

Public Bodies (Joint Working) (Scotland) Bill A Summary

Introduction

On 28 May 2013, the Scottish Government introduced the Public Bodies (Joint Working) (Scotland) Bill to the Scottish Parliament. This followed last year's consultation on proposals to integrate the planning and delivery of adult health and social care.

This paper provides a summary of each Section of the Bill as introduced, to assist Voluntary Health Scotland members to gain an overview of its intentions, structure and content. Over the coming weeks and months we will be working in partnership with members to develop the voluntary health sector's position on the Bill. We are holding a **members briefing event** on the Bill on Monday 1 July 2013 in Edinburgh. Contact Susan Lowes (susan.lowes@vhscotland.org.uk) for more information.

The Bill comprises a number of documents:

- The Bill, as introduced
- Explanatory Notes (including the Financial Memorandum)
- Policy Memorandum
- Delegated Powers Memorandum

These documents are available on the Scottish Parliament's website:

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/63845.aspx>

For further background, including the third sector's response to last year's consultation and the Scottish Government's response, read our *Health and Social Care Integration: Background to the Bill*:

<http://www.vhscotland.org.uk/public-bodies-joint-working-scotland-bill/>

Policy overview and ambition

The Bill provides the framework within which partners will plan and deliver integrated health and social care services for adults.

"The policy ambition for integrating health and social care services is to improve the quality and consistency of services for patients, carers, service users and their families; to provide seamless, joined up quality health and social care services in order to care for people in their homes or a homely setting where it is safe to do so; and to ensure resources are used effectively and efficiently to deliver services that meet the increasing number of people with longer term and often complex needs, many of whom are older."

Public Bodies (Joint Working) (Scotland) Bill, Policy Memorandum.

Part 1, Sections 1- 43

The Bill has four Parts: Part 1 covers the functions of local authorities and Health Boards and is the most substantive part of the Bill.

- Sections 1-8 describe the preparation and remit of integration plans:
 - Sections 1 and 2 explain the different models of integration authority allowed.
 - Sections 3-8 concern the principles that must apply when preparing plans, the power to prescribe health and wellbeing outcomes, consultation, approval and publication of plans.
- Sections 9–22 describe the implementation of integration plans and how functions are to be carried out or delegated. These sections include staffing matters, e.g. how the Chief Officer of a Joint Integration Board will be appointed.
- Sections 23-31 describe the strategic planning process that accompanies the integration plan.
- Sections 31-33 make further provision concerning integration functions, including the requirement for annual performance reporting.
- Sections 34–37 set out provisions in relation to changes of integration plans
- Sections 37-43 relate to supplementary information and definitions.

Below we provide more detail about each Section.

Section 1: Integration plans – same Local Authority and Health Board

Where the area of a Local Authority and a Health Board are the same, they must jointly prepare an integration plan for the area of the local authority. The integration plan (called a 'Partnership Agreement' in the consultation) will set out the terms for establishing an integration authority. The integration plan's purpose is to establish the context and provide clarity about arrangements for how the integration authorities will operate.

There are four models of integration that the Local Authority and Health Board can use:

1. The Local Authority and Health Board delegate functions to an 'integration joint board' to plan and deliver integrated services
2. The Local Authority delegates functions to the Health Board
3. The Health Board delegates functions to the Local Authority
4. The Local Authority delegates functions to the Health Board and the Health Board delegates functions to the Local Authority.

. The integration plan must include:

- information on the model of integration to be used,
- functions to be delegated, the functions to be carried out by different bodies,
- the method for calculating payments in respect of these functions, and
- any additional prescribed information.

Section 2: Integration plans - two or more local authorities in Health Board area

This section applies where two or more local authorities fall within the area of a Health Board. In this case either of the two options can apply:

- Each Local Authority jointly prepare an integration plan with the Health Board, or
- Two or more local authorities jointly prepare an integration plan with the Health Board for the areas of those local authorities.

Each Local Authority must take into account any other integration plans in the Health Board area and the effects of these on the Health Board.

Section 3: Considerations in preparing integration plan

The integration plan must consider the integration planning principles (see section 4), and the national health and wellbeing outcomes (see section 5).

Section 4: Integration planning principles

Services delegated in integration plans must be:

- focused around improving the wellbeing of recipients,
- integrated from the view of the recipients, taking into account particular needs and different areas
- locally planned and led by the community and local professionals, and
- anticipatory and preventative, and make the best use of the available facilities, people and other resources.

