

Draft Regulations laid before the Scottish Parliament under section 69(2) of the Public Bodies (Joint Working) (Scotland) Act 2014, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2014 No.

**PUBLIC HEALTH
SOCIAL CARE**

**The Public Bodies (Joint Working) (Integration
Scheme) (Scotland) Regulations 2014**

Made - - - -

Coming into force in accordance with regulation 1(1)

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 1(3)(f), 1(15), 20 and 69(1) of the Public Bodies (Joint Working) (Scotland) Act 2014⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 69(2) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Public Bodies (Joint Working) (Integration Scheme) (Scotland) Regulations 2014 and come into force on the day after the day on which they are made.

(2) In these Regulations—

“the Act” means the Public Bodies (Joint Working) (Scotland) Act 2014;

“additional member” means a member of an integration joint board or, as the case may be, integration joint monitoring committee who is not appointed on the nomination of a Health Board or a local authority;

“information sharing accord” means a set of principles which apply to the sharing of information between a Health Board, a local authority and, where applicable, an integration joint board for any purpose connected with the preparation of an integration scheme, the preparation of a strategic plan or the carrying out of integration functions; and

“integration model” means an integration model described in section 1(4) of the Act.

(1) 2014 asp 9. Section 68(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

Content and effect of integration scheme

2.—(1) An integration scheme must include, in relation to each prescribed matter listed in column A of the table in the Schedule, the prescribed information set out in column B of that table, insofar as that prescribed matter is relevant to the integration model chosen by the Health Board and local authority.

(2) The prescribed information is to be agreed between the Health Board and local authority when they are preparing an integration scheme.

(3) The local authority, Health Board and the integration joint board or, as the case may be, integration joint monitoring committee established in pursuance of an integration scheme must act in accordance with the prescribed information that is set out in that scheme.

St Andrew's House,
Edinburgh
Date

Name
A Member of the Scottish Government

SCHEDULE

Regulation 2(1)

<i>Column A</i>	<i>Column B</i>
<i>Prescribed matters</i>	<i>Prescribed information</i>
<p>Local governance arrangements for the integration joint board where the integration scheme is prepared under section 1(3) or 2(3) of the Act.</p>	<p>The number of members to be appointed on the nomination of the local authority.</p> <p>The number of members to be appointed on the nomination of the Health Board.</p> <p>Whether the first chairperson of the integration joint board is to be a member appointed on the nomination of the local authority or of the Health Board.</p> <p>The term of office of the chairperson and vice-chairperson of the integration joint board.</p>
<p>Local governance arrangements for the integration joint board where the integration scheme is prepared under section 2(4) of the Act.</p>	<p>The membership of the integration joint board including in particular—</p> <ul style="list-style-type: none"> (a) the number of members that will be appointed on the nomination of each local authority; (b) the number of members that will be appointed on the nomination of the Health Board; and (c) the arrangements for appointing additional members to the integration joint board, and the number of additional members to be appointed. <p>The arrangements for appointment of the chairperson and vice-chairperson of the integration joint board.</p> <p>The term of office of the chairperson and vice-chairperson of the integration joint board.</p>
<p>Local governance arrangements for the integration joint monitoring committee where the integration scheme is prepared under section 1(3) or 2(3) of the Act.</p>	<p>The number of members to be appointed on the nomination of the local authority.</p> <p>The number of members to be appointed on the nomination of the Health Board.</p> <p>Where the committee will comprise members other than the members required by any order made under section 17 of the Act, information about these members, including in particular a description of the role held by or, as the case may be, the group to be represented by each member.</p> <p>The arrangements for provision of administrative support to the committee.</p> <p>The arrangements for financing the committee.</p>

<i>Column A</i>	<i>Column B</i>
<i>Prescribed matters</i>	<i>Prescribed information</i>
<p>Local governance arrangements for an integration joint monitoring committee where the integration scheme is prepared under section 2(4) of the Act.</p>	<p>The membership of the integration joint monitoring committee including in particular—</p> <ul style="list-style-type: none"> (a) the number of members to be appointed on the nomination of each local authority; (b) the number of members to be appointed on the nomination of the Health Board; and (c) the arrangements for appointing additional members to the integration joint monitoring committee and the number of additional members to be appointed. <p>The arrangements for the appointment of the chairperson of the committee, and the arrangements for changing the appointed chairperson.</p> <p>The arrangements for provision of administrative support to the committee.</p> <p>The arrangements for financing the committee.</p>
<p>Local operational delivery arrangements for the functions delegated to an integration joint board.</p>	<p>The governance arrangements for the carrying out of integrated functions, including in particular arrangements for the involvement of the members of the integration joint board in overseeing the carrying out of integration functions by the constituent authorities.</p>
<p>Local arrangements to support the preparation of a strategic plan.</p> <p>Support services provision in relation to functions under the Act and integration functions.</p>	<p>The arrangements that the Health Board and local authority will put in place to support an integration authority to act in accordance with section 30(3) of the Act.</p> <p>The process to be used by the Health Board and local authority to produce an agreement setting out any professional, technical or administrative services of the Health Board or local authority to be made available to the integration authority for the purpose of preparing a strategic plan and carrying out integration functions.</p>
<p>Performance targets, improvement measures and reporting arrangements which relate to integration functions.</p>	<p>The process to be used to prepare a list of all targets, measures and arrangements which relate to integration functions and for which responsibility is to transfer, in full or in part, to the person to whom functions are delegated, including a statement of the extent to which responsibility for each target, measure or arrangement is to transfer.</p> <p>The timescale within which the list of targets, measures and agreements is to be prepared.</p>

