

The Public Bodies (Joint Working) (Scotland) Bill



November 2013 update for Voluntary Health Scotland members

Developments to date

The Public Bodies (Joint Working) (Scotland) Bill was published in May 2013 and is now embarking on its formal passage through the Scottish Parliament. Between August and October, the Health and Sport Committee considered written and oral evidence and its report is expected after its meeting on 12 November. MSPs will then have their first debate on the Bill (Stage 1), in late November/early December.

Voluntary Health Scotland held two engagement events with its members in July, to support their understanding of the proposals and to listen to their concerns and ideas. In August we submitted written evidence to the Health and Sport Committee.

SCVO and the Health and Social Care Alliance (The ALLIANCE) were amongst those who gave oral evidence to the Health and Sport Committee in September.

In preparation for Stage 1 and subsequent Stages, Voluntary Health Scotland has been collaborating with SCVO, the ALLIANCE and other third sector national intermediaries to identify and agree what specific changes would improve the Bill. The focus of this work has been in two key areas. Firstly, how to secure formal representation for the third sector in the new health and social care board, planning and locality arrangements? Secondly, how to ensure a strong voice and involvement for users of services and their families?

On 10 October, SCVO met with Alex Neil MSP, Cabinet Secretary for Health and Wellbeing. SCVO secured the Cabinet Secretary's interest in addressing the issue of third sector representation in the proposed health and social care partnerships. On 3 November the ALLIANCE held a service user session with the Cabinet Secretary, during which he offered discussion on areas including human rights, advocacy and involvement.

Representation for the third sector

Following their positive meeting with the Cabinet Secretary, SCVO led a coalition of national intermediaries to produce a paper to further inform discussions with Scottish Government officials about third sector representation in the new integration arrangements. The signatories to this were SCVO; the ALLIANCE; Coalition of Care and Providers Scotland (CCPS); Voluntary Health Scotland; Voluntary Action Scotland (VAS) and Scottish Federation of Housing Associations (SFHA).

The paper summarises well-rehearsed arguments about the necessity for the legislative framework to provide an unequivocal commitment to the involvement of

the sector. These arguments include the contribution of our sector to quality, to integrated services that enable people to live well at home and for longer, to health and wellbeing outcomes including enabling people to stay connected to their communities.

The premise of the paper is an expectation that the Cabinet Secretary will agree to guaranteed representative membership for the third sector on the new Boards (or other governance and consultative structures) created as a result of the Bill; guaranteed membership of the Joint Strategic Commissioning Teams; and a requirement to seek third sector 'sign off' of Plans, in line with the Change Fund precedent and good practice.

The paper set out a number of possible routes for representation and involvement of the third sector, proposing this could be through amendments to the Bill, reference in Statutory Instruments, Ministerial commitments during the Parliamentary debate and/or Ministerial guidance.

On 29 October SCVO presented the paper to Scottish Government officials, including Kathleen Bessos, Deputy Director of Integration and Reshaping Care. Discussion included the critical issue about the third sector being given a 'sign-off' of strategic commission and locality plans. SCVO reports that there was a very positive tone to the meeting and an evident willingness to do something to embed the third sector in the new arrangements 'top to bottom', albeit less enthusiasm for some of the specific proposals and amendments the paper had set out. SCVO expects the dialogue with officials to continue in the preparation for the Bill's Stage 1 debate, and SCVO is hopeful that the issues set out will be addressed by the Cabinet Secretary in his speech at the debate.

A strong voice for users of services and their families

Voluntary Health Scotland meets regularly with other national intermediaries and voluntary health organisations through the ALLIANCE's "12 Propositions for Social Care" group. Other organisations involved in this group include Scottish Independent Advocacy Alliance, CCPS, VAS, SCVO, Marie Curie Cancer and The Carers' Trust. The Alliance has led on drafting a number of proposed amendments to the Bill, and members of the '12 Propositions' group has been actively commenting on and contributing to the shaping of these.

The group met on 7 November, where it considered and agreed the Alliance's latest draft amendments. These include the amendments that the SCVO-led group has already proposed to Scottish Government officials (see above), but have the additional focus on strengthening the Bill in terms of human rights, person centredness, the voice and input of service users and unpaid carers, advocacy and complaints.

The thrust of these additional proposed amendments is:

- Introduce overarching human rights based principles at the front of the Bill
- Embed into integration plans the involvement of service users and unpaid carers
- Ensure specific consultation of disabled people's organisations and of organisations contributing to health and wellbeing (e.g. peer support groups, food projects, carers' groups etc.)
- Introduce a right to independent advocacy for service users (in the same way that the Mental Health (Care and Treatment) (Scotland) Act gives advocacy rights)
- Ensure high quality local strategic commissioning through appropriate scrutiny arrangements
- Provide a single entry point for people wanting to complain about integrated services
- Ensure implementation of the legislation is adequately monitored to avoid unintended consequences such as a medical model dominating integration.

The Alliance will be refining the amendments further, and once there is final agreement the plan is to get as much active endorsement for the amendments from across our various memberships/networks as possible, the better to make the case for the changes to Ministers, the Scottish Government and MSPs. The Alliance has also organised a further face to face engagement event with the Cabinet Secretary, this time as an opportunity for third sector organisations to discuss the Bill with him. This takes place on 20 November and Voluntary Health Scotland has invited twelve organisations from our own membership/network to attend and have a voice at this.

The ALLIANCE and CCPS are also part of the Bill Advisory Group and have also been making the case for the above proposed amendments through that forum.

Progress in setting up health and social care partnerships

The Joint Improvement Team (JIT) at the Scottish Government has been monitoring the current state of play with the development of health and social care partnerships. We understand that all but one of the new partnerships look set to be corporate bodies. Several are actively planning to include criminal justice and children's services in the set-up, though apparently none are considering the inclusion of housing.

More information

Voluntary Health Scotland will keep its members updated through our monthly e-Bulletin and postings on our website. We will continue to pro-actively engage with members as the Bill progresses through its Parliamentary Stages. For further information, contact Susan Lowes, Policy and Engagement Officer:

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