

# Public Bodies (Joint Working) (Scotland) Act 2014

## 2014 asp 9

### PART 1

#### FUNCTIONS OF LOCAL AUTHORITIES AND HEALTH BOARDS

##### *Strategic planning etc.*

#### **29 Requirement to prepare strategic plans**

- (1) The integration authority for the area of a local authority must prepare strategic plans in accordance with this section.
- (2) A strategic plan is a document—
  - (a) setting out the arrangements for the carrying out of the integration functions for the area of the local authority over the period of the plan,
  - (b) setting out how those arrangements are intended to achieve, or contribute to achieving, the national health and wellbeing outcomes, and
  - (c) including such other material as the integration authority thinks fit.
- (3) The provision required to be included in a strategic plan by virtue of subsection (2)
  - (a) is to include provision—
    - (a) dividing the area of the local authority into two or more localities, and
    - (b) setting out separately arrangements for the carrying out of the integration functions in relation to each such locality.
- (4) If the functions of the integration authority are to be delegated to the authority before the day prescribed under section 9(3) or, as the case may be, section 15(2), the first strategic plan must specify the day on which functions are to be delegated to the authority.
- (5) The first strategic plan of an integration authority is to be prepared before the integration start day.
- (6) In this section, “integration start day” means—

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*Changes to legislation: There are currently no known outstanding effects for the Public Bodies (Joint Working) (Scotland) Act 2014, Cross Heading: Strategic planning etc.. (See end of Document for details)*

- (a) in relation to an integration authority which is an integration joint board, the day on which functions are delegated to the authority by virtue of subsection (4) or, as the case may be, section 9(3),
- (b) in relation to any other integration authority, the day on which functions are delegated by virtue of subsection (4) or, as the case may be, section 15(2) to, or to the constituent authorities of, the integration authority.

#### Commencement Information

**II** S. 29 in force at 22.9.2014 by S.S.I. 2014/231, art. 2

### 30 Considerations in preparing strategic plan

- (1) This section applies where an integration authority in relation to the area of a local authority is preparing a strategic plan.
- (2) The integration authority must have regard to—
  - (a) the integration delivery principles (see section 31), and
  - (b) the national health and wellbeing outcomes (see section 5).
- (3) The integration authority must have regard to the effect which any arrangements which it is considering setting out in the strategic plan in pursuance of section 29(2)(a) may have on services, facilities or resources—
  - (a) used in relation to arrangements set out in pursuance of that section in a strategic plan prepared by another integration authority,
  - (b) which would be used in relation to arrangements which another integration authority is considering setting out in pursuance of that section in a strategic plan which it is preparing.
- (4) The references in subsections (3)(a) and (b) to a strategic plan are to a strategic plan relating to the same period as, or relating to part of the same period as, the strategic plan which is being prepared by the integration authority.

#### Commencement Information

**I2** S. 30 in force at 22.9.2014 by S.S.I. 2014/231, art. 2

### 31 Integration delivery principles

- (1) The integration delivery principles are—
  - (a) that the main purpose of services which are provided in pursuance of integration functions is to improve the wellbeing of service-users,
  - (b) that, in so far as consistent with the main purpose, those services should be provided in a way which, so far as possible—
    - (i) is integrated from the point of view of service-users,
    - (ii) takes account of the particular needs of different service-users,
    - (iii) takes account of the particular needs of service-users in different parts of the area in which the service is being provided,
    - (iv) takes account of the particular characteristics and circumstances of different service-users,

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- (v) respects the rights of service-users,
- (vi) takes account of the dignity of service-users,
- (vii) takes account of the participation by service-users in the community in which service-users live,
- (viii) protects and improves the safety of service-users,
- (ix) improves the quality of the service,
- (x) is planned and led locally in a way which is engaged with the community (including in particular service-users, those who look after service-users and those who are involved in the provision of health or social care),
- (xi) best anticipates needs and prevents them arising, and
- (xii) makes the best use of the available facilities, people and other resources.

(2) In subsection (1), “service-users” means persons to whom or in relation to whom the services are provided.

#### Commencement Information

**I3** S. 31 in force at 22.9.2014 by [S.S.I. 2014/231](#), [art. 2](#)

## 32 Establishment of strategic planning group

- (1) Before preparing its first strategic plan, an integration authority in relation to the area of a local authority is to establish a group (its “strategic planning group”) comprising—
- (a) where the integration authority is an integration joint board—
    - (i) at least one person nominated by the Health Board which is a constituent authority in relation to the integration joint board,
    - (ii) where one local authority is a constituent authority in relation to the integration joint board, at least one person nominated by the local authority,
    - (iii) where two or more local authorities are constituent authorities in relation to the integration joint board, at least one person nominated by the local authorities,
  - (b) where the integration authority is a Health Board, at least one person nominated by the local authority or authorities with which the integration authority prepared the integration scheme in pursuance of which the integration authority acquired its functions,
  - (c) where the integration authority is a local authority, at least one person nominated by the Health Board with which the integration authority prepared the integration scheme in pursuance of which the integration authority acquired its functions,
  - (d) one person in respect of each of the groups mentioned in subsection (2), being a person who the integration authority considers to be representative of that group, and
  - (e) such other persons as the integration authority considers appropriate.
- (2) The groups referred to in subsection (1)(d) are such groups of persons appearing to the Scottish Ministers to have an interest as may be prescribed.