<i>Column A</i>	<i>Column B</i>
<i>Prescribed matters</i>	<i>Prescribed information</i>
<p>Performance targets, improvement measures and reporting arrangements which relate to functions of the local authority and Health Board which are not integration functions.</p>	<p>The process to be used to prepare a list of any targets, measures and arrangements which relate to functions of the Health Board or local authority and which are to be taken account of by the integration authority when it is preparing a strategic plan.</p> <p>The timescale within which the list of targets, measures and agreements is to be prepared.</p>
<p>Clinical and care governance of services provided in pursuance of integration functions.</p>	<p>The arrangements for clinical and care governance to apply to services provided in pursuance of integration functions.</p> <p>How these clinical and care governance arrangements are to provide oversight of, and advice to, the person to whom functions are delegated.</p> <p>How these arrangements are to provide oversight of, and advice to, the strategic planning group in relation to clinical and care governance.</p> <p>How these arrangements are to provide oversight of, and advice in relation to, the clinical and care governance of the delivery of health and social care services in the localities identified in the strategic plan.</p> <p>How the clinical and care governance arrangements which apply in relation to the functions of the local authority and Health Board will interact with the clinical and care governance arrangements to apply to services provided in pursuance of integration functions.</p> <p>The role of senior professional staff of the Health Board and the local authority in the clinical and care governance arrangements to apply to services provided in pursuance of integration functions.</p> <p>How the clinical and care governance arrangements set out in the integration scheme relate to arrangements in place for the integration joint board to receive professional advice.</p>
<p>The operational role of the chief officer of the integration joint board.</p>	<p>Information about the chief officer's role within the management and decision making structures of each of the constituent authorities in relation to the operational delivery of services provided in pursuance of integration functions.</p>

<i>Column A</i>	<i>Column B</i>
<i>Prescribed matters</i>	<i>Prescribed information</i>
The line management arrangements for the chief officer of the integration joint board.	The line management arrangements which the constituent authorities are to put in place to ensure that the chief officer of the integration joint board is accountable to each of the constituent authorities.
The arrangements for appointment of an interim chief officer of the integration joint board.	The arrangements that the constituent authorities are to make to appoint a suitable interim replacement for the chief officer of the integration joint board at the request of that integration joint board in the event that the chief officer is absent or otherwise unable to carry out his or her functions.
Plans for workforce development.	<p>A list of the plans that the Health Board and local authority undertake to develop and put in place to support any staff employed in relation to services provided in pursuance of integration functions including at least—</p> <ul style="list-style-type: none"> (a) a plan relating to the development of, and support to be provided to, the workforce; and (b) a plan relating to the organisational development of the Health Board, local authority and, as the case may be, the integration joint board, in relation to integration functions. <p>The timescale within which each plan is to be developed and put in place.</p>
Financial management of an integration joint board.	<p>A statement of which constituent authority is to maintain financial ledgers for the purpose of recording the transactions of the integration joint board.</p> <p>A statement of the arrangements that the Health Board and local authority have agreed to make for the preparation of annual accounts, the financial statement prepared under section 39 of the Act, the financial elements of the strategic plan, and such reports on financial matters as the integration joint board may require in relation to the exercise of its functions.</p>
Payments to the integration joint board.	The process that the constituent authorities are to use to agree a schedule of the amounts and dates of payments to be made to the integration joint board by the constituent authorities for each financial year, including the timescale for preparing this schedule.

<i>Column A</i>	<i>Column B</i>
<i>Prescribed matters</i>	<i>Prescribed information</i>
Financial reporting to the integration joint board and chief officer by the constituent authorities.	The frequency with which each constituent authority is required to provide financial monitoring reports to the integration joint board and the chief officer for the purpose of financial monitoring of the carrying out of integration functions including, in the case of the Health Board, reports in relation to amounts which have been set aside for use by the integration joint board The agreed content of the financial monitoring reports.
Financial management in relation to integration functions where the integration model mentioned in section 1(4)(b), (c) or (d) of the Act is to apply.	A statement of the arrangements which are to be made for hosting the financial ledgers for recording the transactions of the person to whom functions are delegated, including in particular the details of any temporary or transitional arrangements.
Payments in relation to integration functions where the integration model mentioned in section 1(4)(b), (c) or (d) of the Act is to apply.	The process that the Health Board and local authority are to use to agree a schedule of the amounts and dates of payments to be made in relation to integration functions for each financial year, including the timescale for preparing this schedule.
Financial reporting in relation to integration functions where the integration model mentioned in section 1(4)(b), (c) or (d) of the Act is to apply.	The frequency with which the person to whom functions are delegated is required to provide financial monitoring reports to the Health Board or, as the case may be, the local authority. The agreed content of the financial monitoring reports.
Financial reporting where the integration model mentioned in section 1(4)(c) or (d) of the Act is to apply.	The frequency with which the Health Board is required to provide financial monitoring reports to the person to whom functions are delegated in relation to amounts which have been set aside for use by that person. The agreed content of the financial monitoring reports
The process for addressing variance in spending in relation to integration functions.	The process to manage in-year or year-end underspend or overspend by the person to whom functions are delegated in relation to the amounts paid to it, or amounts set aside for use by it.
Redetermination of payments and amounts set aside in relation to integration functions.	The method by which any variations to the amounts determined under the methods set out in the scheme by virtue of section 1(3)(d) and (e) of the Act will be determined, including the

