

# **PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 1**

#### **Functions of Local Authorities and Health Boards**

#### **Carrying out of integration functions**

##### ***Section 40 – Carrying out of integration functions: general***

107. **Section 40** obliges integration joint boards, local authorities and Health Boards to have regard to the national health and wellbeing outcomes and the integration delivery principles (which are set out in section 25) when carrying out an integration function.

##### ***Section 41 – Carrying out of integration functions: localities***

108. **Section 41** relates to the localities identified in the strategic plan pursuant to section 29(3)(a). Subsections (1) to (4) require the person carrying out an integration function for the area of a local authority (which may be the local authority, the Health Board or the integration joint board depending on the integration model adopted and any directions made under section 26) to involve and consult interested persons prescribed by the Scottish Ministers by regulations where it proposes to take a decision that it considers might significantly affect the service provision in a locality of the area of the local authority.
109. Subsection (5) gives the integration authority the ability to pay the members of the groups consulted such expenses and allowances as the integration authority determines.

##### ***Section 42 - Integration authority: performance report***

110. This section requires each integration authority to prepare a performance report for each reporting year. The report must set out an assessment of performance in carrying out the integrated functions during the reporting year.
111. Subsection (3) enables the Scottish Ministers to make regulations that set out the form and content of performance reports. Subsections (4) and (5) require the integration authority to publish the performance report within four months of the end of the reporting year and to provide a copy to the Health Board, the local authority and/or the integration joint monitoring committee, as appropriate to the model of integration chosen.
112. Subsections (6) and (7) require that the Health Board and the local authority must provide such information as the integration authority might reasonably require for the purposes of preparing a performance report to the integration joint board or the authority

*These notes relate to the Public Bodies (Joint Working) (Scotland)  
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(being a local authority or Health Board), as appropriate to the model of integration chosen.

113. Subsection (8) provides that the “reporting year” is a period of one year starting on the date that the integration functions were delegated or the prescribed date set by the Scottish Ministers that delegation of functions must occur, and each subsequent period of a year.