 13 Claims Handling, Liability and Indemnity**

This clause recognises that the Health Board or the Council could receive a claim arising from activities undertaken on behalf of the Integration Joint Board. It states that normal common law and statutory rules relating to liability will apply and sets out responsibilities for progressing and determining claims and the manner in which these will be dealt with.

#### **Clause 14 Risk Management**

This clause provides that a risk management policy and strategy will be continue to be developed by the Integration Joint Board and sets out the primary objectives of the strategy. Risk management procedures and a risk register will continue to be developed in line with existing best practice and the Health Board and the Council will provide appropriate resources to ensure the management of risk meets the standards and reporting timescales set out in the strategy.

#### **Clause 15 Dispute Resolution Mechanism**

This clause states the process that will be followed where either of the parties fails to agree with the other or with the Integration Joint Board on any issue related to the Scheme and/or the delivery of integrated services.

## **The parties to this Integration Scheme are:**

**THE RENFREWSHIRE COUNCIL**, constituted under the Local Government etc. (Scotland) Act 1994 and having its headquarters at Renfrewshire House, Cotton Street, Paisley, PA1 1BU (hereinafter referred to as “the Council”); and

**GREATER GLASGOW HEALTH BOARD**, constituted under section 2(1) of the National Health Service (Scotland) Act 1978 (as amended) (operating as “NHS Greater Glasgow and Clyde”) and having its principal office at J B Russell House, Gartnavel Royal Hospital, 1055 Great Western Road, Glasgow G12 0XH (hereinafter referred to as “the Health Board”).

### **1. Definitions and Interpretation**

“The Act” means the Public Bodies (Joint Working) (Scotland) Act 2014;

“Acute Hospital Services” means:

1. Accident and Emergency services provided in a hospital
2. Inpatient hospital services relating to the following branches of medicine:
  - i General Medicine
  - ii Geriatric Medicine
  - iii Rehabilitation Medicine
  - iv Respiratory Medicine
3. Palliative care services provided in a hospital;

“Chief Finance Officer” means the proper officer of the IJB appointed under section 95 of the Local Government (Scotland) Act 1973;

“CSWO” means the Chief Social Work Officer of the Council or, where appropriate and where approved by the IJB, a suitable substitute nominated by him or her;

“The Parties” means the Renfrewshire Council and Greater Glasgow and Clyde Health Board;

“The Renfrewshire Health and Social Care Partnership” and “The RHSCP” are informal terms which, for the purposes of this Scheme mean the Parties working together in accordance with the Scheme and the Strategic Plan to achieve the Outcomes;

“Health Leads” means individuals who have the professional lead for their respective healthcare profession(s) within the Renfrewshire Health and Social Care Partnership;

“Host” means the Integration Joint Board that manages services on behalf of the other Integration Joint Boards in the Health Board area;

“Hosted Services” means those services of the Parties more specifically detailed in clause 3.3 and Annex 3 hereof which, subject to consideration by the Integration Joint Boards within the Health Board area through the Strategic Plan process, the Parties agree will be managed and delivered on a pan Greater Glasgow and Clyde basis by a single Integration Joint Board;

“IJB” means the Integration Joint Board to be established by Order under section 9 of the Act; “Integrated Services” means the services delivered in the Renfrewshire Health and Social Care Partnership under directions from the IJB;

“Outcomes” means the Health and Wellbeing Outcomes prescribed by the Scottish Ministers in Regulations under section 5(1) of the Act;

“The Integration Scheme Regulations” means the Public Bodies (Joint Working) (Integration Scheme) (Scotland) Regulations 2014;

“Integration Joint Board Order” means the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014;

“Scheme” means this Integration Scheme;

“Set Aside Budget” means the monies made available by the Health Board to the Integration Joint Board in respect of those functions delegated by the Health Board which are carried out in a hospital within the Health Board area and provided for the areas of two or more Local Authorities;

“Strategic Plan” means the plan which the IJB is required to prepare and implement in accordance with section 29 of the Act in relation to the delegated provision of health and social care services to adults and health services to children.

In implementation of their obligations under the Act, the Parties hereby agree as follows:

## **2. Local Governance Arrangements**

2.1. In accordance with section 1(2) of the Act, the Parties have agreed that the integration model set out in sections 1(4)(a) of the Act will be put in place for the RHSCP, namely the delegation of functions by the Parties to a body corporate that is to be established by Order under section 9 of the Act. This

Scheme comes into effect on the date the Order to establish the IJB comes into force.

- 2.2. Having regard to the requirements contained in the Integration Scheme Regulations, the Parties have set out in the paragraphs below details of the remit and constitution of the IJB and of its voting membership, chair and vice chair.
- 2.3. The IJB and the Parties will communicate with each other and interact in order to contribute to the Outcomes.
- 2.4. The IJB has distinct legal personality and the consequent autonomy to manage itself. There is no role for either Party to independently sanction or veto decisions of the IJB.
- 2.5. The IJB is responsible for the strategic planning of the functions delegated to it by the Council and the Health Board, and for ensuring the discharge of those functions through the RHSCP.
- 2.6. The IJB will prepare and implement a Strategic Plan in relation to the provision in Renfrewshire of health and social care services to adults and health services to children in accordance with the Act.
- 2.7. The Act requires the voting members of the IJB are appointed by the Parties; and is made up of councillors and NHS non-executive directors. Whilst serving on the IJB, the members carry out their functions under the Act on behalf of the IJB itself, and not as delegates of their respective Party.
- 2.8. The Parties have agreed the voting membership of the IJB will be as follows:
  - a. The Council shall nominate 4 Councillors as voting members.
  - b. The Health Board shall nominate 4 voting members.



- 2.9. In accordance with the Integration Joint Board Order, where a voting member is unable to attend a meeting of the IJB, the Party which nominated that member shall use best endeavours to arrange for a suitable experienced proxy to attend the meeting in place of the voting member. For the Council, the proxy must be a Councillor and for the Health Board, the proxy must be a Health Board member. The proxy may vote on decisions put to the meeting but may not preside over the meeting.
- 2.10. In accordance with the Integration Joint Board Order, the voting members of the IJB shall be appointed for a term of office which shall not exceed 3 years. At the end of their term of office, if the IJB deems it appropriate, a voting member may be reappointed for a further term of office.
- 2.11. In accordance with the Integration Joint Board Order, voting members of the IJB are there *ex officio* (by virtue of their other appointment to the Council or the Health Board). Where a voting member of the IJB from the Council resigns or is removed from office, they shall cease to be a member of the IJB. Where a voting member of the IJB from the Health Board no longer holds membership with the Health Board, they shall cease to be a member of the IJB.
- 2.12. In accordance with the Integration Joint Board Order, a voting member of the IJB shall also cease to be a voting member if he/she fails to attend three consecutive meetings of the IJB, provided the absences were not due to illness or other reasonable cause (which shall be a matter for the IJB to determine). In this event, the IJB shall give the member one month's notice in writing of his/her removal. The IJB will, at the same time, request the organisation which nominated that member to nominate a replacement who will be appointed to the voting membership of the IJB as soon as the other member is removed or within such other time as is reasonably practicable.
- 2.13. In accordance with the Integration Joint Board Order, where a temporary vacancy arises, the vote that would be exercisable by the voting member appointed to that vacancy may be jointly exercisable by the other voting members nominated by the relevant Party.

2.14. The Parties will take turns nominating the Chair and Vice-Chair, with one nominating the Chair and the other nominating the Vice-Chair. Each appointment of Chair and Vice-Chair shall be for a two year period at the end of which the Party which last nominated the Chair shall nominate the Vice Chair and vice versa. The first Chair of the IJB was nominated by the Council.

2.15. The following officers will be co-opted by the IJB as non-voting members:

- a. the Chief Officer of the IJB;
- b. the Chief Social Work Officer of the Council;
- c. the Chief Finance Officer;
- d. a registered medical practitioner whose name is included in the list of primary medical services performers prepared by the Health Board in accordance with Regulations made under sections 17P of the National Health Service (Scotland) Act 1978;
- e. a registered nurse who is employed by the Health Board or by a person or body with which the Health Board has entered into a general medical services contract; and
- f. a registered medical practitioner employed by the Health Board and not providing primary medical services.

The officers listed at d, e and f above shall be nominated by the Health Board in accordance with the Integration Joint Board Order.

2.16. Once established, the IJB may appoint further non-voting members and, in accordance with articles 3(6) and 3(7) of the Integration Joint Board Order, will appoint at least one further non-voting member from each of the following groups:

- a. staff of the parties engaged in the provision of services under the delegated functions;
- b. third sector bodies carrying out activities related to health or social care in the Renfrewshire area;
- c. service users residing in the Renfrewshire area; and
- d. persons providing unpaid care in the Renfrewshire area.

- 2.17. The regulation of the IJB's procedure, business and meetings and that of any Committee of the IJB will follow its standing orders which will be made, and may be amended, by the IJB in accordance with the Integration Joint Board Order . The standing orders will be set out in a separate document.

