

ANGUS COUNCIL

POLICY AND RESOURCES COMMITTEE – 13 MARCH 2018

**ANGUS INTEGRATION JOINT BOARD – REVIEW OF INTEGRATION SCHEME – CARERS
(SCOTLAND) ACT 2016**

REPORT BY MARGO WILLIAMSON, CHIEF EXECUTIVE

ABSTRACT

The purpose of this report is to advise of the commencement of the Carers (Scotland) Act 2016, the exercise by the Chief Executive of delegated authority to require a review of the Integration Scheme between the Council and NHS Tayside in respect of the Angus Integration Joint Board; and to seek approval to delegate authority to the Chief Integration Officer to require reviews of the Integration Scheme in certain circumstances.

1. RECOMMENDATION

It is recommended that the Committee:-

- (i) note that the Carers (Scotland) Act 2016 is due to commence on 1 April 2018 and that Regulations require that certain functions of the Council require to be delegated to the Angus Integration Joint Board,
- (ii) note the exercise by the Chief Executive of delegated authority to require a review of the Integration Scheme between the Council and NHS Tayside to provide for the delegation of certain Council functions to the Angus Integration Joint Board
- (iii) agree to delegate authority to the Chief Integration Officer to require reviews of the Integration Scheme solely for the purposes of amending the Integration Scheme to incorporate statutory amendments to the functions that require to be delegated by NHS Tayside or the Council to the Angus Integration Joint Board.

2. BACKGROUND

- 2.1 The Carers (Scotland) Act 2016 (“the Act”) is due to commence on 1 April 2018. The Act recognises the immense value of the unpaid care that is provided nationally by Scotland’s estimated 759,000 carers (Scottish Health Survey 2013) and the impact that caring can have on individual carers. It furthers the rights of unpaid carers with the intention of ensuring they are better supported and able to continue to care, if they wish to, and have a life alongside their caring role. The legislation envisages a preventative approach with unpaid carers regarded as equal partners in care.

2.2 The Scottish Ministers have determined that certain functions of local authorities under the Act must be delegated to the Integration Joint Board. These are:-

- (i) Section 6 – Duty to prepare adult carer support plan,
- (ii) Section 21 – Duty to set local eligibility criteria,
- (iii) Section 24 – Duty to provide support,
- (iv) Section 25 – Provision of support to carers: breaks from caring,
- (v) Section 31 – Duty to prepare local carer strategy,
- (vi) Section 34 – information and advice service for carers; and
- (vii) Section 35 – Short break services statements.

Relevant Regulations have been amended to provide for this. The only way that the functions referred to above can be incorporated into Integration arrangements is by reviewing and amending the Integration Scheme between NHS Tayside and Angus Council. The Integration Scheme between the Council and NHS Tayside is the agreement which sets out the constitutional, strategic and operational arrangements for the IJB. This also includes full details of the statutory functions of the Council and NHS Tayside which would be delegated to the IJB. The Public Bodies (Joint Working)(Scotland) Act 2014 contains detailed provisions on the consultation exercise that both the Council and NHS Tayside would require to undertake before approving the Scheme for submission to the Scottish Ministers for approval. The Act also contains provisions regarding the review of the Scheme.

The Scottish Ministers wrote to relevant partners and advised that Integration Schemes must be revised to incorporate the functions referred to above into their Integration Schemes and that revised Integration Schemes must be submitted to them for approval by no later than 2 March 2018.

2.3 The Council initially approved the Integration Scheme at its meeting on 26 March 2015. In light of the timescale set by the Scottish Government, it was not possible to seek authority from the Council or this Committee to trigger a review of the Integration Scheme, conduct that review and thereafter submit the amended Integration Scheme to the Scottish Ministers by 2 March 2018.

2.4 The Council's Scheme of Delegation to Officers grants authority to the Chief Executive to "in an emergency, to initiate action under any statutory procedure related to a function of the Council, subject to a report being made to the appropriate Committee at the first opportunity on any item for which Committee approval would normally be necessary".

2.5 Having regard to the timescales specified by the Scottish Ministers and the whole circumstances arising, the Chief Executive determined to exercise delegated authority to, on behalf of the Council, require a review of the Integration Scheme.

2.6 Relevant statutory consultees were consulted on the proposed amendments to the Integration Scheme. NHS Tayside considered and agreed the proposed amendments to the Integration Scheme. The amended Integration Scheme was submitted to the Scottish Ministers on 2 March 2018.

- 2.7 It is anticipated that the circumstances described above will arise again when new legislation is introduced which confers functions on local authorities and NHS Boards which require to be delegated to the relevant Integration Joint Boards. To avoid the need in future for the Chief Executive to exercise delegated authority to require a review of the Integration Scheme, it is recommended that the Council grant delegated authority to the Chief Integration Officer to require reviews of the Integration Scheme solely for the purposes of amending the Integration Scheme to incorporate statutory amendments to the functions that require to be delegated by NHS Tayside or the Council to the Integration Joint Board.

3. CONCLUSIONS

- 3.1 The exercise of delegated authority by the Chief Executive has ensured that required amendments to the Integration Scheme between Angus Council and NHS Tayside in respect of the Angus Integration Joint Board were agreed and submitted to the Scottish Ministers on 2 March 2018.
- 3.2 To avoid the situation arising again, it is submitted that the Council grant delegated authority to the Chief Integration Officer to require reviews of the Integration Scheme solely for the purposes of amending the Integration Scheme to incorporate statutory amendments to the functions that require to be delegated by NHS Tayside or the Council to the Integration Joint Board.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising directly from this report.

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