Public Bodies (Joint Working) (Scotland) Act 2014

2014 asp 9

PART 1

FUNCTIONS OF LOCAL AUTHORITIES AND HEALTH BOARDS

Implementation of integration scheme

9 Functions delegated to integration joint board

(1) This section applies where the Scottish Ministers approve under section 7 an integration scheme setting out that the integration model in section 1(4)(a) is to apply.

(2) The Scottish Ministers may by order establish the integration joint board to which the functions are to be delegated.

(3) If the functions are not delegated on the day specified by virtue of section 29(4), they are delegated on the prescribed day.

Commencement Information

I1 S. 9 in force at 22.9.2014 by S.S.I. 2014/231, **art. 2**

10 Chief officer of integration joint board

(1) An integration joint board is to appoint, as a member of staff, a chief officer.

(2) Subsection (3) applies where the person to be appointed is an existing member of staff of a constituent authority.

(3) The person is to be seconded to the board by that authority.

(4) Where subsection (3) does not apply, the person to be appointed—

(a) is to be appointed as a member of staff of a constituent authority, and

(b) is then to be seconded to the board by that authority.

(5) The Scottish Ministers may in relation to any integration joint board by order—
- (a) disapply the requirements of subsections (2) to (4), and
- (b) make provision enabling the board to employ a chief officer on such terms and conditions as the board determines.

(6) Before appointing a person as chief officer an integration joint board is to consult each constituent authority.

(7) The responsibilities of a chief officer are subject to the agreement of the Scottish Ministers.

Commencement Information
I2 S. 10 in force at 22.9.2014 by S.S.I. 2014/231, **art. 2**

11 Other staff of integration joint board

(1) The Scottish Ministers may by order make provision enabling integration joint boards to employ staff other than a chief officer.

(2) Such an order may include such further provision as regards such staff as the Scottish Ministers think fit, including in particular provision as to—
- (a) the appointment of staff,
- (b) the numbers of staff,
- (c) the terms and conditions of staff.

(3) Without prejudice to section 69(1)(a), an order under this section may—
- (a) make provision in relation to only one integration joint board, or some integration joint boards,
- (b) make different provision in relation to different integration joint boards.

(4) Before making an order under this section, the Scottish Ministers must consult—
- (a) if the order relates to integration joint boards generally, each—
  - (i) local authority,
  - (ii) Health Board, and
  - (iii) integration joint board then established,
- (b) if the order relates to one integration joint board, or some integration joint boards—
  - (i) the constituent authorities in relation to that or those boards, and
  - (ii) that or those boards, to the extent then established.

Commencement Information
I3 S. 11 in force at 22.9.2014 by S.S.I. 2014/231, **art. 2**

12 Integration joint boards: further provision

(1) The Scottish Ministers may by order make provision—
- (a) about the membership of integration joint boards,

(b) about the proceedings of integration joint boards,

(c) giving integration joint boards general powers (such as powers to contract, acquire or dispose of property or rights or borrow money or incur other liabilities) in connection with the carrying out of functions conferred on them by or by virtue of this Act,

(d) about the supply of services or facilities to integration joint boards by a constituent authority,

(e) enabling integration joint boards to establish committees for any purpose,

(f) about such other matters relating to any such committee as the Scottish Ministers think fit,

(g) enabling an integration joint board to delegate to its chief officer, any other member of its staff or any such committee functions delegated to the integration joint board in pursuance of an integration scheme,

(h) about any other matter relating to the establishment or operation of integration joint boards that the Scottish Ministers think fit.

(2) Without prejudice to section 69(1)(a), an order under subsection (1) (other than an order containing provision of the type mentioned in paragraph (a) or (b) of that subsection) may—

(a) make provision in relation to only one integration joint board, or some integration joint boards,

(b) make different provision in relation to different integration joint boards.

(3) Before making an order under this section, the Scottish Ministers must consult—

(a) if the order relates to integration joint boards generally, each—

(i) local authority,

(ii) Health Board, and

(iii) integration joint board then established,

(b) if the order relates to one integration joint board, or some integration joint boards—

(i) the constituent authorities in relation to that or those boards, and

(ii) that or those boards, to the extent then established.

(4) The Scottish Ministers may by scheme make provision about the transfer to an integration joint board of staff, property, rights, liabilities or obligations of their constituent authorities.

(5) Before making a scheme under subsection (4), the Scottish Ministers must consult—

(a) the integration joint board to which the scheme relates, and

(b) the constituent authorities in relation to that board.

(6) Before making a scheme under subsection (4) in relation to staff, the Scottish Ministers must consult in respect of each group mentioned in subsection (7), such persons appearing to be representative of the group as the Scottish Ministers think fit.

