



Public Bodies (Joint Working) (Scotland) Act 2014

2014 asp 9

PART 1

FUNCTIONS OF LOCAL AUTHORITIES AND HEALTH BOARDS

Review of integration scheme

44 Review of integration scheme

- (1) This section applies where an integration scheme has been approved by the Scottish Ministers under section 7.
- (2) The local authority and the Health Board must carry out a review of the scheme before the expiry of the relevant period for the purpose of identifying whether any changes to the scheme are necessary or desirable.
- (3) Sections 3 and 6 apply to a review of an integration scheme under subsection (2) as they apply to the preparation of an integration scheme (but as if the words “Before submitting the integration scheme for approval under section 7,” in section 6(2) were omitted).
- (4) After taking account of any views of persons consulted under section 6 (as applied by subsection (3)), the local authority and the Health Board must decide whether any changes to the scheme are necessary or desirable.
- (5) In subsection (2), the “relevant period” means—
 - (a) the period of 5 years beginning with the day on which the scheme was approved under section 7, and
 - (b) each subsequent period of 5 years beginning with—
 - (i) where the local authority and the Health Board vary the scheme under section 46, the day specified under subsection (7) of that section,
 - (ii) where the local authority and the Health Board decide no changes to the scheme are necessary or desirable, the day on which that decision is made.

45 Requirement to review integration scheme

- (1) This section applies where an integration scheme has been approved by the Scottish Ministers under section 7.
- (2) On the request of the local authority or the Health Board, the local authority and the Health Board must jointly carry out a review of the scheme for the purpose of identifying whether any changes to the scheme are necessary or desirable.
- (3) On each occasion on which the Scottish Ministers exercise the power conferred by section 1(3)(f), the Scottish Ministers may require the local authority and the Health Board jointly to carry out a review of the integration scheme for the purpose of identifying whether any changes to the scheme are necessary or desirable.
- (4) Sections 3 and 6 apply to a review of an integration scheme under subsection (2) or (3) as they apply to the preparation of an integration scheme (but as if the words “Before submitting the integration scheme for approval under section 7,” in section 6(2) were omitted).
- (5) After taking account of any views of persons consulted under section 6 (as applied by subsection (3)), the local authority and the Health Board must decide whether any changes to the scheme are necessary or desirable.

46 Revised integration scheme

- (1) This section applies where a local authority and a Health Board decide under section 44 or 45 that changes to an integration scheme are necessary or desirable.
- (2) The local authority and the Health Board may vary the scheme by jointly preparing a revised integration scheme.
- (3) A revised integration scheme may—
 - (a) set out additional functions that are to be delegated under the scheme as mentioned in section 1(3)(b),
 - (b) set out functions that are delegated by virtue of the integration scheme approved under section 7 that are no longer to be delegated,
 - (c) if the integration scheme delegates functions in accordance with the integration model mentioned in section 1(4)(b), (c) or (d), set out functions that are to be carried out in conjunction with the delegated functions,
 - (d) if the integration scheme delegates functions in accordance with the integration model mentioned in section 1(4)(b), (c) or (d), set out functions that are no longer to be carried out in conjunction with the delegated functions,
 - (e) change the method of determining amounts to be made available as mentioned in section 1(3)(d),
 - (f) change the method of determining payments as mentioned in section 1(3)(e),
 - (g) change or remove any information included in the scheme by virtue of section 1(3)(f).
- (4) Before complying with subsection (6), the local authority and the Health Board must jointly consult—
 - (a) such persons or groups of persons appearing to the Scottish Ministers to have an interest as may be prescribed, and
 - (b) such other persons as the local authority and the Health Board think fit.

- (5) In finalising the revised integration scheme, the local authority and the Health Board must take account of any views expressed by virtue of subsection (4).
- (6) The local authority and the Health Board must jointly submit the revised scheme to the Scottish Ministers for approval under section 7.
- (7) A revised integration scheme takes effect on such day as may be specified by the Scottish Ministers.
- (8) As soon as practicable after a revised integration scheme takes effect, the local authority and the Health Board must publish it.

47 New integration scheme

- (1) This section applies where a local authority and a Health Board decide under section 44 or 45 that changes to an integration scheme are necessary or desirable.
- (2) If the local authority and the Health Board wish to change a matter mentioned in subsection (3) they must prepare a new integration scheme under section 1 or (as the case may be) 2(2).
- (3) The matters are—
 - (a) the local authority which prepared the integration scheme,
 - (b) the integration model.
- (4) This Act applies in relation to a new integration scheme prepared by virtue of subsection (2) as it applies in relation to an integration scheme which requires to be prepared by section 1 or (as the case may be) 2(2).

48 Power to make provision in consequence of new integration scheme

- (1) This section applies where the Scottish Ministers approve an integration scheme which has been prepared by virtue of section 47.
- (2) In consequence of the replacement of an integration scheme by a new integration scheme, the Scottish Ministers may by order provide for the winding-up of an integration joint board.
- (3) In consequence of the replacement of an integration scheme by a new integration scheme, the Scottish Ministers may by scheme make such provision about the transfer of staff, property, rights, liabilities or obligations of an integration joint board, a local authority or a Health Board as they consider necessary.
- (4) Before making a scheme under subsection (3), the Scottish Ministers must consult—
 - (a) the person from whom it is proposed to transfer staff, and
 - (b) the person to whom it is proposed that the staff be transferred.
- (5) Before making a scheme under subsection (3) in relation to staff, the Scottish Ministers must consult in respect of each group mentioned in subsection (6) such persons appearing to be representative of the group as the Scottish Ministers think fit.
- (6) The groups mentioned in subsection (5) are—
 - (a) health professionals,
 - (b) social care professionals,

Status: This is the original version (as it was originally enacted).

- (c) such other groups of persons appearing to the Scottish Ministers to have an interest as may be prescribed.