



ANGUS HEALTH AND SOCIAL CARE PARTNERSHIP

INTEGRATION JOINT BOARD – 22 APRIL 2020

REVIEW OF INTEGRATION SCHEME

REPORT BY GAIL SMITH, INTERIM CHIEF OFFICER

ABSTRACT

The purpose of this report is to advise the Board of the legal requirement on Angus Council and NHS Tayside to Review the Integration Scheme between them and the terms of correspondence received from the Scottish Government.

1. RECOMMENDATIONS

It is recommended that the Integration Joint Board notes:-

- (i) the requirements imposed by the Public Bodies (Joint Working)(Scotland) Act 2014 on local authorities and Health Boards in relation to the review of integration schemes; and
- (ii) the terms of the correspondence received from the Scottish Government.

2. BACKGROUND

2.1 Section 2 of the Public Bodies (Joint Working)(Scotland) Act 2014 ("the Act") provided that where the areas of two or more local authorities fall within the area of a Health Board then each local authority and the Health Board must jointly prepare an integration scheme for the area of the local authority. An integration scheme is a scheme setting out amongst other things:-

- (i) Which integration model is to apply,
- (ii) The functions that are to be delegated in accordance with that model,
- (iii) Prescribed information to be determined by the Scottish Ministers.

The prescribed information referred to at (iii) above is set out in the Public Bodies (Joint Working)(Integration Scheme) Regulations 2014.

2.2 The current Integration Scheme between the NHS Tayside and Angus Council can be found here:-

https://www.angus.gov.uk/media/angus_integration_scheme

2.3 Section 44 of the Act provides that a local authority and a Health Board must carry out a review of its Integration Scheme before the expiry of the relevant period for the purpose of identifying whether any changes to the scheme are necessary or desirable. The relevant period is defined as the period of five years beginning with the day on which the Scheme was approved by the Scottish Ministers. The current Integration Scheme between the NHS Tayside and Angus Council was approved by the Scottish Ministers on 22 September 2015. Therefore, there is a requirement for the current Integration Scheme to be reviewed by 21 September 2020.

2.4 The Act provides that in reviewing an integration scheme a local authority and a Health Board must have regard to:-

- (i) The integration planning principles set out in Section 4 of the Act; and
- (ii) The national health and wellbeing outcomes prescribed by the Scottish Ministers by regulations.

2.5 In reviewing an integration scheme, the local authority and the Health Board must jointly consult such persons or groups of persons appearing to the Scottish Ministers to have an interest as may be prescribed and such other persons as the local authority and the Health Board think fit. In finalising any revised integration scheme, the local authority and the Health Board must take account of any views expressed by virtue of this consultation process. The Public Bodies (Joint Working) (Prescribed Consultees) (Scotland) Regulations 2014 specify that the groups of persons that the Scottish Ministers require a local authority and a Health Board to consult are:-

- (i) Health professionals
- (ii) Users of health care
- (iii) Carers of users of health care
- (iv) Commercial providers of health care
- (v) Non-commercial providers of health care
- (vi) Social care professionals
- (vii) Users of social care
- (viii) Carers of users of social care
- (ix) Commercial providers of social care
- (x) Non-commercial providers of social care
- (xi) Staff of the Health Board and local authority who are not health professionals or social care professionals
- (xii) Non-commercial providers of social housing
- (xiii) Third sector bodies carrying out activities related to health or social care
- (xiv) other local authorities operating within the area of the Health Board preparing the integration scheme

In respect of the above, the consultees must,

- (a) in the case of users of health care or social care reside within the area of the local authority preparing the integration scheme and use services provided in pursuance of functions which may be delegated to the integration joint board by the local authority or the Health Board,
- (b) in the case of carers of users of health care or social care, care for a person to whom paragraph (a) above applies,
- (c) in the case of non-commercial providers of social housing and third sector bodies carrying out activities related to health or social care, operate within the area of the local authority preparing the integration scheme; and
- (d) in any other case, operate within the area of the local authority preparing the integration scheme or the revised integration scheme; and provide, or be engaged in relation to, services provided in pursuance of functions which may be delegated to the integration joint board by the local authority or the Health Board.

2.6 Section 46 of the Act requires a local authority and a Health Board to jointly submit a revised integration scheme to the Scottish Ministers for approval if they consider that changes to an integration scheme are necessary or desirable. The Scottish Ministers can approve the revised integration scheme submitted or refuse to approve it. If the Scottish Ministers refuse to approve the revised integration scheme submitted they must give the local authority and the Health Board reasons for the refusal (including identifying which particular parts of the scheme caused them to decide to refuse approval), explain how the scheme should be modified, and specify a day by which the local authority and the Health Board must jointly modify the scheme and submit it for approval.

2.7 Correspondence has been received from the Scottish Government in relation to the duty on local authorities and Health Boards to review their integration schemes. This correspondence advises that, given the current work across local health and social care systems to plan their response to Covid-19, and in view of announcements made by the First Minister and the Cabinet Secretary for Health and Sport on the stringent new measures now in force throughout the UK to slow the impact of the virus, the Scottish Government has asked local authorities and Health Boards to note that it does not expect them to continue work on developing successor schemes.

2.8 The correspondence then goes on to advise that, for absolute clarity, the Act does not require the Health Board and Local Authority to produce a successor scheme, it requires a review. Health Boards and local authorities should therefore ensure that they jointly carry out the minimum requirement of a review and that this is acknowledged jointly and formally. This review can note

anything that requires further work between the partners and set out plans for the completion of that work at a later date, once the current very challenging situation passes, including the production of a successor scheme. Meantime, the current Integration Scheme will remain in force.

3. CONCLUSION

Given the above, it is recommended that the Board note the requirements imposed by the Act on local authorities and Health Boards in relation to the review of integration schemes and the terms of the correspondence received from the Scottish Government.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from this report.

REPORT AUTHOR: David Thompson, Manager – Legal Team 1

EMAIL DETAILS: ThompsonD@angus.gov.uk