### **3. Delegation of Functions**

- 3.1. The functions that are to be delegated by the Health Board to the IJB are set out in Part 1 of Annex 1. The services to which these functions relate, which are currently provided by the Health Board and which are to be integrated, are set out in Part 2 of Annex 1. The functions set out in Part 1 of Annex 1 are delegated in respect of adult and children's health services but only in so far as they relate to the services listed in Part 2 of Annex 1 and Part 2 of Annex 4.
- 3.2. The functions that are to be delegated by the Local Authority to the IJB are set out in Part 1 of Annex 2. The services to which these functions relate, which are currently provided by the Local Authority and which are to be integrated, are set out in Part 2 of Annex 2. All functions referred to in this clause are delegated to the extent that they are exercisable in relation to persons of at least 18 years of age.
- 3.3. Annex 3 sets out the proposals for hosting arrangements that the IJB and the Chief Officer may be engaged in.
- 3.4. Part 1 of Annex 4 lists additional functions that the Health Board proposes to delegate to the IJB. The services to which these relate are set out in Part 2 of Annex 4.
- 3.5. In exercising its functions, the IJB must take into account the Parties' requirements to meet their respective statutory obligations. Apart from those functions delegated by this Scheme, the Parties retain their distinct statutory responsibilities and therefore also retain their formal decision making roles.

- 3.6. The delegation of functions from the Parties to the IJB shall not affect the legality of any contract made by either of the Parties which relates to the delivery of integrated or non-integrated services.
- 3.7. The Parties will be directed by the IJB to deliver services in line with the Strategic Plan and may commission services from providers in order to do so.

#### **4. Local Operational Delivery Arrangements**

##### **4.1. The operational role of the IJB shall be as follows:**

- 4.1.1. Local operational delivery arrangements will reflect the integration delivery principles established under section 31 of the Act.
- 4.1.2. In terms of the Act the IJB is responsible for the strategic planning of its integrated services as set out in Annexes 1,2 and 4 and the Parties have agreed that the IJB will have operational management for the delivery of those integrated services, except Acute Hospital Services which serve more than one integration authority.
- 4.1.3. The IJB will be supported in its strategic planning and operational management of the delivery of integrated services by regular performance reporting from the Parties. If, and to the extent that, it considers it necessary in light of these reports, the IJB will be required to issue directions to the Parties to improve performance.
- 4.1.4. The IJB shall be responsible for the approval of policy and strategy for those service areas and functions included within the remit of the RHSCP and within the overall frameworks set by the Health Board and the Council.
- 4.1.5. The IJB shall ensure and consider issues relating to effective clinical and care governance within the RHSCP, and where necessary shall make recommendations to either or both the Parties.

- 4.1.6. The Chief Officer will have day to day operational responsibility to monitor delivery of integrated services, other than Acute Hospital Services , with oversight from the IJB. In this way the IJB is able to have responsibility for oversight for operational delivery. These arrangements will operate within a framework established by the Parties for their respective functions, ensuring the Parties can continue to discharge their governance responsibilities. The framework only applies to operational delivery.
- 4.1.7. Functions that are delegated may, by agreement, be hosted by the IJB on behalf of another integration authority or on behalf of one or both of the Parties. Similarly, the IJB may arrange for another integration authority to host services on its behalf. In any such circumstances, appropriate governance arrangements for operational and strategic accountability shall be agreed.
- 4.1.8. The IJB shall retain oversight for any services delivered to the people of Renfrewshire that are hosted on its behalf by another integration authority and shall engage with the host integration authority and the relevant chief officer on any concerns and issues arising in relation to these services.
- 4.2. The Parties will continue to consider the requirements of the IJB and develop the most effective and efficient way of providing to the IJB those services which support front line service delivery, such as, but not limited to, legal, financial and administrative services.
- 4.3. **To support strategic planning:**
- 4.3.1. The parties will provide support to the IJB for the purposes of preparing and reviewing a Strategic Plan and for carrying out integrated functions, both strategic and operational, that it requires to discharge fully under the Act and other legislation to which it operates.

4.3.2. The Parties will provide the necessary activity and financial data for services, facilities or resources that relate to the planned use of services provided by other Health Boards or within other local authority areas by people who live within the Renfrewshire area.

4.3.3. The Parties shall arrange to obtain from other relevant integration authorities the necessary activity and financial data for services, facilities or resources for the planned use of services within the Renfrewshire area by people who are resident outwith the area.

4.3.4. The Parties commit to advise the IJB where they intend to change service provision that will have a resultant impact on the Strategic Plan.

## **5. Targets, Measures and Reporting Arrangements:**

5.1. The Parties will prepare a list of targets and measures that relate to the delegated functions and the extent to which responsibility for these will lie with the IJB will be taken account of in the Strategic Plan.

5.2. The Parties will prepare a list of targets and measures that relate to non-delegated functions which are to be taken into account by the IJB when it is preparing a Strategic Plan and the extent to which responsibility for these will lie with the IJB will be taken account of in its Strategic Plan.

5.3. These lists of targets and measures will be prepared by the Parties and may be amended from time to time.

5.4. The specific reporting arrangements for the IJB will continue to be developed and reviewed regularly by the Parties and the IJB, consistent with all national targets and reflective of previous guidance issued and associated core suite of indicators for integration.

5.5. The Parties will share the targets, measures and other arrangements devolved to the IJB and will take into account national guidance on the core indicators for integration.

- 5.6. In preparing performance reports, the Parties will provide the IJB with performance and statistical support resources, access to relevant data sources and will share all information required on services to permit analysis and reporting in line with the prescribed content as set out in Regulations and guidance. Where the responsibility for the target is shared, the Parties will set out their respective accountability and responsibilities.
- 5.7. To support the IJB to performance manage the delivery of the Strategic Plan (including national outcome targets) and management of resources within the budget allocations, the parties will continue to jointly develop a Performance Management Framework (PMF) focused on the delivery of the Outcomes.
- 5.8. The IJB shall prepare and publish an annual performance report. In addition to the annual report, performance will be reported regularly to the IJB and to both Parties.

## **6. Clinical and Care Governance**

- 6.1. Except as detailed in this Scheme, all strategic, planning and operational responsibility for Services is delegated from the Parties to the IJB and its Chief Officer for operational responsibilities in accordance with the Scottish Government's Clinical and Care Governance Framework for Integrated Health and Social Care.
- 6.2. The Parties and the IJB are accountable for ensuring appropriate clinical and care governance arrangements for services provided in pursuance of integration functions in terms of the Act. The Parties and the IJB are accountable for ensuring appropriate clinical and care governance arrangements for their duties under the Act. The Parties will have regard to the principles of the Scottish Government's Clinical and Care Governance Framework for Integrated Health and Social Care including the focus on localities and service user and carer feedback.

- 6.3. The Parties will be responsible through commissioning and procurement arrangements for the quality and safety of services procured from the Third and Independent Sectors and to ensure that such Services are delivered in accordance with the Strategic Plan.
- 6.4. The quality of service delivery will be measured through performance targets, improvement measures and reporting arrangements designed to address organisational and individual care risks, promote continuous improvement and ensure that all professional and clinical standards, legislation and guidance are met. Performance monitoring arrangements will be included in commissioning or procurement from the Third and Independent Sectors.
- 6.5. The Parties will ensure that staff working in Integrated Services have the appropriate skills and knowledge to provide the appropriate standard of care. Managers will manage teams of Health Board staff, Council staff or a combination of both and will promote best practice, cohesive working and provide guidance and development to the team. This will include effective staff supervision and implementation of staff support policies.
- 6.6. Where groups of staff require professional leadership, this will be provided by the relevant Health Lead or CSWO as appropriate.
- 6.7. The Organisational Development Strategy will identify training requirements that will be put in place to support improvements in services and Outcomes.
- 6.8. The members of the IJB will actively promote an organisational culture that supports human rights and social justice; values partnership working through example; affirms the contribution of staff through the application of best practice, including learning and development; and is transparent and open to innovation, continuous learning and improvement.
- 6.9. The Chief Officer has delegated responsibilities, through the Parties' Chief Executives, for the Professional standards of staff working in Integrated Services. The Chief Officer, relevant Health Leads and CSWO will work together to ensure appropriate professional standards and leadership. Where



groups of staff require professional leadership, this will be provided by the relevant Health Lead or CSWO as appropriate.

6.10. The Parties will put in place structures and processes to support clinical and care governance, thus providing assurance on the quality of health and social care. A Quality, Care and Professional Governance Group has been established by the Parties which, when not chaired by the Chief Officer, will report to the Chief Officer and through the Chief Officer to the IJB. It will contain representatives from the Parties and others including:

- a. the Senior Management Team of the Partnership;
- b. the Clinical Director;
- c. the Lead Nurse;
- d. the Lead from the Allied Health Professions;
- e. CSWO;

6.11. The Parties note that the Quality, Care and Professional Governance Group may wish to invite appropriately qualified individuals from other sectors to join its membership as it determines, or as is required given the matter under consideration. This may include Health Board professional committees, managed care networks and Adult and Child Protection Committees.

6.12. The role of the Clinical and Care Governance Group will be to consider matters relating to Strategic Plan development, governance, risk management, service user feedback and complaints, standards, education, learning, continuous improvement and inspection activity. When clinical and care governance issues relating to Hosted Services are being considered, the Quality, Care and Professional Governance Group for the Host will obtain input from the Quality, Care and Professional Governance Groups of the other Greater Glasgow and Clyde Council areas.

6.13. The Quality, Care and Professional Governance Group will provide advice to the strategic planning group, and locality groups within the Council area. The

strategic planning and locality groups may seek relevant advice directly from the Quality, Care and Professional Governance Group.

