

The background of the slide features a large, light blue watermark of the Coat of Arms of the Isle of Man. The crest includes a crown with four fleurs-de-lis, a shield divided into four quarters (top-left: a saltire, top-right: a stag's head, bottom-left: a ship, bottom-right: a bird), and a ribbon at the bottom with the motto 'ANE FOR A'.

Agenda Item 15

Amendment to Integration Scheme for Health & Social Care

Falkirk Council

Title: Amendment to Integration Scheme for Health & Social Care
Meeting: Falkirk Council
Date: 6 December 2017
Submitted By: Director of Corporate & Housing Services

1. Purpose of Report

- 1.1. The purpose of the report is to advise Council of legislative changes that require a revision of the Integration Scheme for Health and Social Care and to seek Council's agreement to proceed with that amendment.

2. Recommendations

2.1. Council is asked to:-

- (1) note the legislative changes set out in the report;**
- (2) agree that statutory consultees be advised of the proposed amendment of the Scheme and that any comments from the consultees be reported back to Council at its next ordinary meeting.**

3. Background

- 3.1. The Integration Scheme which was agreed between the Council and the Health Board and subsequently approved by the Scottish Ministers is the core document that establishes the Integration Joint Board (IJB). Importantly, it governs the range of functions that are delegated to the IJB by the Council and the Health Board.
- 3.2. Regulations made under the Public Bodies (Joint Working) (Scotland) Act 2014 set out a minimum level of functions that require to be delegated to an IJB. Since the Integration Scheme was agreed, a significant new piece of legislation, the Carer (Scotland) Act 2016, has been enacted and will come into force in April 2018. This, in turn, requires consideration of which of the functions under the 2016 Act should be delegated to the IJB.

4. Considerations

- 4.1. The group of functions that require to be delegated to an IJB are set out in the Public Bodies (Joint Working) (Prescribed Local Authority Functions) (Scotland) Regulations 2014. These regulations have already been amended to include one of the functions under the 2016 Act i.e.. setting local eligibility criteria. They are expected to be amended shortly by regulations that will come into force in December 2017 to add a further list of functions that require to be delegated.
- 4.2 The expansion of the mandatory list will leave only one function in the 2016 Act where there is a decision to be made in relation to delegation. This relates to young carers statements. It is not proposed that this be delegated as the remainder of Children's Social Work Services are retained within the Local Authority. It would not be helpful to isolate one strand of provision and delegate it to the IJB.
- 4.3 The position of the Health Board is not yet known but it is anticipated that it will take a similar view in relation to young carers' statements. There would be logic, however, in the health board delegating the function in relation to the preparation of the local carer strategy to the IJB in the same way as the Council. The proposed revisions to the functions to be delegated are appended to the report.

5. Consultation

- 5.1 The 2014 Act prescribes a list of consultees whose view will need to be sought prior to the Council agreeing a revision of the scheme with the Health Board. Any views that are forthcoming will be reported to Council when the matter is brought back for its consideration at the next ordinary meeting.

6. Implications

Financial

- 6.1 Any budget associated with the functions to be delegated form part of the payment made by the Council to the IJB.

Resources

- 6.2 The resources implications arise primarily from the implementation of the functions rather than the delegation of these from the Council to the IJB.

Legal

- 6.3 The proposed amendment gives effect to a legal requirement on the Council.

Risk

- 6.4 The IJB is a well established body and it is not anticipated that a risk will arise from the delegation of the function.

Equalities

- 6.5 No equality issue arises from the subject matter of the report.

Sustainability/Environmental Impact

- 6.6 A sustainability assessment is not required.

7. Conclusions

- 7.1 The report seeks to give effect to a legislative requirement on the Council to make changes to the integration scheme.

Director of Corporate & Housing

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Date: 27th November 2017

Appendix

Proposed revision to scheme.

List of Background Papers:

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

- None

Proposed Changes to Integration Scheme

Amendments to Annex 2 Part 1

(functions delegated by the Local Authority to the Integration Joint Board)

In the entry for the Social Work (Scotland) Act 1968, omit the references to Column A to sections 12AA (Assessment of ability to provide care) and 12AB (Duty of local authority to provide information to carer)

In the entry for the Social Care (Self Directed Support) (Scotland) Act 2013, omit references to section 3 (Support for adult carers)

Add

Carers (Scotland) Act 2016

Section 6 (Duty to prepare adult carer support plan)

Section 21 (Duty to set local eligibility criteria)

Section 25 (Provision of support to carers: breaks from caring)

Section 31 (Duty to prepare local carer strategy)

Section 34 (Information and advice service for carers)

Section 35 (short breaks services statements)