

POLICY NOTE

THE PUBLIC BODIES (JOINT WORKING) (PRESCRIBED HEALTH BOARD FUNCTIONS) (SCOTLAND) AMENDMENT REGULATIONS 2017

SSI 2017/381

1. The above instrument is made in exercise of the powers conferred by section 1(6) of the Public Bodies (Joint Working) (Scotland) Act 2014. This instrument is subject to negative procedure.

Policy Objectives

2. The Act requires that Health Boards and Local Authorities agree arrangements for joint working in relation to certain statutory functions. Certain statutory functions may be delegated to the bodies responsible for delivering the joint working arrangements (generally known as “integration joint boards”), and certain functions can, provided they meet certain criteria, be prescribed as mandatory for delegation.

3. The purpose of these amending regulations is to specify the following Health Board functions under the Carers (Scotland) Act 2016 as ones which **may** be delegated to integration joint boards:

- Section 12 of the Carers (Scotland) Act 2016 which requires that the responsible authority prepare a young carer statement for each identified young carer. The young carer statement will detail the young carer’s needs for support and personal outcomes.
- Section 31 of the Carers (Scotland) Act 2016 which requires that Health Boards and Local Authorities must jointly prepare a local carer strategy which applies to their area. The local carers strategy must lay out how each Health Board and Local Authority plans to identify and support carers in their area.

4. This instrument does not prescribe any of the functions conferred on Health Boards by the Carers (Scotland) Act 2016 as functions that **must** be delegated to integration joint boards. Health Board functions under section 12 cannot be required to be delegated as they only relate to young carers of pre-school age. The function on Health Boards under section 31 cannot be required to be delegated as it is not one which is exercisable either in relation to care or treatment provided by health professionals for the purposes of certain types of health care service or in relation to other specified health care services.

5. The instrument does not mention Health Board functions under section 28 of the Carers (Scotland) Act 2016 (carer involvement in hospital discharge of cared-for persons) as these are subsidiary to any hospital functions delegated to integration joint boards and will therefore automatically be delegated. Neither does it mention Health Board functions under section 27 (duty to involve carers in carer services) as integration joint boards already have responsibilities to ensure carer involvement under the Public Bodies (Joint Working) (Scotland) Act 2014.

Consultation

6. No consultation has been carried out on this instrument. The proposed amendments are administrative and allow new functions which arise from the Carers (Scotland) Act 2016 to be delegated to Integration Authorities.

Impact Assessments

7. An Equality Impact Assessment (EQIA), Privacy Impact Assessment (PIA) and Children's Rights and Wellbeing Impact Assessment (CRWIA) has been carried out in relation to the Carers (Scotland) Act 2016 and an EQIA has already been completed on the Public Bodies (Joint Working) (Scotland) Act 2014. It was not deemed necessary to complete a further EQIA in relation to this instrument.

Financial Effects

8. The Business and Regulatory Impact Assessment (BRIA) is being reviewed for the Carers (Scotland) Act 2016 and no action is required in relation to this instrument.

Scottish Government
Health and Social Care Integration Directorate
Integration Division
November 2017