(7) The groups mentioned in subsection (6) are—

(a) health professionals,

(b) social care professionals,

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

Status: *Point in time view as at 22/09/2014.*
Changes to legislation: *There are currently no known outstanding effects for the Public Bodies (Joint Working) (Scotland) Act 2014, Cross Heading: Implementation of integration scheme. (See end of Document for details)*

Commencement Information

I4 S. 12 in force at 22.9.2014 by S.S.I. 2014/231, **art. 2**

13 Integration joint boards: finance and audit

In section 106 of the Local Government (Scotland) Act 1973 (application of Part 7 of Act to bodies other than local authorities etc.)—

(a) in subsection (1), after paragraph (ba) insert—

"(bb) an integration joint board established by order under section 9 of the Public Bodies (Joint Working) (Scotland) Act 2014 (but subject to subsection (1A)),", and

(b) after that subsection, insert—

"(1A) Despite subsection (1), sections 101A and 105A of this Act do not apply with respect to an integration joint board.".

Commencement Information

I5 S. 13 in force at 22.9.2014 by S.S.I. 2014/231, **art. 2**

14 Payments to integration joint boards in respect of delegated functions

(1) Subsections (2) and (4) apply where—

(a) an integration scheme sets out that the integration model in section 1(4)(a) is to apply, and

(b) the scheme is approved by the Scottish Ministers under section 7.

(2) The local authority must make a payment to the integration joint board of the amount determined in accordance with the method set out in the scheme in relation to each function delegated by it.

(3) Where an integration scheme contains provision of the type mentioned in section 1(3)(d), the Health Board must set aside for use by the integration joint board an amount determined in accordance with the method set out in the scheme in relation to each function delegated by it.

(4) Where an integration scheme contains provision of the type mentioned in section 1(3)(e), the Health Board must make a payment to the integration joint board of the amount determined in accordance with the method set out in the scheme in relation to each function delegated by it.

Commencement Information

I6 S. 14 in force at 22.9.2014 by S.S.I. 2014/231, **art. 2**

15 Functions delegated to local authority or Health Board

(1) This section applies where the Scottish Ministers approve under section 7 an integration scheme setting out that the integration model in section 1(4)(b), (c) or (d) is to apply.

(2) If the functions are not delegated on the day specified by virtue of section 29(4), they are delegated on the prescribed day.

(3) Before the functions are delegated, the local authority and the Health Board must jointly establish a committee (an "integration joint monitoring committee") for the purpose of monitoring the carrying out of the integration functions for the area of the local authority.

Commencement Information
I7 S. 15 in force at 22.9.2014 by S.S.I. 2014/231, **art. 2**

16 Transfer of staff where functions delegated to local authority or Health Board

(1) The Scottish Ministers may by scheme make provision about the transfer of staff from a person who is to delegate functions under an integration scheme falling within subsection (4) to the person to whom the functions are to be delegated.

(2) Before making a scheme under subsection (1) in relation to staff, the Scottish Ministers must consult in respect of each group mentioned in subsection (3), such persons appearing to be representative of the group as the Scottish Ministers think fit.

(3) The groups mentioned in subsection (2) are—
- (a) health professionals,
- (b) social care professionals,
- (c) such other groups of persons appearing to the Scottish Ministers to have an interest as may be prescribed.

(4) An integration scheme falls within this subsection if it sets out that the integration model in section 1(4)(b), (c) or (d) is to apply.

(5) Before making a scheme under subsection (1), the Scottish Ministers must consult—
- (a) the person who is to delegate functions under an integration scheme falling within subsection (4), and
- (b) the person to whom the functions are to be delegated.

Commencement Information
I8 S. 16 in force at 22.9.2014 by S.S.I. 2014/231, **art. 2**

17 Integration joint monitoring committees: further provision

(1) The Scottish Ministers may by order make provision about—
- (a) the establishment of integration joint monitoring committees,
- (b) the membership of integration joint monitoring committees,
- (c) the proceedings of integration joint monitoring committees,

(d) any other matter relating to the operation of integration joint monitoring committees that the Scottish Ministers think fit.

(2) Without prejudice to section 69(1)(a), an order under subsection (1) may make different provision in relation to different integration joint monitoring committees.

Commencement Information
I9 S. 17 in force at 22.9.2014 by S.S.I. 2014/231, **art. 2**

18 Payments to Health Boards in respect of delegated functions

(1) Subsection (2) applies where—

(a) an integration scheme sets out that the integration model in section 1(4)(b) or (d) is to apply, and

(b) the scheme is approved by the Scottish Ministers under section 7.

(2) The local authority must make a payment to the Health Board of the amount determined in accordance with the method that is set out in the scheme in relation to each function delegated to the Health Board.

Commencement Information
I10 S. 18 in force at 22.9.2014 by S.S.I. 2014/231, **art. 2**

19 Payments to local authorities in respect of delegated functions

(1) This section applies where—

(a) an integration scheme sets out that the integration model in section 1(4)(c) or (d) is to apply, and

(b) the scheme is approved by the Scottish Ministers under section 7.