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Public Bodies (Joint Working) (Integration Scheme) (Scotland) Regulations 2014 No. 341*

<i>Column A</i> <i>Prescribed matters</i>	<i>Column B</i> <i>Prescribed information</i>
	conditions which will require to be met before variations may be made.
The use of capital assets in relation to integration functions.	The process to be followed by the Health Board, local authority, and where applicable, the integration joint board, to determine the use of capital assets of the local authority and Health Board in relation to integration functions.
Participation and engagement.	<p>The list of persons, groups of persons and representatives of groups of persons consulted in the development of the integration scheme.</p> <p>Details of the means by which the consultation required by section 6(2) of the Act was undertaken in the development of the integration scheme.</p> <p>The arrangements that the Health Board and Local Authority undertake to put in place to support the person to whom functions are delegated to produce a strategy for engagement with, and participation by, members of the public, representative groups or other organisations in relation to decisions about the carrying out of integration functions (a “participation and engagement strategy”).</p> <p>The timescale within which the participation and engagement strategy is to be produced.</p>
Information sharing and data handling.	<p>The process to be followed by the Health Board and local authority to agree an information sharing accord, and the process for amending the information sharing accord.</p> <p>The timescale within which the information sharing accord is to be agreed.</p> <p>The process which is to be followed by the Health Board and local authority to agree procedures for the sharing of information between the local authority, Health Board, and, where applicable, integration joint board, and the process for amending these procedures.</p> <p>The timescale within which the procedures for information sharing are to be agreed.</p>
Complaints in relation to services provided in pursuance of integration functions.	The arrangements for management of complaints relating to services provided in pursuance of integration functions including in particular information on the process by which a service user may make a complaint.

<i>Column A</i>	<i>Column B</i>
<i>Prescribed matters</i>	<i>Prescribed information</i>
Handling of claims against the Health Board, local authority and, where applicable, the integration joint board in relation to integration functions.	The arrangements for the management and settlement of claims arising from the exercise of integration functions, and any arrangements to be made for indemnity between the Health Board and local authority, in relation to such claims.
Risk management.	<p>The risk management strategy which is to apply in relation to the carrying out of integration functions, including in particular – (a) how a risk management procedure is to be developed and (b) the resources to be made available by the local authority and Health Board to support risk management.</p> <p>The timescale within which the risk management strategy is to be developed.</p> <p>How the local authority, Health Board and, as the case may be, the integration joint board is to produce a list of the risks to be reported under the risk management strategy including provision for the list to be amended.</p> <p>The timescale within which the list of risks to be reported is to be produced.</p>
Dispute resolution.	The procedure to be used to resolve any dispute between the local authority and Health Board in relation to any of the matters provided for in the integration scheme or any of the duties or powers placed on them by the Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe matters, and information about those matters, that must be included in an integration scheme (a “scheme”) prepared under section 1(2), 2(3) or 2(4) of the Public Bodies (Joint Working) Scotland Act 2014 (“the Act”).

The Act requires Health Boards and local authorities to agree arrangements for joint working in their area in relation to certain of their statutory functions. This will have the effect that adult health and social care functions, and certain other health and social care functions, are provided in all local authority areas in a way which is integrated from the point of view of a person using those services. The Act provides that an integration scheme is to be prepared in relation to each local authority area

setting out agreed arrangements for joint working in that area. Section 1(3) of the Act, read with these Regulations, sets out the information to be included in each scheme.

Regulation 2, together with the Schedule, sets out the requirement that a scheme is to include the prescribed information about the prescribed matters. Column A of the Schedule sets out the prescribed matters that must be included in the scheme, and column B sets out the prescribed information that must be provided about those matters. Column A makes provision for certain matters to be prescribed only when they are relevant to the other content of the integration scheme, in particular the integration model that the parties have chosen to use, as set out in the scheme.

Regulation 3 sets out that the prescribed information included in the scheme must be such information as has been agreed between the Health Board and local authority preparing the scheme.

Regulation 4 provides that the effect of prescribed information being included in the scheme is to require the Health Board and local authority which prepared the scheme, and the integration joint board or, as the case may be, integration joint monitoring committee established in pursuance of the scheme, to act in accordance with the provisions of the scheme.