- 6.14. The IJB may seek advice on clinical and care governance directly from the Quality, Care and Professional Governance Group. In addition, the IJB may directly take into consideration the professional views of the registered health professionals and the CSWO.
- 6.15. The CSWO reports to the Council on the delivery of safe, effective and innovative social work services and the promotion of values and standards of practice. The Council confirms that its CSWO will provide appropriate professional advice to the Chief Officer and the IJB in relation to statutory social work duties and make certain decisions in terms of the Social Work (Scotland) Act 1968. The CSWO will provide an annual report on care governance to the IJB, including responding to scrutiny and improvement reports by external bodies such as the Care Inspectorate. In their operational management role the Chief Officer will work with and be supported by the CSWO with respect to quality of integrated services within the RHSCP in order to then provide assurance to the IJB.
- 6.16. Details of the governance relationships relating to the IJB and the Parties are set out in Annex 5.
- 6.17. Further assurance is provided through:
  - (a) the responsibility of the CSWO to report directly to the Council, and the responsibility of the Health Leads to relate to the Medical Director and Nurse Director who in return report to the Health Board on professional matters; and
  - (b) the role of the Clinical Governance Forum of the Health Board which is to oversee healthcare governance arrangements and ensure that matters which have implications beyond the IJB in relation to health, will be shared across the health care system. The Clinical Governance Forum will also provide professional guidance, as required.

- 6.18. The Chief Officer will take into consideration any decisions of the Council or Health Board which arise from (a) or (b) above.
- 6.19. The Health Board Clinical Governance Forum, the Medical Director and Nurse Director may raise issues directly with the IJB in writing and the IJB will respond in writing to any issues so raised.
- 6.20. As set out in Section 10 the Parties have information sharing protocols in place.

## **7. Chief Officer**

- 7.1. In accordance with section 10 of the Act, the IJB shall appoint a Chief Officer. The Parties agree that the officer so appointed will be made a member of their respective senior management teams. This will enable the Chief Officer to work with senior management of both Parties to carry out the functions of the RHSCP in accordance with the Strategic Plan.
- 7.2. The Chief Officer will be jointly line managed by the Chief Executives of the Parties.
- 7.3. The Chief Officer will have day to day operational responsibility to monitor delivery of the services set out in Annexes 1, 2 and 4, other than Acute Hospital Services or the services hosted by another integration authority as detailed in Annex 3.
- 7.4. The Chief Officer will be responsible for the development and monitoring of operational plans which set out the mechanism for the delivery of the Strategic Plan.
- 7.5. The Chief Executive of the Health Board will be responsible for the operational management of Acute Hospital Services and will provide regular updates to the Chief Officer on the operational delivery of, and the set aside budget for, these

services.

- 7.6 Where integrated services are hosted by another integration authority, the Chief Officer will arrange to obtain such regular updates and appropriate reports on the operational delivery of these services as the IJB requires.
- 7.7 For planned absences of the Chief Officer, at the request of the IJB, the Chair and Vice-Chair of the IJB and the Chief Officer will agree a suitable interim Chief Officer. For unplanned absences the Parties' Chief Executives will work with the Chair and Vice-Chair of the IJB to identify a suitable interim Chief Officer.

## **8. Workforce**

- 8.1 RHSCP staff will be employees of the Health Board or of the Council, and will be subject to the relevant terms and conditions as specified within their own contracts (including the adherence to the corporate policies of their employing organisation).
- 8.2 Core Human Resources services will continue to be provided by the appropriate Corporate Human Resource and Workforce functions in the Council and the Health Board who, where appropriate, will work together to develop a shared understanding of human resource and workforce issues.
- 8.3 The Council and the Health Board are committed to the continued development and maintenance of positive and constructive relationships with recognised Trades Unions and professional organisations involved in Health and Social Care. Any future changes will be planned and coordinated and will ensure the appropriate engagement with all those affected by the changes, in accordance with established policies, procedures and practices of the Parties.
- 8.4 The Parties are committed to ensuring their staff involved in health and social care service delivery have the necessary training, skills and knowledge to provide the people of Renfrewshire with the highest quality services. The Parties recognise that their staff are well placed to identify how improvements

can be made to services and will continue to work together and with their staff to develop, establish and review plans for:

- (a) Workforce planning and development;
- (b) Organisational development;
- (c) Learning and development of staff; and
- (d) Engagement of staff and development of a healthy organisational culture.

8.5 The Chief Officer will receive advice from Human Resources and Organisational Development professionals from the Parties who will work together to support the implementation of integration and provide the necessary expertise and advice as required. They will work collaboratively with staff, managers, staff side representatives and trade unions to ensure a consistent approach which is fair and equitable.

8.6 The Parties agree that Workforce Governance is a system of corporate accountability for the fair and effective management of staff. Workforce Governance in the IJB will therefore ensure that staff are:-

- Well informed
- Appropriately trained and developed
- Involved in decisions
- Treated fairly and consistently, with dignity and respect and in an environment where diversity is valued.
- Provided with a continually improving and safe working environment, promoting the health and well-being of staff, patients/clients and the wider community.

8.7 The Parties will report on workforce governance matters to the Chief Officer and the IJB through their appropriate governance and management structures. In addition, the Parties will establish formal structures to link the Health Board's area partnership forum and the Council's joint consultative forum with the Staff Partnership Forum established by the IJB.

## **9. Finance**

### **9.1. Introduction to this clause**

9.1.1. This clause sets out the arrangements in relation to the determination of the amounts to be paid, or set aside, and their variation, to the IJB from the Council and the Health Board.

9.1.2. The Chief Finance Officer (CFO) will be the Accountable Officer for financial management, governance and administration of the IJB. This includes accountability to the IJB for the planning, development and delivery of the IJB's financial strategy and responsibility for the provision of strategic financial advice and support to the IJB and Chief Officer.

### **9.2. Delegated Budgets**

9.2.1. Delegated baseline budgets were the subject to due diligence in the shadow year of the IJB. These were based on a review of recent past performance and existing and future financial forecasts for the Health Board and the Council for the functions which were delegated. In the case of any additional functions to be delegated to the IJB, after the original date of integration, these services will also be the subject of due diligence, based on a review of recent past performance and existing and future financial forecasts for the Board and the Council for the functions which are to be delegated. This is required to gain assurance that the associated delegated budgets will be sufficient for the IJB to fund these additional delegated functions.

9.2.2. The Chief Finance Officer will develop a draft proposal for the Integrated Budget based on the Strategic Plan and forecast pressures and present it to the Council and the Health Board for consideration as part of their respective annual budget setting process. The draft proposal will incorporate assumptions on the following:

a. Activity changes

- b. Cost inflation
- c. Efficiencies
- d. Performance against outcomes
- e. Legal requirements
- f. Transfer to or from the amounts set aside by the Health Board

This will allow the Council and the Health Board to determine the final approved budget for the IJB. This should be formally advised in writing by the respective Directors of Finance to the IJB by 11 March each year.

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- 9.2.3. Any material in-year budget changes proposed by either Party must be agreed by the IJB.

### **9.3. Set Aside Budgets**

- 9.3.1. The IJB has strategic planning responsibility along with the Health Board for Set Aside Budgets.

- 9.3.2. The method for determining the amount set aside for hospital services will follow guidance issued by the Integrated Resources Advisory Group and be based initially on the notional direct costs for the relevant populations use of in scope hospital services as provided by the Information Services Division (ISD) Scotland. The NHS Board Director of Finance and Integration Joint Board Chief Financial Officer will keep under review developments in national data sets or local systems that might allow more timely or more locally responsive information, and if enhancements can be made, propose this to the Integration Joint Board. A joint strategic commissioning plan will be developed and will be used to determine the flow of funds as activity changes:-

- Planned changes in activity and case mix due to interventions in the Joint Strategic Commissioning Plan;

- Projected activity and case mix changes due to changes in population need;
- Analysis of the impact on the affected hospital budget, taking into account cost-behaviour i.e. the lag between reduction in capacity and the release of resources.

9.3.3. The process for making adjustments to the set aside resource to reflect variances in performance against plan will be agreed by the IJB and the Health Board. That process shall include prior consultation with Council. In the event that the process identifies adjustments that will affect the cost of adult social care and the Council's financial contribution to the budget of the IJB, those adjustments cannot be made without the council's prior written approval.

#### 9.4. **Budget Management**

9.4.1. The IJB will direct the resources it receives from the Parties in line with the Strategic Plan, and in so doing will seek to ensure that the planned activity can reasonably be met from the available resources viewed as a whole, and achieve a year-end break-even position.

#### 9.5. **Budget Variance**

9.5.1. The Chief Officer will deliver the outcomes within the total delegated resources and where there is a forecast overspend against an element of the operational budget, the Chief Officer should take immediate and appropriate remedial action to endeavour to prevent the overspend and to instruct an action plan. If this does not resolve the overspend position, then the Chief Officer, the Chief Finance Officer of the IJB and the appropriate finance officers of the Parties must agree a recovery plan to balance the overspending budget, which recovery plan shall be subject to the approval of the IJB. In the event that the recovery plan is unsuccessful and an overspend materialises at the year-end,



uncommitted reserves held by the IJB, in line with the reserves policy, would firstly be used to address any overspend. If after application of reserves an overspend remains the Parties may consider making additional funds available, on a basis to be agreed taking into account the nature and circumstances of the overspend, with repayment in future years on the basis of the revised recovery plan agreed by the Parties and the IJB. If the revised plan cannot be agreed by the Parties, or is not approved by the IJB, mediation will require to take place in line with the dispute resolution arrangements set out in this Scheme.

9.5.2. Where an underspend materialises against the agreed budget, with the exception of ring fenced budgets this will be retained by the IJB and in consultation with the Parties will be used to either fund additional capacity in-year in line with its Strategic Plan or be carried forward to fund capacity in subsequent years of the Strategic Plan subject to the terms of the IJB's Reserves Strategy.