Section 5: Power to prescribe national outcomes

Scottish Ministers will introduce national health and wellbeing outcomes. These will be established through consultation with Local Authorities, Health Boards, Integration Joint Boards, and recipients of services, carers and organisations providing health and social care support and services.

Section 6: Consultation

When drafting integration plans, Local Authorities and Health Boards, or Integration Joint Boards, must jointly consult and take into account views of people that Scottish Ministers believe have an interest and other people the Local Authority and Health Board think fit.

Section 7: Approval of Integration Plans

Local Authorities and Health Boards must jointly submit integration plans to Scottish Ministers for approval. Where approval is refused, this must be jointly modified and resubmitted.

Section 8: Publication of integration plan

Once Scottish Ministers have approved an action plan, the Local Authority and the Health Board must publish it as soon as practicably possible.

Sections 9 – 22 concern the functions, payments, staff and delegation of responsibilities, according to the model of integration chosen

Section 9: establishment of an Integration Joint Board	Where Scottish Ministers approve an integration plan using an Integration Joint Board mode. Ministers have the power to establish this board by order.
Section 10: Chief Officer of an Integration Joint Board	An Integration Joint Board must appoint a Chief Officer. The section sets out possible arrangements for this and the role of Scottish Ministers in enabling and approving Chief Officer appointments and responsibilities. (This post was called the Jointly Accountable Officer in the consultation).
Section 11: Other staff of an Integration Joint Board	Scottish Ministers may give Integration Joint Boards the ability to appoint staff and may set conditions on matters such as numbers, terms and conditions etc.
Section 12: Further provision for Integration Joint Boards	Scottish Ministers will have powers to make provision about the membership, proceedings and general powers of each Integration Joint Board, the supply of services or facilities by the Local Authority or Health Board and any other matter Ministers think fit.
Sections 13, 17 & 18: Payments to Health Boards, Local Authorities and Integration Joint Boards	These sections clarify payments to be made between Health Boards, Local Authorities and joint integration boards.
Section 14 & 16: Integration Joint Monitoring Committees	If the Health Board and Local Authority are <i>not</i> using the Integration Joint Board model, they must jointly establish an integration joint monitoring committee. Scottish Ministers will have powers to make provision about such committees' membership, proceedings etc.
Section 15 & 19: Transfer of staff	Scottish Ministers will have powers to make provisions about the transfer of staff where functions have been delegated to Local Authorities or Health Boards. Provision is made for the effect on individual contracts of employment.
Section 20: Co-operation between multiple Local Authorities and a Health Board	Where two or more local authorities are jointly preparing an integration plan with the Health Board, all parties must co-operate to achieve the efficient and effective use of relevant buildings, staff and equipment.

Section 21: Effect of delegation of functions	Where an integration plan delegates functions, the person/body will be subject to the same duties, rights, powers and liabilities of the person/body delegating.
Section 22: Further powers of persons to whom functions are delegated	An Integration Joint Board may direct the Health Board and Local Authority to carry out functions on its behalf. This includes direction on rights, powers, duties, liabilities and payments associated with these functions.

Sections 23-31 describe the strategic planning process that accompanies the integration plan

Section 23: Requirement to prepare strategic plans	<p>The integration authority (Health Board, Local Authority or Integration Joint Board) must prepare a 3 year strategic plan which includes:</p> <ul style="list-style-type: none"> • arrangements for carrying out integration functions, including division of the Local Authority areas into localities with separate arrangements • how these arrangements will contribute to national health and wellbeing outcomes
Section 24: Considerations in preparing strategic plan	The strategic plan must consider the integration delivery principles (see section 25), and the national health and wellbeing outcomes (see section 5).
Section 25: Integration delivery principles	<p>The integration delivery principles state that the main purpose of services is to improve the wellbeing of recipients. Services detailed in strategic plans should be:</p> <ul style="list-style-type: none"> • integrated from the view of the recipients, taking into account particular needs and different areas • locally planned and led by the community and local professionals • anticipatory and preventative, and make the best use of the available facilities, people and other resources
Section 26: Establishment of consultation group	To prepare the strategic plan, the integration authority must establish a consultation group, to include representatives from the Health Board and Local Authority, and other