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- (3) The integration authority is to determine—
  - (a) the number of members of its strategic planning group,
  - (b) so far as not set out in this section, the processes for appointment, removal and replacement of members.
- (4) The integration authority may—
  - (a) appoint members of its strategic planning group from persons nominated under subsection (1),
  - (b) in such circumstances as the authority considers appropriate, remove persons appointed under paragraph (a) from membership of the group,
  - (c) appoint members in place of members who resign or are removed from membership of the group.
- (5) A constituent authority may—
  - (a) remove from a strategic planning group a member appointed to represent it,
  - (b) nominate under subsection (1) another person in place of a member of the group appointed to represent it.
- (6) A member of a strategic planning group may resign at any time.
- (7) During the period to which any strategic plan of an integration authority relates, its strategic planning group is also to comprise a person to represent the interests of each locality set out in the plan in pursuance of section 29(3)(a).
- (8) It is for the integration authority to—
  - (a) decide which persons are suitable to represent the interests of a locality, and
  - (b) select the representative.
- (9) An integration authority may under subsection (8)(b) select a single person in respect of two or more localities.
- (10) The validity of anything done by an integration authority's strategic planning group is not affected by any vacancy in its membership.
- (11) The procedure of an integration authority's strategic planning group is to be such as the authority determines.
- (12) An integration authority may pay to members of its strategic planning group such expenses and allowances as the authority determines.

#### Commencement Information

**I4** S. 32 in force at 22.9.2014 by S.S.I. 2014/231, art. 2

### 33 Preparation of strategic plan

- (1) This section applies where an integration authority in relation to the area of a local authority is preparing a strategic plan.
- (2) The integration authority is to—
  - (a) prepare proposals for what the strategic plan should contain, and
  - (b) seek the views of its strategic planning group on the proposals.

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- (3) Taking account of any views expressed by virtue of subsection (2)(b), the integration authority is then to—
  - (a) prepare a first draft of the strategic plan, and
  - (b) seek the views of its strategic planning group on the draft.
- (4) Taking account of any views expressed by virtue of subsection (3)(b), the integration authority is then to—
  - (a) prepare a second draft of the strategic plan,
  - (b) send a copy to—
    - (i) the persons mentioned in subsection (5), and
    - (ii) such other persons as it considers appropriate, and
  - (c) invite the recipients to express views (within such period as the integration authority considers appropriate) on the draft.
- (5) The persons referred to in subsection (4)(b)(i) are—
  - (a) where the integration authority is an integration joint board, each constituent authority,
  - (b) where the integration authority is a local authority, the Health Board with which the local authority prepared the integration scheme in pursuance of which the integration authority acquired its delegated functions,
  - (c) where the integration authority is a Health Board, the local authority with which the Health Board prepared the integration scheme in pursuance of which the integration authority acquired its delegated functions, and
  - (d) persons who the integration authority considers to be representative of each of the groups mentioned in subsection (6).
- (6) The groups referred to in subsection (5)(d) are such groups of persons appearing to the Scottish Ministers to have an interest as may be prescribed.
- (7) In finalising the strategic plan, the integration authority must take account of any views expressed by virtue of subsection (4)(c).

#### **Commencement Information**

**I5** S. 33 in force at 22.9.2014 by [S.S.I. 2014/231](#), [art. 2](#)

### **34 Provision of information for purpose of preparing strategic plan**

- (1) A constituent authority must provide an integration authority which is an integration joint board with such information as the authority may reasonably require for the purpose of preparing a strategic plan.
- (2) The person mentioned in subsection (3) must provide an integration authority which is a Health Board or a local authority with such information as the integration authority may reasonably require for the purpose of preparing a strategic plan.
- (3) That person is the local authority or the Health Board with which the integration authority prepared the integration scheme in pursuance of which the integration authority acquired its delegated functions.

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#### Commencement Information

**I6** S. 34 in force at 22.9.2014 by S.S.I. 2014/231, art. 2

### 35 Publication of strategic plans

- (1) As soon as practicable after the finalisation of the plan under section 33, an integration authority must publish its strategic plan.
- (2) At the same time as publishing a strategic plan, an integration authority must also publish a statement of the action which it took in pursuance of section 33.