## **9.6. Unplanned Costs**

9.6.1. Neither Party may reduce the payment in-year to the IJB to meet exceptional unplanned costs within either the Council or the Health Board without the express consent of the IJB and the other Party.

## **9.7. Accounting Arrangements and Annual Accounts**

9.7.1. Recording of all financial information in respect of the IJB will be in the financial ledger of the Council.

9.7.2. Any transaction specific to the IJB e.g. expenses, will be processed via the Council ledger, with specific funding being allocated by the IJB to the Council for this.

9.7.3. The transactions relating to operational delivery will continue to be reflected in the financial ledgers of the Council and Health Board with

the information from both sources being consolidated for the purposes of reporting financial performance to the IJB.

9.7.4. The Chief Officer and Chief Finance Officer will be responsible for the preparation of the annual accounts and financial statement in line with proper accounting practice, and financial elements of the Strategic Plan and such other reports that the IJB might require. The Chief Finance Officer will provide reports to the Chief Officer on the financial resources used for operational delivery and strategic planning. In order to agree the in-year transactions and year-end balances between the Council, Health Board and Integration Joint Board, the Chief Finance Officer will engage with the Directors of Finance of the Council and Health Board to agree an appropriate process.

9.7.5. Monthly financial monitoring reports will be issued by the Chief Finance Officer to the Chief Office in line with timescales agreed by the Parties. Financial Reports will include subjective and objective analysis of budgets and actual/projected outturn, and such other financial monitoring reports as the IJB might require.

9.7.6. The IJB will receive a financial report at each IJB meeting. This will include reporting on the Acute activity and estimated cost against Set Aside budgets.

## **9.8. Payments between the Council and the Health Board**

9.8.1. The schedule of payments to be made in settlement of the payment due to the IJB will be:

- Resource Transfer, virement between Parties and the net difference between payments made to the Integration Joint Board and resources delegated by the IJB will be transferred between agencies initially in line with existing arrangements, with a final adjustment on closure of the Annual Accounts. Future arrangements may be changed by local agreement.

## **9.9. Hosted Services**

9.9.1. Some of the functions that are delegated by NHS Greater Glasgow and Clyde to all six IJBs are provided as part of a single Glasgow and Clyde wide service, referred to below as “Hosted Services.”

9.9.2. Within Greater Glasgow and Clyde, each IJB can have operational responsibilities for services, which it hosts on behalf of other IJB’s. This includes the strategic planning for these services on behalf of other IJB’s. IJB’s planning to make significant changes to hosted services which increase or decrease the level of service available in specific localities or service wide will consult with the other IJBs affected prior to implementing any significant change.

## **9.10. Capital Assets and Capital Planning**

9.10.1. Capital and assets and the associated running costs will continue to sit with the Parties. The IJB will require to develop a business case for any planned investment or change in use of assets for consideration by the Parties.

## **10. Participation and Engagement (RETAINED AS A PLACEMARKER FOR NOW BUT THIS CLAUSE WILL REQUIRE TO BE REVIEWED AND REDRAFTED ONCE THE STRATEGY IS KNOWN)**

10.1. In developing this Scheme, the parties undertook stakeholder mapping to identify the key stakeholder groups to be consulted in terms of the Act and the most appropriate and effective methods of consultation for each of these groups.

10.2. All stakeholder groups as prescribed in the Public Bodies (Joint Working) (Prescribed Consultees) (Scotland) Regulations 2014 were consulted by the

Parties in the development of this Scheme. Annex 6 details the stakeholders who were consulted and the methods of consultation used.

- 10.3. All responses received during the consultation have been reviewed and taken into consideration in the production of the final version of this Scheme.
- 10.4. The Parties will provide appropriate resources and support to enable the IJB to develop a “participation and engagement strategy” to ensure significant engagement with, and participation by, members of the public, representative groups and other organisations in relation to decisions about the carrying out of integration functions. The resources and support to be made available shall include community engagement staff; communications support; and the development of shared principles for engagement and participation.
- 10.5. Existing forums and networks between the Parties and other stakeholders shall be involved in the development, implementation, review and, where appropriate, monitoring of any new arrangements.
- 10.6. The participation and engagement strategy was agreed by the IJB on 20 November 2015 and shall be subject to regular review.
- 10.7. Participation and engagement of service users and local communities will comply with the principles for the planning and delivery of integrated services set out within the Act, namely that the main purpose of services which are provided in pursuance of integration functions is to improve the wellbeing of service-users; and that, in so far as consistent with the main purpose, those services should be provided in a way which, so far as possible:
  - 10.7.1. Is integrated from the point of view of service-users.
  - 10.7.2. Takes account of the particular needs of different service-users.
  - 10.7.3. Takes account of the particular needs of service-users in different parts of the area in which the service is being provided.
  - 10.7.4. Takes account of the particular characteristics and circumstances of different service users.
  - 10.7.5. Respects the rights of service-users.

- 10.7.6.Takes account of the dignity of service-users.
- 10.7.7.Takes account of the participation by service-users in the community in which service-users live.
- 10.7.8.Protects and improves the safety of service-users.
- 10.7.9.Improves the quality of the service.
- 10.7.10. Is planned and led locally in a way which is engaged with the community (including in particular service-users, those who look after service-users and those who are involved in the provision of health or social care).
- 10.7.11. Best anticipates needs and prevents them arising.
- 10.7.12. Makes the best use of the available facilities, people and other resources.

## **11. Information-Sharing and data handling**

- 11.1. The Parties have, along with all local authorities in the Health Board area, agreed to an Information Sharing Protocol. The Protocol is subject to ongoing review and positively encourages staff to share information appropriately about their service users when it benefits their care and when it is necessary to protect vulnerable adults or children.
- 11.2. The Parties are also bound by a joint local Information Sharing Protocol which has been developed from existing information sharing and data handling arrangements between the Parties and will set out the principles under which information sharing will be carried out.
- 11.3. The Parties will also continue to work together to agree the specific procedures for the sharing of information for any purpose connected to the carrying out of integration functions. These procedures will include the detailed arrangements, practical policies, designated responsibilities and any additional requirements.
- 11.4. Information Sharing Protocols have been ratified by the Parties and may be amended or replaced by agreement of the Parties and the IJB.

- 11.5. The Parties will continue to develop information technology systems and procedures to enable information to be shared appropriately and effectively between the Parties and the IJB.
- 11.6. The Chief Officer will continue to ensure appropriate arrangements are in place in respect of information governance.
12. **Complaints** (FURTHER CHANGES MAY BE REQUIRED AS A RESULT OF THE REVIEW BY THE WORKING GROUP)
- 12.1. The Parties and the IJB will use complaints as a valuable tool for improving services and to identify areas where staff training may be of benefit.
- 12.2. The Parties agree the following arrangements in respect of complaints about the delivery of integrated health and social care services:
- 12.2.1. The Chief Officer will have overall responsibility for ensuring that an effective and efficient complaints system operates within the IJB.
- 12.2.2. The Health Board and the Council will retain separate complaints policies and procedures reflecting distinct statutory requirements: the Patient Rights (Scotland) Act 2011 makes provisions for complaints about NHS services; and the Social Work (Scotland) Act 1968 makes provisions for the complaints about social care services.
- 12.2.3. Complaints to the Council can be made by submitting an online complaint form, by telephoning the relevant department or attending in person, or in writing to the Head of Adult Services, Renfrewshire House, Cotton Street, Paisley, PA1 1BU. Complaints to the NHS Board are made to Head of Board Administration, NHS Greater Glasgow & Clyde, J B Russell House, Gartnavel Royal Hospital, Glasgow G12 0XH in writing, or by telephoning 0141 201 4500 during office hours, or by emailing [complaints@ggc.scot.nhs.uk](mailto:complaints@ggc.scot.nhs.uk). If the service user remains dissatisfied the final stage will be the consideration of complaints by

the Scottish Public Sector Ombudsman.

12.2.4. The existing procedures adopt the principles of early front-line resolution of complaints. Where complaints remain unresolved, they are escalated to a relevant senior manager. Thereafter, if required, complaints shall be escalated to the Chief Officer and/or the Scottish Public Services Ombudsman.

12.2.5. Where a complaint is made direct to the IJB or the Chief Officer, the Chief Officer shall follow the relevant processes and timescales of the complaints procedure of the appropriate Party as determined by the nature of the complaint and the associated functions.

12.2.6. Complaints will be processed depending on the subject matter of the complaint made. Where a complaint relates to multiple services the matters complained about will be processed, so far as possible, as a single complaint with one response from the IJB. Where a joint response to a complaint is not possible or appropriate this will be explained to the complainant who will receive separate responses from the services concerned. Where a complainant is dissatisfied with a joint response, then matters will be dealt with under the respective review or appeal mechanisms of either party, and thereafter dealt with entirely separately.

12.2.7. The IJB will ensure that the person making a complaint is always informed which complaint procedure is being followed and of their right of review of any decision notified.

12.2.8. Complaints management, including the identification of learning from upheld complaints across services, will be subject to periodic review by the IJB.

12.2.9. The IJB will report to the Parties statistics on complaints performance in accordance with national and local reporting arrangements.

