

PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

EXPLANATORY NOTES

THE ACT

3. The Act provides the framework which will support the improvement of the quality and consistency of health and social care services in Scotland. This framework requires the integration of certain local authority services with health services. In addition, the Act provides for the Common Services Agency, commonly known as NHS National Services Scotland, to provide goods and services to public bodies, including local authorities. It also allows the Scottish Ministers to form a wider range of joint venture structures, and to form joint ventures for a wider range of purposes, than at present, in order to make the most effective use of resources. The Act also extends the Clinical Negligence and Other Risks Indemnity Scheme (“CNORIS”) run by the Scottish Ministers.

Outline of the Act

4. In summary, the Act:
 - Requires Health Board and local authority partners to enter into arrangements (the integration scheme) to delegate functions and appropriate resources to ensure the effective delivery of those functions. The Act provides two options for integrating budgets and functions. First, delegation to an integration joint board established as a body corporate - in this case the Health Board and the local authority agree the amount of resources to be committed by each body to the integration joint board for the delivery of services to support the functions delegated. Second, delegation between the Health Board and local authority. In this case, the Health Board and/or local authority delegates functions, and the corresponding amount of resource, to the other body.
 - Provides for national outcomes for health and wellbeing to be prescribed by the Scottish Ministers, for the delivery of which Health Boards and local authorities will be accountable to the Scottish Ministers and the public (note that the provisions of the Act apply to Area Health Boards and not Special Health Boards).
 - Sets out principles for planning and delivery of integrated functions, which local authorities, Health Boards and joint integration boards will be required to have regard to. They set out that the main purpose of integrated services is to improve the wellbeing of recipients, as well as an expectation that planning and delivery will take account of key principles relating to integrated delivery; the requirement to balance the needs of individuals with the overall needs of the population; anticipation and prevention of need; and effective use of resources.
 - Establishes integration joint boards and integration joint monitoring committees as the partnership arrangements for the governance and oversight of health and social care services. The Act will remove Community Health Partnerships from statute.

*These notes relate to the Public Bodies (Joint Working) (Scotland)
Act 2014 (asp 9) which received Royal Assent on 1 April 2014*

- Requires integration joint boards to appoint a chief officer, who will, through the board, be jointly accountable to the constituent Health Board and local authorities, responsible for the management of the integrated budget and the delivery of services for the area of the integration scheme. The chief officer will also lead the development and delivery of the strategic plan for the joint board.
- Requires integration joint boards and Health Boards or local authorities to whom functions are delegated, acting in the capacity of “integration authority”, to prepare a strategic plan for the area, which sets out arrangements for delivery of integration functions and how it will meet the national health and wellbeing outcomes. The integration authority will be required to involve a range of partners in the development of the plan and consult widely. In addition, locality planning duties will require the integration authority to make suitable arrangements to consult and plan locally for the needs of its population.
- Delivers opportunities for more effective use of public services and resources by allowing Health Boards to be able to contract on behalf of other Health Boards for contracts which involve providing facilities, and by allowing the Scottish Ministers to form a wider range of joint ventures structures to collaborate effectively with local authorities and enable a joint approach to asset management and disposal.
- Provides for the extension of the Common Services Agency’s ability to deliver shared services to public bodies, including local authorities and integration joint boards.
- Enables the Scottish Ministers to extend the range of bodies able to participate in CNORIS for meeting losses and liabilities of certain health service bodies. The scheme is established for relevant bodies to meet expenses arising from any loss or damage to their property; and liabilities to third parties for loss, damage or injury arising from the carrying out of the functions of the scheme members. The Act amends the bodies able to participate in the scheme to include local authorities and integration joint boards.