	relevant stakeholders that Scottish Ministers can prescribe.
Section 27: Steps following establishment of consultation group	The consultation group will agree what the strategic plan will contain and seek views on its proposals and consult on first and second drafts of the plan. The integration authority must take account of any views when finalising the strategic plan.
Section 28: Requirement for agreement to certain strategic plans	Where the integration authority is a Health Board or a Local Authority (i.e. not a Joint Integration Board), the other statutory partner (ie Health Board or Local Authority) must also approve the plan. If it is not approved the plan must be modified and resubmitted.
Section 29: Publication of strategic plans	Once the strategic plan is approved, the integration authority must publish the plan as soon as practicably possible. At the same time it must publish a statement describing the consultation it undertook under Section 27.
Section 30: Significant decisions outside strategic plan: public involvement	If an integration authority plans to make a decision that would significantly affect service provision and this is not detailed in the strategic plan the integration authority must involve and consult users and potential users of the service.

Sections 31-33 describe the carrying out of integration functions

Section 31 Carrying out of integration functions: general	Anyone carrying out an integration function must consider the integration delivery principles (see Section 25) and the national health and wellbeing outcomes (see Section 5).
Section 32: Carrying out of integration functions: localities	Where an integration authority proposes to take a decision that might significantly affect service provision, the integration authority must involve and consult interested persons prescribed by Scottish Ministers.
Section 33: Integration authority: performance report	Each integration authority must prepare and publish an annual performance report, in a form that Scottish Minister may prescribe.

Sections 34–37 set out provisions in relation to changes of integration plans

Section 34: Revised integration plan	If an integration authority wishes to revise an integrated plan they must submit it to Scottish Ministers for approval.
Section 35: New integration plan	If an integration authority wishes to change the local authorities that are party to an integration plan or change the integration model, they are subject to all the requirements concerning consultation and Ministerial approval.
Section 36: Power to make provision in consequence of new integration plan	If Scottish Ministers approve a new integration plan under Section 35, they have powers to wind up any Integration Joint Board that may have existed and to transfer any property, rights, liabilities or obligations of an Integration Joint Board, a Local Authority or a Health Board.

Sections 37-43 relate to supplementary information and definitions

Section 37: Information-sharing	When preparing an integration plan, Local Authorities and Health Boards may disclose and share relevant information.
Section 38: Grants to local authorities	Scottish Ministers may make a grant to a Local Authority for costs incurred by virtue of Part 1.
Section 39: Default power of Scottish Ministers	Scottish Ministers have the power to take action if a Local Authority and Health Board fail to submit an integration plan for approval by the deadline set. Ministers have the power to require the Local Authority and health board to establish a joint integration board if they see fit.
Section 40: Directions	Scottish Ministers have the powers to give directions to Integration Joint Boards, local authorities and health boards.
Section 41: Guidance	Each Local Authority, Health Board and Integration Joint Board must take account of any Ministerial guidance.
Sections 42 and 43: Meaning of 'integration authority' and 'integration functions'	Provides legal definitions of these terms.

Part 2, Sections 44-45 – Shared Services

Section 44: Shared Services	Enables the Common Services Agency for the Scottish Health Service to provide/arrange to provide goods and services (e.g. administrative, technical, legal) to a range of public bodies.
Section 45: Extension of schemes for meeting losses and liabilities of health service bodies	Amends the National Health Service (Scotland) Act 1978 to permit local authorities and Integration Joint Boards to participate in the scheme established under that Act for meeting losses and liabilities incurred in the exercise of relevant functions.

Part 3, Sections 46-47 – Health Service: Functions

Section 46: Scottish Ministers: power to form companies etc.	This section permits Scottish Ministers to form and participate in any type of body corporate, including limited liability partnerships and Scottish Charitable Incorporated Organisations.
Section 47: Health Boards: carrying out of functions	This section permits Health Boards to exercise any function of another Health Board where the other Health Board and Scottish Ministers consent.

Part 4, Sections 48-53 – General

Part 4 provides general functions of the bill and provision for Scottish Ministers to act in future. This includes:

- Definitions for terms used in the Bill
- Provision to make regulations and orders through future subordinate legislation
- Repealing certain sections of previous legislation
- The Bill will come into effect the day after it achieves Royal Assent
- The short title will be the Public Bodies (Joint Working) (Scotland) Act 2014.