### **13. Claims Handling, Liability & Indemnity**

- 13.1. Any claims arising from activities carried out under the direction of the IJB shall be progressed quickly and in a manner which is equitable to the Parties. Normal common law and statutory rules relating to liability shall apply, however it is noted that decisions relating to claims and liabilities will also be subject to any requirements, obligations or conditions of any insurance purchased by either Party.
- 13.2. Each Party will assume responsibility for progressing and determining any third party claim which relates to any act or omission on the part of one of its employees and/ or any claim that relates to the injury or harm of one of its employees.
- 13.3. Each Party will assume responsibility for progressing and determining any claim which relates to any building which is owned or occupied by them subject to any relevant lease terms and conditions.
- 13.4. In the event of any claim arising against the IJB where it is not clear which Party should assume responsibility, the Chief Officer (or his/ her representative) will liaise with the Chief Executives of the Parties (or their representatives) to determine which party should assume responsibility for progressing the claim.
- 13.5. If a third party claim is settled by either Party and it thereafter transpires that liability (in whole or in part) should have rested with the other Party, then the Party settling the claim may seek indemnity from the other Party, subject to normal common law and statutory rules relating to liability.
- 13.6. If a claim has a “cross-boundary” element (such as for Hosted Services) whereby it relates to another integration authority area, the Chief Officers of the integration authorities concerned shall liaise with each other to reach agreement as to how the claim should be progressed and determined.



## **14. Risk Management**

14.1. The IJB will have in place a risk management policy and strategy that will demonstrate a considered, practical and systemic approach to addressing potential and actual risks related to the planning and delivery of services, particularly those related to the IJB's delivery of the Strategic Plan.

13.2 The primary objectives of the strategy will be to:

- Promote awareness of risk and define responsibility for managing risk within the IJB
- Establish communication and sharing of risk information through all areas of the IJB
- Initiate measures to reduce the IJB's exposure to risk and potential loss
- Establish standards and principles for the efficient management of risk, including regular monitoring, reporting and review

13.3 The IJB will have risk management procedures and a risk register encompassing best practice currently undertaken by both Parties in their ongoing management of strategic and operational risk.

13.4 The Parties will provide sufficient resources to ensure that management of risk is delivered and maintained to the standards and reporting timescales as set out in the risk management strategy. Where appropriate, resources currently deployed by the Parties for the support of risk management will be utilised.

13.5 The IJB will be responsible for the formal review of the risk strategy on an annual basis and for the risk register at six-monthly intervals.

13.6 Risks identified will be entered in the risk register utilising a common methodology through which the likelihood and consequence of each risk is analysed and evaluated, and mitigating and control actions identified in order to reduce or contain the level of residual risk.

- 13.7 Risk information will be communicated well and with an appropriate level of scrutiny in relation to planned control actions. This will include reporting to the IJB at least annually. Reporting to the IJB will be based on the principle that risks with higher significance to the Partnership will be reviewed and reported more frequently.

## **15. Dispute resolution mechanism**

- 15.1. Where the Parties fail to agree on any issue related to this Scheme and/or the delivery of integrated health and social care services, then the following process will be followed:-

- (a) The Chief Executives of the Health Board and the Council will meet to resolve the issue;
- (b) If unresolved, the Health Board, the Council and the IJB will each prepare a written note of their position on the issue and exchange it with the others. The Chief Officer, Leader of the Council, Chair of the Health Board and the Chief Executives of the Council and the Health Board will then meet to resolve the issue.
- (c) In the event that the issue remains unresolved, representatives of the Health Board, the Council and the IJB will proceed to mediation with a view to resolving the issue.
- (d) A representative of each of the Council and the Health Board shall meet with the Chief Officer with a view to agreeing a suitable person to be appointed as mediator. If agreement cannot be reached, the Chief Officer will appoint a suitable independent mediator. The mediation process shall be determined by the mediator appointed and the costs of mediation shall be shared equally between the Parties.
- (e) If the issue remains unresolved after following the processes outlined in (a)-(d) above, the Parties agree that they will notify the Scottish Ministers

that agreement cannot be reached. The notification will explain the nature of the dispute and the actions taken to try to resolve it including any written opinion or recommendations issued by the mediator. The Scottish Ministers will be requested to make a determination on the dispute and the Parties agree to be bound by that determination.

## Annex 1

### Part 1

#### Functions delegated by the Health Board to the IJB

Set out below is the list of functions that must be delegated by the Health Board to the IJB as set out in the Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Regulations 2014.

#### SCHEDULE 2 Regulation 3

Functions prescribed for the purposes of section 1(8) of the Act

<i>Column A</i>	<i>Column B</i>
<b>The National Health Service (Scotland) Act 1978</b>	
All functions of Health Boards conferred by, or by virtue of, the National Health Service (Scotland) Act 1978	Except functions conferred by or by virtue of—  section 2(7) (Health Boards);  section 2CB <sup>(1)</sup> (Functions of Health Boards outside Scotland);  section 9 (local consultative committees);  section 17A (NHS Contracts);  section 17C (personal medical or dental services);  section 17I <sup>(2)</sup> (use of accommodation);  section 17J (Health Boards' power to enter into general medical services contracts);  section 28A (remuneration for Part II services);  section 38 <sup>(3)</sup> (care of mothers and young children);  section 38A <sup>(4)</sup> (breastfeeding);

<sup>(1)</sup> Section 2CB was inserted by S.S.I. 2010/283, regulation 3(2) and originally numbered Section 2CA. It was renumbered Section 2CB by S.S.I. 2013/292.

<sup>(2)</sup> Section 17I was inserted by the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2 and amended by the Primary Medical Services (Scotland) Act 2004 (asp 1), section 4. The functions of the Scottish Ministers under section 17I are conferred on Health Boards by virtue of S.I. 1991/570, as amended by S.S.I. 2006/132.

<sup>(3)</sup> The functions of the Secretary of State under section 38 are conferred on Health Boards by virtue of S.I. 1991/570.

<sup>(4)</sup> Section 38A was inserted by the Breastfeeding etc (Scotland) Act 2005 (asp 1), section 4. The functions of the Scottish Ministers under section 38A are conferred on Health Boards by virtue of S.I. 1991/570 as amended by S.S.I. 2006/132.

section 39<sup>(5)</sup> (medical and dental inspection, supervision and treatment of pupils and young persons);

section 48 (provision of residential and practice accommodation);

section 55<sup>(6)</sup> (hospital accommodation on part payment);

section 57 (accommodation and services for private patients);

section 64 (permission for use of facilities in private practice);

section 75A<sup>(7)</sup> (remission and repayment of charges and payment of travelling expenses);

section 75B<sup>(8)</sup> (reimbursement of the cost of services provided in another EEA state);

section 75BA <sup>(9)</sup> (reimbursement of the cost of services provided in another EEA state where expenditure is incurred on or after 25 October 2013);

section 79 (purchase of land and moveable property);

section 82<sup>(10)</sup> (use and administration of certain endowments and other property held by Health Boards);

section 83<sup>(11)</sup> (power of Health Boards and local health councils to hold property on trust);

section 84A<sup>(12)</sup> (power to raise money, etc., by appeals, collections etc.);

section 86 (accounts of Health Boards and the Agency);

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<sup>(5)</sup> Section 39 was relevantly amended by the Self Governing Schools etc (Scotland) Act 1989 (c.39) Schedule 11; the Health and Medicines Act 1988 (c.49) section 10 and Schedule 3 and the Standards in Scotland's Schools Act 2000 (asp 6), schedule 3.

<sup>(6)</sup> Section 55 was amended by the Health and Medicines Act 1988 (c.49), section 7(9) and Schedule 3 and the National Health Service and Community Care Act 1990 (c.19), Schedule 9. The functions of the Secretary of State under section 55 are conferred on Health Boards by virtue of S.I. 1991/570.

<sup>(7)</sup> Section 75A was inserted by the Social Security Act 1988 (c.7), section 14, and relevantly amended by S.S.I. 2010/283. The functions of the Scottish Ministers in respect of the payment of expenses under section 75A are conferred on Health Boards by S.S.I. 1991/570.

<sup>(8)</sup> Section 75B was inserted by S.S.I. 2010/283, regulation 3(3) and amended by S.S.I. 2013/177.

<sup>(9)</sup> Section 75BA was inserted by S.S.I. 2013/292, regulation 8(4).

<sup>(10)</sup> Section 82 was amended by the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 7) section 1(2) and the National Health Service Reform (Scotland) Act 2004 (asp 7), schedule 2.

<sup>(11)</sup> There are amendments to section 83 not relevant to the exercise of a Health Board's functions under that section.

<sup>(12)</sup> Section 84A was inserted by the Health Services Act 1980 (c.53), section 5(2). There are no amendments to section 84A which are relevant to the exercise of a Health Board's functions.

section 88 (payment of allowances and remuneration to members of certain bodies connected with the health services);

section 98 <sup>(13)</sup> (charges in respect of non-residents); and

paragraphs 4, 5, 11A and 13 of Schedule 1 to the Act (Health Boards);

and functions conferred by—

The National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989 <sup>(14)</sup>;

The Health Boards (Membership and Procedure) (Scotland) Regulations 2001/302;  
The National Health Service (Clinical Negligence and Other Risks Indemnity Scheme) (Scotland) Regulations 2000/54;

The National Health Services (Primary Medical Services Performers Lists) (Scotland) Regulations 2004/114;

The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018/67<sup>15</sup>;

The National Health Service (Discipline Committees) Regulations 2006/330;

The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006/135;

The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009/183;

The National Health Service (General Dental Services) (Scotland) Regulations 2010/205; and

The National Health Service (Free Prescription and Charges for Drugs and Appliances) (Scotland) Regulations 2011/55<sup>(16)</sup>.