#### Commencement Information

**I7** S. 35 in force at 22.9.2014 by S.S.I. 2014/231, art. 2

### 36 Significant decisions outside strategic plan: public involvement

- (1) This section applies where the integration authority for the area of a local authority—
  - (a) proposes to take a significant decision about the arrangements for the carrying out of the integration functions for the area of the authority, and
  - (b) intends the decision to take effect other than by virtue of revising its strategic plan under section 37.
- (2) In subsection (1)(a), “significant decision” means a decision which the integration authority considers might significantly affect the provision of a service provided in pursuance of the integration functions in the area of the local authority.
- (3) The integration authority must—
  - (a) seek and have regard to the views of its strategic planning group, and
  - (b) take such action as it thinks fit with a view to securing that persons mentioned in subsection (4) are involved in and consulted on the decision.
- (4) Those persons are users of the service which is being or may be provided.

#### Commencement Information

**I8** S. 36 in force at 22.9.2014 by S.S.I. 2014/231, art. 2

### 37 Review of strategic plan

- (1) An integration authority—
  - (a) must before the expiry of the relevant period review the effectiveness of its strategic plan,
  - (b) may from time to time carry out such a review.
- (2) In carrying out a review under subsection (1), the integration authority must—
  - (a) have regard to—
    - (i) the integration delivery principles, and
    - (ii) the national health and wellbeing outcomes, and

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- (b) seek and have regard to the views of its strategic planning group on—
  - (i) the effectiveness of the arrangements for the carrying out of the integration functions in the area of the local authority, and
  - (ii) whether the integration authority should prepare a replacement strategic plan.
- (3) Following a review under subsection (1), an integration authority may prepare a replacement strategic plan.
- (4) Subject to subsection (2), the process of such a review is to be such as the integration authority determines.
- (5) A constituent authority must provide an integration authority which is an integration joint board with such information as the integration authority may reasonably require for the purpose of carrying out a review under subsection (1).
- (6) The person mentioned in subsection (7) must provide an integration authority which is a Health Board or a local authority with such information as the integration authority may reasonably require for the purpose of carrying out a review under subsection (1).
- (7) That person is the local authority or the Health Board with which the integration authority prepared the integration scheme in pursuance of which the integration authority acquired its delegated functions.
- (8) Sections 30, 33, 34 and 35 apply in relation to a strategic plan prepared by virtue of subsection (3) as those sections apply in relation to a strategic plan prepared by virtue of section 29.
- (9) A strategic plan prepared in pursuance of this section must specify a day on which the period of the plan is to begin.
- (10) In subsection (1), “relevant period”, in relation to an integration authority, means—
  - (a) the period of 3 years beginning with the integration start day (as defined in section 29(6)), and
  - (b) each subsequent period of 3 years beginning with—
    - (i) where a replacement strategic plan is prepared following a review under subsection (1), the day specified under subsection (9),
    - (ii) where no replacement strategic plan is prepared following such a review, the day on which the integration authority decides not to prepare a replacement strategic plan.

#### **Commencement Information**

**19** S. 37 in force at 22.9.2014 by [S.S.I. 2014/231](#), [art. 2](#)

### **38 Requirement to prepare replacement strategic plan**

- (1) This section applies where the integration authority in relation to the area of a local authority is an integration joint board.
- (2) If it appears to a constituent authority that the strategic plan is preventing, or is likely to prevent, the constituent authority from carrying out any of its functions appropriately or in a way which complies with the integration delivery principles and contributes to achieving the national health and wellbeing outcomes, the constituent authorities

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acting jointly may direct the integration authority to prepare a replacement strategic plan.

- (3) A direction under subsection (2) must—
  - (a) be in writing,
  - (b) include a statement summarising the reasons for giving it.
- (4) A direction under subsection (2) must specify—
  - (a) a day by which the replacement strategic plan must be prepared, and
  - (b) a day on which the period of the plan is to begin.
- (5) The constituent authorities acting jointly may by direction substitute a different day for a day specified under subsection (4).
- (6) An integration authority must comply with a direction given to it under subsection (2).
- (7) Sections 30, 33, 34 and 35 apply in relation to a strategic plan prepared by virtue of subsection (2) as those sections apply in relation to a strategic plan prepared by virtue of section 29.

**Commencement Information**

**I10** S. 38 in force at 22.9.2014 by S.S.I. 2014/231, art. 2

**39 Strategic plan: annual financial statement**

- (1) Each integration authority must publish an annual financial statement—
  - (a) when it publishes its first strategic plan, and
  - (b) each year after that.
- (2) An annual financial statement must set out in relation to the strategic plan to which it relates the amount that the integration authority intends to spend in implementation of the plan.

**Commencement Information**

**I11** S. 39 in force at 22.9.2014 by S.S.I. 2014/231, art. 2



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