(2) Where an integration scheme contains provision of the type mentioned in section 1(3)(d), the Health Board must set aside for use by the local authority an amount determined in accordance with the method set out in the scheme in relation to each function delegated to the local authority.

(3) Where an integration scheme contains provision of the type mentioned in section 1(3)(e), the Health Board must make a payment to the local authority of the amount determined in accordance with the method set out in the scheme in relation to each function delegated to the local authority.

(4) Each local authority which delegates functions to another local authority (the "lead authority") under the scheme must make a payment to the lead authority of the amount determined in accordance with the method set out in the scheme in relation to each function delegated by the authority to the lead authority.

Commencement Information
I11 S. 19 in force at 22.9.2014 by S.S.I. 2014/231, **art. 2**

20 Power of Scottish Ministers to make provision giving effect to integration scheme

The Scottish Ministers may by regulations make such provision as they think fit for the purpose of giving effect to provision included by virtue of section 1(3)(f) in integration schemes approved by them under section 7.

Commencement Information

I12 S. 20 in force at 22.9.2014 by S.S.I. 2014/231, **art. 2**

21 Transfer of staff: effect on contract of employment

(1) This section applies where by virtue of section 12(4), 16(1) or 48(3) a person is to be transferred from the employment of one person ("the original employer") to another ("the new employer").

(2) If, before the day of the transfer, the person informs the original employer that the person does not wish to become an employee of the new employer, the person's contract of employment is terminated on the day before the day of the transfer.

(3) Otherwise—

(a) the contract of employment between the person and the original employer has effect on and after the day of the transfer as if originally made between the person and the new employer,

(b) the rights, powers, duties and liabilities of the original employer under or in connection with the contract of employment are by virtue of this section transferred to the new employer on the day of the transfer, and

(c) anything done before the day of the transfer by or in relation to the original employer in respect of the contract of employment or the person is to be treated on and after that day as having been done by or in relation to the new employer.

(4) Nothing in subsection (3)—

(a) transfers to the new employer any liability for a share in any deficit in a pension scheme of the original employer that—

(i) is attributable to the person's membership of the scheme, and

(ii) accrued before the day of the transfer, or

(b) transfers to the new employer any right in respect of a share in any surplus in such a pension scheme that is so attributable and that so accrued.

(5) A person is not to be treated for any purpose as being dismissed by reason of the operation of any provision of this section in relation to the person.

(6) Nothing in this section affects any right of a person to terminate the person's contract of employment if a substantial detrimental change in the person's working conditions is made.

(7) No such right arises by reason only that, by virtue of this section, the identity of the person's employer changes.

Commencement Information
I13 S. 21 in force at 22.9.2014 by S.S.I. 2014/231, **art. 2**

22 Co-operation

(1) This section applies where the Scottish Ministers approve under section 7 one or more schemes prepared by virtue of section 2(3) or (4) in relation to the same Health Board.

(2) The persons mentioned in subsection (3) must co-operate with each other in relation to the efficient and effective use of their resources (including in particular buildings, staff and equipment) in pursuance of the scheme or schemes.

(3) The persons are—
- (a) each local authority,
- (b) the Health Board.

Commencement Information
I14 S. 22 in force at 22.9.2014 by S.S.I. 2014/231, **art. 2**

23 Carrying out of functions conferred on officers of local authorities

(1) This section applies where—
- (a) a prescribed function conferred by or by virtue of an enactment on an officer of a local authority relates to a function delegated to an integration authority under an integration scheme, and
- (b) any prescribed conditions are satisfied.

(2) Where the integration authority is an integration joint board, the prescribed function is deemed to have been conferred also on an officer of the Health Board and any other local authorities that are the constituent authorities of the integration joint board.

(3) Where the integration authority is a local authority or Health Board or (as the case may be) a local authority and Health Board acting jointly, the prescribed function is deemed to have been conferred also on an officer of the Health Board and any other local authority which prepared the integration scheme.

Commencement Information
I15 S. 23 in force at 22.9.2014 by S.S.I. 2014/231, **art. 2**

24 Carrying out of functions conferred on officers of Health Boards

(1) This section applies where—
- (a) a prescribed function conferred by or by virtue of an enactment on an officer of a Health Board relates to a function delegated to an integration authority under an integration scheme, and
- (b) any prescribed conditions are satisfied.

(2) Where the integration authority is an integration joint board, the prescribed function is deemed to have been conferred also on an officer of the local authority or authorities that are the constituent authorities of the integration joint board.

(3) Where the integration authority is a local authority or Health Board or (as the case may be) a local authority and Health Board acting jointly, the prescribed function is deemed to have been conferred also on an officer of the local authority or authorities which prepared the integration scheme.

Commencement Information

I16 S. 24 in force at 22.9.2014 by S.S.I. 2014/231, **art. 2**

Status:
Point in time view as at 22/09/2014.

Changes to legislation:
There are currently no known outstanding effects for the Public Bodies (Joint Working) (Scotland) Act 2014, Cross Heading: Implementation of integration scheme.