## **Disabled Persons (Services, Consultation and Representation) Act 1986**

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<sup>(13)</sup> Section 98 was amended by the Health and Medicines Act 1988 (c.49), section 7. The functions of the Secretary of State under section 98 in respect of the making, recovering, determination and calculation of charges in accordance with regulations made under that section is conferred on Health Boards by virtue of S.S.I. 1991/570.

<sup>(14)</sup> S.I. 1989/364, as amended by S.I. 1992/411; S.I. 1994/1770; S.S.I. 2004/369; S.S.I. 2005/455; S.S.I. 2005/572 S.S.I. 2006/141; S.S.I. 2008/290; S.S.I. 2011/25 and S.S.I. 2013/177.

<sup>15</sup> Words substituted by National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations S.S.I. 2018/67.

<sup>(16)</sup> S.S.I. 2011/55, to which there are amendments not relevant to the exercise of a Health Board's functions.

Section 7  
(Persons discharged from hospital)

**Community Care and Health (Scotland) Act 2002**

All functions of Health Boards conferred by, or by virtue of, the Community Care and Health (Scotland) Act 2002.

**Mental Health (Care and Treatment) (Scotland) Act 2003**

All functions of Health Boards conferred by, or by virtue of, the Mental Health (Care and Treatment) (Scotland) Act 2003.

Except functions conferred by—

section 22 (Approved medical practitioners);

section 34 (Inquiries under section 33: co-operation)<sup>(17)</sup>;

section 38 (Duties on hospital managers: examination notification etc.)<sup>(18)</sup>;

section 46 (Hospital managers' duties: notification)<sup>(19)</sup>;

section 124 (Transfer to other hospital);

section 228 (Request for assessment of needs: duty on local authorities and Health Boards);

section 230 (Appointment of a patient's responsible medical officer);

section 260 (Provision of information to patients);

section 264 (Detention in conditions of excessive security: state hospitals);

section 267 (Orders under sections 264 to 266: recall);

section 281<sup>(20)</sup> (Correspondence of certain persons detained in hospital);

and functions conferred by—

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<sup>(17)</sup> There are amendments to section 34 not relevant to the exercise of a Health Board's functions under that section.

<sup>(18)</sup> Section 329(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 provides a definition of "managers" relevant to the functions of Health Boards under that Act.

<sup>(19)</sup> Section 46 is amended by S.S.I. 2005/465.

<sup>(20)</sup> Section 281 is amended by S.S.I. 2011/211.

The Mental Health (Safety and Security)  
(Scotland) Regulations 2005<sup>(21)</sup>;

The Mental Health (Cross Border transfer:  
patients subject to detention requirement or  
otherwise in hospital) (Scotland) Regulations  
2005<sup>(22)</sup>;

The Mental Health (Use of Telephones)  
(Scotland) Regulations 2005<sup>(23)</sup>; and

The Mental Health (England and Wales Cross  
border transfer: patients subject to detention  
requirement or otherwise in hospital) (Scotland)  
Regulations 2008<sup>(24)</sup>.

#### **Education (Additional Support for Learning) (Scotland) Act 2004**

Section 23

(other agencies etc. to help in exercise of  
functions under this Act)

#### **Public Services Reform (Scotland) Act 2010**

All functions of Health Boards conferred by, or  
by virtue of, the Public Services Reform  
(Scotland) Act 2010

Except functions conferred by—

section 31(Public functions: duties to provide  
information on certain expenditure etc.); and

section 32 (Public functions: duty to provide  
information on exercise of functions).

#### **Patient Rights (Scotland) Act 2011**

All functions of Health Boards conferred by, or  
by virtue of, the Patient Rights (Scotland) Act  
2011

Except functions conferred by The Patient  
Rights (Complaints Procedure and  
Consequential Provisions) (Scotland)  
Regulations 2012/36<sup>(25)</sup>.

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## **Part 2**

### **Services currently provided by the Health Board which are to be integrated**

Set out below is the list of services that the minimum list of delegable functions is exercisable in relation to.

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<sup>(21)</sup> S.S.I. 2005/464, to which there are amendments not relevant to the exercise of the functions of a Health Board. Section 329(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 provides a definition of “managers” relevant to the functions of Health Boards.

<sup>(22)</sup> S.S.I. 2005/467. Section 329(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 provides a definition of “managers” relevant to the functions of Health Boards.

<sup>(23)</sup> S.S.I. 2005/468. Section 329(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 provides a definition of “managers” relevant to the functions of Health Boards.

<sup>(24)</sup> S.S.I. 2008/356. Section 329(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 provides a definition of “managers” relevant to the functions of Health Boards.

<sup>(25)</sup> S.S.I. 2012/36. Section 5(2) of the Patient Rights (Scotland) Act 2011 (asp 5) provides a definition of “relevant NHS body” relevant to the exercise of a Health Board’s functions.



## PART 1

### Interpretation of Schedule 3

10. In this schedule—

“Allied Health Professional” means a person registered as an allied health professional with the Health Professions Council;

“general medical practitioner” means a medical practitioner whose name is included in the General Practitioner Register kept by the General Medical Council;

“general medical services contract” means a contract under section 17J of the National Health Service (Scotland) Act 1978;

“hospital” has the meaning given by section 108(1) of the National Health Service (Scotland) Act 1978;

“inpatient hospital services” means any health care service provided to a patient who has been admitted to a hospital and is required to remain in that hospital overnight, but does not include any secure forensic mental health services;

“out of hours period” has the same meaning as in regulation 2 of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004<sup>(26)</sup>; and

“the public dental service” means services provided by dentists and dental staff employed by a health board under the public dental service contract.

## PART 2

11. Accident and Emergency services provided in a hospital.
12. Inpatient hospital services relating to the following branches of medicine—
  - (a) general medicine;
  - (b) geriatric medicine;
  - (c) rehabilitation medicine;
  - (d) respiratory medicine; and
  - (e) psychiatry of learning disability.
13. Palliative care services provided in a hospital.
14. Inpatient hospital services provided by General Medical Practitioners.
15. Services provided in a hospital in relation to an addiction or dependence on any substance.
16. Mental health services provided in a hospital, except secure forensic mental health services.

## PART 3

17. District nursing services.
18. Services provided outwith a hospital in relation to an addiction or dependence on any substance.
19. Services provided by allied health professionals in an outpatient department, clinic, or outwith a hospital.

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<sup>(26)</sup> S.S.I. 2004/115.

20. The public dental service.
21. Primary medical services provided under a general medical services contract, and arrangements for the provision of services made under section 17C of the National Health Service (Scotland) Act 1978, or an arrangement made in pursuance of section 2C(2) of the National Health Service (Scotland) Act 1978<sup>(27)</sup>.
22. General dental services provided under arrangements made in pursuance of section 25 of the National Health (Scotland) Act 1978<sup>(28)</sup>.
23. Ophthalmic services provided under arrangements made in pursuance of section 17AA or section 26 of the National Health Service (Scotland) Act 1978<sup>(29)</sup>.
24. Pharmaceutical services and additional pharmaceutical services provided under arrangements made in pursuance of sections 27 and 27A of the National Health Service (Scotland) Act 1978<sup>(30)</sup>.
25. Services providing primary medical services to patients during the out-of-hours period.
26. Services provided outwith a hospital in relation to geriatric medicine.
27. Palliative care services provided outwith a hospital.
28. Community learning disability services.
29. Mental health services provided outwith a hospital.
30. Continence services provided outwith a hospital.
31. Kidney dialysis services provided outwith a hospital.
32. Services provided by health professionals that aim to promote public health.

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<sup>(27)</sup> Section 2C was inserted by the Primary Medical Services (Scotland) Act 2004 (asp 1), section 1(2) and relevantly amended by the National Health Service Reform (Scotland) Act 2004 (asp 7), schedule 1, and the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3), section 37.

<sup>(28)</sup> Section 25 was relevantly amended by the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), section 15.

<sup>(29)</sup> Section 17AA was inserted by the National Health Service (Primary Care) Act 1997 (c.46), section 31(2) and relevantly amended by the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), section 25. Section 26 was relevantly amended by the Health and Social Security Act 1984 (c.48), Schedule 1, and the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) section 13.

<sup>(30)</sup> Section 27 was relevantly amended by the Health Services Act 1990 (c.53), section 20; the National Health Service and Community Care Act 1990 (c.19), Schedule 9; the Medicinal Products: Prescription by Nurses etc. Act 1992 (c.28), section 3; the National Health Service and Community Care Act 1997 (c.46), Schedule 2 and the Health and Social Care Act 2001 (c.15), section 44.

## Annex 2

### Part 1

#### Functions delegated by the Local Authority to the IJB

Set out below is the list of functions that must be delegated by the local authority to the IJB as set out in the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Regulations 2014.

#### SCHEDULE Regulation 2

### PART 1

Functions prescribed for the purposes of section 1(7) of the Public Bodies (Joint Working) (Scotland) Act 2014

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
<b>National Assistance Act 1948<sup>(31)</sup></b>	
Section 48 (Duty of councils to provide temporary protection for property of persons admitted to hospitals etc.)	
<b>The Disabled Persons (Employment) Act 1958<sup>(32)</sup></b>	
Section 3 (Provision of sheltered employment by local authorities)	
<b>The Social Work (Scotland) Act 1968<sup>(33)</sup></b>	

<sup>(31)</sup> 1948 c.29; section 48 was amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 39, paragraph 31(4) and the Adult Support and Protection (Scotland) Act 2007 (asp 10) schedule 2 paragraph 1.

