
To: Shadow Integration Joint Board

On: 20th March, 2015

Report by: Chief Officer Designate and Director of Finance & Resources,
Renfrewshire Council

Heading: Update on Legislation and Guidance for Health and Social Care
Integration

1. Summary

- 1.1 The purpose of this report is to provide an update on the development of legislation and guidance for Health and Social Care Integration.
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2. Recommendation

- 2.1 That the Shadow Integration Joint Board notes the report.

3. The Public Bodies (Joint Working) (Scotland) Act 2014

- 3.1 The Public Bodies (Joint Working) (Scotland) Act 2014 (the Act) received Royal Assent on 1 April 2014. It puts in place the framework for the formal integration of health and social care services from April 2015, and has significant implications for the future governance and delivery arrangements of adult health and social care.

- 3.2 Some of the key provisions contained in the Act are as follows:-

- The requirement to integrate all community health and social care services for adults, as a minimum, within either an IJB or within a lead agency model;
- Establishment of IJBs and integration joint monitoring committees for the governance and oversight of integrated health and social care services;
- The abolition of Community Health Partnerships.

- Prescribed national outcomes for health and wellbeing and principles for planning and delivery of integrated functions.
- The requirement for the Health Board and the Council to enter into an Integration Scheme to delegate functions the IJB and to set out the detail as to how they will work jointly to integrate and plan for services in accordance with the Act;
- The requirement for IJBs to appoint a Chief Officer.
- Detailed requirements and procedures regarding the preparation of the Strategic Plan of the IJB which will set out arrangements for delivery of integration functions and how it will meet the national health and wellbeing outcomes.
- Consultation and stakeholder engagement requirements.

4. Overview of Regulations and Orders Made Under the Act

4.1 The Act is supplemented by a number of Regulations and Orders including:-

- **The Public Bodies (Joint Working) (Integration Scheme) (Scotland) Regulations 2014** which prescribe matters which must be included in an Integration Scheme;
- **The Public Bodies (Joint Working) (National Health and Wellbeing Outcomes) (Scotland) Regulations 2014** which prescribe the National Health and Wellbeing Outcomes which are intended to provide a strategic framework for the delivery of health and social care services;
- **The Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Regulations 2014** which set out the functions that may and must be delegated by Health Boards;
- **The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Regulations 2014** which set out the functions that must be delegated by Councils;
- **The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014** which details the requirements for membership, powers and proceedings of Integration Joint Boards;
- **The Public Bodies (Prescribed Consultees) (Scotland) Regulations 2014** which prescribe who must be consulted when the Integration Scheme is being prepared or revised or the Strategic Plan is being prepared or where a decision is to be taken which might significantly affect service provision in a locality;

- **The Public Bodies (Joint Working) (Local Authority Officers) (Scotland) Regulations 2014** which provide that certain functions that are conferred on a council officer by the Adult Support and Protection (Scotland) Act 2007 are deemed to have been conferred also on an officer of the Health Board provided that officer meets certain requirements;
- **The Public Bodies (Joint Working) (Prescribed Days) (Scotland) Regulations 2014** which prescribe 1 April 2015 as the day by which the Integration Scheme must be submitted to the Scottish Ministers for approval; and 1 April 2016 as the latest date for functions to be delegated;
- **The Public Bodies (Joint Working) (Health Professionals and Social Care Professionals) (Scotland) Regulations 2014** which provide descriptions of persons who are defined as health professionals and social care professionals for the purposes of the Act;
- **The Public Bodies (Joint Working) (Membership of Strategic Planning Group) (Scotland) Regulations 2014** which set out the groups of persons who must be represented on strategic planning group that the IJB requires to establish; and
- **The Public Bodies (Joint Working) (Content of Performance Monitoring Reports) (Scotland) Regulations 2014** which set out requirements in relation to performance reporting.

5. Other Legislation that will impact on the IJB

- 5.1 Under the Freedom of Information (Scotland) Act 2002 (Scottish Public Authorities) Amendment Order 2014, IJBs have been added to the list of public authorities that are subject to the Freedom of Information Act 2002.
- 5.2 Similarly, under the Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2015, IJBs will be public authorities for the purposes of the Equality Act 2010.
- 5.3 The Scottish Government is also currently working on an order to make consequential amendments to other legislation that are required as a result of the Act.

6. Guidance on Health and Social Care Integration

- 6.1 In addition to the legislation, the Scottish Government has produced the following guidance documents:

- **National Health and Wellbeing Outcomes:** A guidance framework on the National Health and Wellbeing Outcomes that apply to integrated health and social care.
- **Professional Guidance, Advice and Recommendations for Shadow Integration Arrangements:** Guidance to support integrated budgets and a finance implementation checklist to assist Health Boards, Local Authorities and Shadow Integration Joint Boards to prepare for financial and governance arrangements under integration.
- **Financial Assurance:** Guidance and advice to Health Boards, Local Authorities and Integration Authorities on the process of assurance and integrated budgets.
- **Financial Planning for Large Hospital Services and Hosted Services:** Guidance on the financial aspects of delegated services provided in 'large hospitals' and the treatment of hosted services included in delegated functions.
- **Clinical and Care Governance Framework:** Guidance on the key elements and principles to be reflected in local clinical and care governance integrated arrangements.
- **Health and Social Care Functions:** This note sets out the scope of the health and social care functions to be included in integration and describes which health and social care functions **must** and **may** be integrated under the legislation.
- **Model Integration Scheme:** Guidance which sets out an example of what should be included with in an Integration Scheme.
- **Integration Planning and Delivery Principles:** Guidance on the planning and delivery principles which describe how integrated care should be planned and delivered and how the principles will work in tandem with the National Health and Wellbeing Outcomes.
- **Strategic Commissioning Plans:** Guidance for everyone involved in the commissioning health and social care services.

6.2 Further guidance and advice is planned to be published as follows:-

- Integration Joint Board - March 2015
- Integration Joint Monitoring Committee - March 2015
- Integration Measurement Framework - April 2015
- Performance Report - Summer 2015

Implications of the Report

1. **Financial** – none.
2. **HR & Organisational Development** – none.
3. **Community Planning** – none.
4. **Legal** – none
5. **Property/Assets** – none.
6. **Information Technology** – none.
7. **Equality & Human Rights** - The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's and NHS GG&C websites.
8. **Health & Safety** – none.
9. **Procurement** – none.
10. **Risk** – none.
11. **Privacy Impact** – none.

List of Background Papers –

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