<sup>(32)</sup> 1958 c.33; section 3 was amended by the Local Government Act 1972 (c.70), section 195(6); the Local Government (Scotland) Act 1973 (c.65), Schedule 27; the National Health Service (Scotland) Act 1978 (c.70), schedule 23; the Local Government Act 1985 (c.51), Schedule 17; the Local Government (Wales) Act 1994 (c.19), Schedules 10 and 18; the Local Government etc. (Scotland) Act 1994 (c.49), Schedule 13; and the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1.

<sup>(33)</sup> 1968 c.49; section 1 was relevantly amended by the National Health Service (Scotland) Act 1972 (c.58), schedule 7; the Children Act 1989 (c.41), Schedule 15; the National Health Service and Community Care Act 1990 (c.19) ("the 1990 Act"), schedule 10; S.S.I. 2005/486 and S.S.I. 2013/211. Section 4 was amended by the 1990 Act, Schedule 9, the Children (Scotland) Act 1995 (c.36) ("the 1995 Act"), schedule 4; the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) ("the 2003 Act"), schedule 4; and S.S.I. 2013/211. Section 10 was relevantly amended by the Children Act 1975 (c.72), Schedule 2; the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13; the Regulation of Care (Scotland) Act 2001 (asp 8) ("the 2001 Act") schedule 3; S.S.I. 2010/21 and S.S.I. 2011/211. Section 12 was relevantly amended by the 1990 Act, section 66 and Schedule 9; the 1995

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
Section 1 (Local authorities for the administration of the Act.)	So far as it is exercisable in relation to another integration function.
Section 4 (Provisions relating to performance of functions by local authorities.)	So far as it is exercisable in relation to another integration function.
Section 8 (Research.)	So far as it is exercisable in relation to another integration function.
Section 10 (Financial and other assistance to voluntary organisations etc. for social work.)	So far as it is exercisable in relation to another integration function.
Section 12 (General social welfare services of local authorities.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 12A (Duty of local authorities to assess needs.)	So far as it is exercisable in relation to another integration function.
Section 12AZA (Assessments under section 12A - assistance)	So far as it is exercisable in relation to another integration function.
Section 13 (Power of local authorities to assist persons in need in disposal of produce of their work.)	
Section 13ZA (Provision of services to incapable adults.)	So far as it is exercisable in relation to another integration function.

Act, Schedule 4; and the Immigration and Asylum Act 1999 (c.33), section 120(2). Section 12A was inserted by the 1990 Act, section 55, and amended by the Carers (Recognition and Services) Act 1995 (c.12), section 2(3) and the Community Care and Health (Scotland) Act 2002 (asp 5) ("the 2002 Act"), sections 8 and 9(1). Section 12AZA was inserted by the Social Care (Self Directed Support) (Scotland) Act 2013 (asp 1), section 17. Section 12AA and 12AB were inserted by the 2002 Act, section 9(2). Section 13 was amended by the Community Care (Direct Payments) Act 1996 (c.30), section 5. Section 13ZA was inserted by the Adult Support and Protection (Scotland) Act 2007 (asp 10), section 64. Section 13A was inserted by the 1990 Act, section 56 and amended by the Immigration and Asylum Act 1999 (c.33), section 102(2); the 2001 Act, section 72 and schedule 3; the 2002 Act, schedule 2 and by S.S.I. 2011/211. Section 13B was inserted by the 1990 Act sections 56 and 67(2) and amended by the Immigration and Asylum Act 1999 (c.33), section 120(3). Section 14 was amended by the Health Services and Public Health Act 1968 (c.46), sections 13, 44 and 45; the National Health Service (Scotland) Act 1972 (c.58), schedule 7; the Guardianship Act 1973 (c.29), section 11(5); the Health and Social Service and Social Security Adjudications Act 1983 (c.41), schedule 10 and the 1990 Act, schedule 9. Section 28 was amended by the Social Security Act 1986 (c.50), Schedule 11 and the 1995 Act, schedule 4. Section 29 was amended by the 1995 Act, schedule 4. Section 59 was amended by the 1990 Act, schedule 9; the 2001 Act, section 72(c); the 2003 Act, section 25(4) and schedule 4 and by S.S.I. 2013/211.

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
Section 13A (Residential accommodation with nursing.)	
Section 13B (Provision of care or aftercare.)	
Section 14 (Home help and laundry facilities.)	
Section 28 (Burial or cremation of the dead.)	So far as it is exercisable in relation to persons cared for or assisted under another integration function.
Section 29 (Power of local authority to defray expenses of parent, etc., visiting persons or attending funerals.)	
Section 59 (Provision of residential and other establishments by local authorities and maximum period for repayment of sums borrowed for such provision.)	So far as it is exercisable in relation to another integration function.
<b>The Local Government and Planning (Scotland) Act 1982<sup>(34)</sup></b>	
Section 24(1) (The provision of gardening assistance for the disabled and the elderly.)	
<b>Disabled Persons (Services, Consultation and Representation) Act 1986<sup>(35)</sup></b>	
Section 2 (Rights of authorised representatives of disabled persons.)	
Section 3 (Assessment by local authorities of needs of disabled persons.)	
Section 7 (Persons discharged from hospital.)	In respect of the assessment of need for any services provided under functions contained in welfare enactments within the meaning of section 16 and which have been delegated.
Section 8 (Duty of local authority to take into account abilities of carer.)	In respect of the assessment of need for any services provided under functions contained in welfare enactments (within the meaning set out in section 16 of that Act) which are integration functions.

<sup>(34)</sup> 1982 c.43; section 24(1) was amended by the Local Government etc. (Scotland) Act 1994 (c.39), schedule 13.

<sup>(35)</sup> 1986 c.33. There are amendments to sections 2 and 7 which are not relevant to the exercise of a local authority's functions under those sections.

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
<b>The Adults with Incapacity (Scotland) Act 2000<sup>(36)</sup></b>	
Section 10 (Functions of local authorities.)	
Section 12 (Investigations.)	
Section 37 (Residents whose affairs may be managed.)	Only in relation to residents of establishments which are managed under integration functions.
Section 39 (Matters which may be managed.)	Only in relation to residents of establishments which are managed under integration functions.
Section 41 (Duties and functions of managers of authorised establishment.)	Only in relation to residents of establishments which are managed under integration functions
Section 42 (Authorisation of named manager to withdraw from resident's account.)	Only in relation to residents of establishments which are managed under integration functions
Section 43 (Statement of resident's affairs.)	Only in relation to residents of establishments which are managed under integration functions
Section 44 (Resident ceasing to be resident of authorised establishment.)	Only in relation to residents of establishments which are managed under integration functions
Section 45 (Appeal, revocation etc.)	Only in relation to residents of establishments which are managed under integration functions
<b>The Housing (Scotland) Act 2001<sup>(37)</sup></b>	
Section 92 (Assistance to a registered for housing purposes.)	Only in so far as it relates to an aid or adaptation.
<b>The Community Care and Health (Scotland) Act 2002<sup>(38)</sup></b>	
Section 5 (Local authority arrangements for of residential accommodation outwith Scotland.)	

<sup>(36)</sup> 2000 asp 4; section 12 was amended by the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), schedule 5(1). Section 37 was amended by S.S.I. 2005/465. Section 39 was amended by the Adult Support and Protection (Scotland) Act 2007 (asp 10), schedule 1 and by S.S.I. 2013/137. Section 41 was amended by S.S.I. 2005/465; the Adult Support and Protection (Scotland) Act 2007 (asp 10), schedule 1 and S.S.I. 2013/137. Section 45 was amended by the Regulation of Care (Scotland) Act 2001 (asp 8), Schedule 3.

<sup>(37)</sup> 2001 asp 10; section 92 was amended by the Housing (Scotland) Act 2006 (asp 1), schedule 7.

<sup>(38)</sup> 2002 asp 5.

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
Section 14 (Payments by local authorities towards expenditure by NHS bodies on prescribed functions.)	
<b>The Mental Health (Care and Treatment) (Scotland) Act 2003<sup>(39)</sup></b>	
Section 17 (Duties of Scottish Ministers, local authorities and others as respects Commission.)	
Section 25 (Care and support services etc.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 26 (Services designed to promote well-being and social development.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 27 (Assistance with travel.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 33 (Duty to inquire.)	
Section 34 (Inquiries under section 33: Co-operation.)	
Section 228 (Request for assessment of needs: duty on local authorities and Health Boards.)	
Section 259 (Advocacy.)	
<b>The Housing (Scotland) Act 2006<sup>(40)</sup></b>	
Section 71(1)(b) (Assistance for housing purposes.)	Only in so far as it relates to an aid or adaptation.
<b>The Adult Support and Protection (Scotland) Act 2007<sup>(41)</sup></b>	
Section 4 (Council's duty to make inquiries.)	

<sup>(39)</sup> 2003 asp 13; section 17 was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), section 111(4), and schedules 14 and 17, and by the Police and Fire Reform (Scotland) Act 2012 (asp 8), schedule 7. Section 25 was amended by S.S.I. 2011/211. Section 34 was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedules 14 and 17.

<sup>(40)</sup> 2006 asp 1; section 71 was amended by the Housing (Scotland) Act 2010 (asp 17) section 151.

<sup>(41)</sup> 2007 asp 10; section 5 and section 42 were amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedules 14 and 17 and by the Police and Fire Reform (Scotland) Act 2012 (asp 8), schedule 7. Section 43 was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 14.

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
Section 5 (Co-operation.)	
Section 6 (Duty to consider importance of providing advocacy and other.)	
Section 11 (Assessment Orders.)	
Section 14 (Removal orders.)	
Section 18 (Protection of moved persons property.)	
Section 22 (Right to apply for a banning order.)	
Section 40 (Urgent cases.)	
Section 42 (Adult Protection Committees.)	
Section 43 (Membership.)	
<b>Social Care (Self-directed Support) (Scotland) Act 2013<sup>(42)</sup></b>	
Section 5 (Choice of options: adults.)	
Section 6 (Choice of options under section 5: assistances.)	
Section 7 (Choice of options: adult carers.)	
Section 9 (Provision of information about self-directed support.)	
Section 11 (Local authority functions.)	
Section 12 (Eligibility for direct payment: review.)	
Section 13 (Further choice of options on material change of circumstances.)	Only in relation to a choice under section 5 or 7 of the Social Care (Self-directed Support) (Scotland) Act 2013 .

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<sup>(42)</sup> 2013 asp 1.



<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i>	<i>Limitation</i>
Section 16 (Misuse of direct payment: recovery.)	
Section 19 (Promotion of options for self-directed support.)	
<b>Carers (Scotland) Act 2016</b>	
Section 6 (duty to prepare adult carer support plan.)	
Section 21 (duty to set local eligibility criteria.)	
Section 24 (duty to provide support.)	
Section 25 (provision of support to carers: breaks from caring.)	
Section 31 (duty to prepare local carer strategy.)	
Section 34 (information and advice service for carers.)	
Section 35 (short breaks services statement.)	

## PART 2

Functions, conferred by virtue of enactments, prescribed for the purposes of section 1(7) of the Public Bodies (Joint Working) (Scotland) Act 2014

<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i>	<i>Limitation</i>
<b>The Community Care and Health (Scotland) Act 2002</b>	
Section 4 <sup>(43)</sup> The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulations 2002 <sup>(44)</sup>	

## Part 2

<sup>(43)</sup> Section 4 was amended by the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), schedule 4 and the Adult Support and Protection (Scotland) Act 2007 (asp 10), section 62(3).  
<sup>(44)</sup> S.S.I. 2002/265, as amended by S.S.I. 2005/445.

## **Services currently provided by the Local Authority which are to be integrated**

Scottish Ministers have set out in guidance that the services set out below must be integrated to the extent that these are exercisable in relation to persons of at least 18 years of age.

- Social work services for adults and older people
- Services and support for adults with physical disabilities and learning disabilities
- Mental health services
- Drug and alcohol services
- Adult protection and domestic abuse
- Carers support services
- Community care assessment teams
- Support services
- Care home services
- Adult placement services
- Health improvement services
- Aspects of housing support, including aids and adaptations
- Day services
- Local area co-ordination
- Respite provision
- Occupational therapy services
- Re-ablement services, equipment and telecare

## Annex 3

### Hosted Services (subject to guidance from Chief Officers Group)

The Councils within NHS Greater Glasgow & Clyde area and the Health Board propose that certain integrated health services will be provided by one Integration Joint Board on behalf of the others under a service level agreement. The services proposed to be covered by hosting arrangements are detailed below.

Service Area	Host Authority
Oral Health – public dental service and primary care dental care contractual support	East Dunbartonshire
Specialist Children’s Services (Tier 4 and Community)	East Dunbartonshire
Specialist learning disability services and learning disability system-wide planning & co-ordination	East Renfrewshire
SCTCI (AAC)	East Renfrewshire
Continence services outwith hospital	Glasgow
Sexual Health Services (Sandyford)	Glasgow
Specialist drug and alcohol services and system-wide planning & co-ordination	Glasgow
Specialist mental health services and mental health system-wide planning & co-ordination	Glasgow
Prison Healthcare and custody suites	Glasgow
GP OOHs (Operational)	Health Board (Acute)
GP OOHs (Strategic Planning)	Renfrewshire
Podiatry services	Renfrewshire
Primary care contractual support (medical and optical)	Renfrewshire

Musculoskeletal Physiotherapy	West Dunbartonshire
Retinal Screening	West Dunbartonshire

## **Annex 4**

### **Part 1 – Additional Health Board Functions**

National Health Services (Scotland) Act 1978 Sections 36 (accommodation and services), 38 (Care of mothers and young children) and 39 (medical and dental inspection, supervision and treatment of pupils and young persons), so far as they relate to school nursing and health visiting services.

National Health Services (Scotland) Act 1978 Sections 36 (accommodation and services) for the provision of medical, nursing and other services in relation to specialist children's services for those aged under 18 years of age.

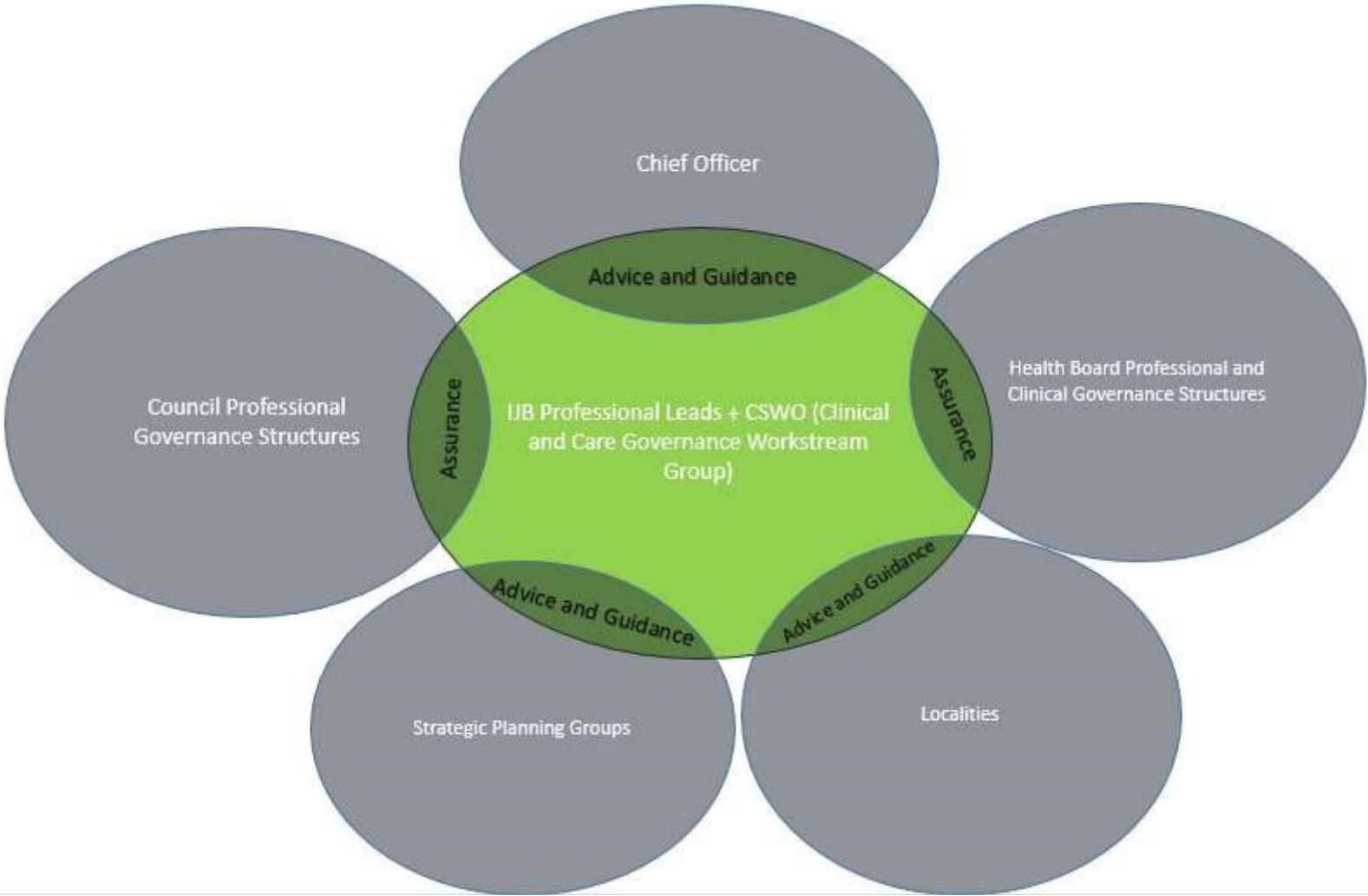
Mental Health (Care and Treatment) (Scotland) Act 2003 Section 23 (provision of services and accommodation for certain patients under 18) for the provision of appropriate services to any child or young person aged under 18 who is receiving treatment for a mental disorder wither on a voluntary basis or is detained under provisions within the Act. There is to be excluded from such provision any care or treatment provided under regionally funded arrangements for in-patient accommodation.

Mental Health (Care and Treatment) (Scotland) Act 2003 Section 24 (provision of services and accommodation for certain mothers with post-natal depression) provision to allow a mother whilst receiving treatment to care for her child in hospital).

## Part 2 – Additional Services

- School Nursing and Health Visitor Services
- Child and Adolescent Mental Health Services (excluding the Child and Adolescent In-Patient unit currently provided at Skye House)
- Children's Specialist Services

Annex 5 – Governance Relationships



## **Annex 6**

### **Stakeholders consulted on the development of Renfrewshire's Integration Scheme and Methods of Consultation (TO BE COMPLETED FOLLOWING THE CONSULTATION)**