



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

## 2014 asp 9

### PART 1

#### FUNCTIONS OF LOCAL AUTHORITIES AND HEALTH BOARDS

##### *Supplementary*

#### **49 Information-sharing**

- (1) Where a local authority and a Health Board are jointly preparing an integration scheme, each of them may disclose information to the other for or in relation to the purpose of preparing the scheme.
- (2) Where two or more local authorities and a Health Board are jointly preparing an integration scheme, each of them may disclose information to any of the others for or in relation to the purpose of preparing the scheme.
- (3) A person mentioned in subsection (4) may disclose information to any other person mentioned in that subsection for or in relation to either of the purposes mentioned in subsection (5).
- (4) The persons are—
  - (a) a local authority,
  - (b) a Health Board,
  - (c) an integration joint board.
- (5) The purposes are—
  - (a) the carrying out of integration functions,
  - (b) the preparation of a strategic plan.
- (6) Subsections (1) to (3) apply despite any duty of confidentiality owed to any person in respect of the information by the person disclosing the information.

## **50 Grants to local authorities**

- (1) The Scottish Ministers may make a grant to a local authority in respect of costs incurred by the authority by virtue of this Part.
- (2) The payment of a grant under subsection (1) may be made subject to such conditions (including conditions as to repayment) as the Scottish Ministers may determine.

## **51 Default power of Scottish Ministers**

- (1) Subsection (2) applies where a local authority and a Health Board fail before the day prescribed for the purposes of section 7, or the day specified under subsection (3)(c) of that section, to submit an integration scheme for the approval of the Scottish Ministers under that section.
- (2) The Scottish Ministers may—
  - (a) specify functions of the local authority and the Health Board which are to be delegated to an integration joint board,
  - (b) by order establish the integration joint board to which the functions are to be delegated,
  - (c) require the local authority and the Health Board to delegate the specified functions to the integration joint board before the prescribed day,
  - (d) require the local authority and the Health Board to make such payments to the integration joint board as the Scottish Ministers may specify, and
  - (e) require the local authority and the Health Board to comply with such other requirements in relation to the functions as the Scottish Ministers may specify.

## **52 Directions**

- (1) The Scottish Ministers may give directions to a local authority in relation to the carrying out of—
  - (a) functions conferred on it by this Act,
  - (b) functions delegated to it in pursuance of an integration scheme,
  - (c) functions specified in the scheme that are to be carried out in conjunction with those functions.
- (2) The Scottish Ministers may give directions to a Health Board in relation to the carrying out of—
  - (a) functions conferred on it by this Act,
  - (b) functions delegated to it in pursuance of an integration scheme,
  - (c) functions specified in the scheme that are to be carried out in conjunction with those functions.
- (3) The Scottish Ministers may give directions to an integration joint board in relation to the carrying out of—
  - (a) functions conferred on it by this Act,
  - (b) functions delegated to it in pursuance of an integration scheme.
- (4) A local authority, a Health Board or an integration joint board must comply with a direction given to it under this section.
- (5) Directions under this section—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) may vary or revoke earlier directions under this section,
  - (b) must be in writing.
- (6) The Scottish Ministers may not under subsection (1) or (2) give a direction requiring a local authority or Health Board to make a written application of the type mentioned in section 27.

### **53 Guidance**

- (1) A person mentioned in subsection (2) must have regard to any guidance issued by the Scottish Ministers about its functions under or in relation to this Act.
- (2) Those persons are—
- (a) a local authority,
  - (b) a Health Board,
  - (c) an integration joint board,
  - (d) an integration joint monitoring committee.

### **54 Social Care and Social Work Improvement Scotland**

In section 53 of the Public Services Reform (Scotland) Act 2010 (inspections by Social Care and Social Work Improvement Scotland)—

- (a) in subsection (1), after paragraph (b), add—
- “(c) where social services, services provided under the health service or services provided by an independent health care service are provided in pursuance of an integration scheme approved under section 7 of the Public Bodies (Joint Working) (Scotland) Act 2014 (“the 2014 Act”), the planning, organisation or co-ordination of those services.”
- (b) in subsection (2)—
- (i) for “this section” substitute “subsection (1)(a) or (b)”,
  - (ii) after paragraph (e), add—
    - “(f) reviewing and evaluating the extent to which the social service is complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,
    - (g) reviewing and evaluating the extent to which the planning, organisation or co-ordination of social services, services provided under the health service and services provided by an independent health care service is complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,
    - (h) reviewing and evaluating the effectiveness of a strategic plan prepared under section 29 of the 2014 Act in complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,
    - (i) encouraging improvement in the extent to which implementation of a strategic plan prepared under section 29 of the 2014 Act complies with the

*Status: This is the original version (as it was originally enacted).*

integration delivery principles and contributes to achieving the national health and wellbeing outcomes, and

- (j) enabling consideration as to the need for any recommendations to be prepared as to any such improvement to be included in the report prepared under section 57.”,

- (c) after subsection (2), insert—

“(2A) The purposes of an inspection under subsection (1)(c) may include any of those mentioned in subsection (2)(f) to (j).”, and

- (d) after subsection (6), add—

“(7) In this section—

“independent health care service” has the meaning given by section 10F(1) of the National Health Service (Scotland) Act 1978;

“integration delivery principles” has the meaning given by section 31 of the 2014 Act;

“national health and wellbeing outcomes” has the same meaning as in section 5(1) of the 2014 Act.”.

## 55 Healthcare Improvement Scotland

- (1) The National Health Service (Scotland) Act 1978 is amended as follows.

- (2) In section 10I (Healthcare Improvement Scotland: inspection of services provided under the health service)—

- (a) for subsection (1), substitute—

“(1) HIS may inspect any service provided under the health service—

- (a) in pursuance of its general duty of furthering improvement in the quality of health care in Scotland, or
- (b) for any of the purposes mentioned in subsection (1B).”,

- (b) after subsection (1), insert—

“(1A) Where a service provided under the health service and social services are provided by virtue of an integration scheme approved under section 7 of the Public Bodies (Joint Working) (Scotland) Act 2014 (“the 2014 Act”), HIS may inspect the planning, organisation or co-ordination of those services for any of the purposes mentioned in subsection (1B).

(1B) The purposes are—

- (a) reviewing and evaluating the extent to which the service is complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,
- (b) reviewing and evaluating the extent to which the planning, organisation or co-ordination of services provided under the health service and social services is complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,

---

*Status: This is the original version (as it was originally enacted).*

---

- (c) reviewing and evaluating the effectiveness of a strategic plan prepared under section 29 of the 2014 Act in complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,
      - (d) encouraging improvement in the extent to which implementation of a strategic plan prepared under section 29 of the 2014 Act complies with the integration delivery principles and contributes to achieving the national health and wellbeing outcomes, and
      - (e) enabling consideration as to the need for any recommendations to be prepared as to any such improvement to be included in the report prepared under section 10N.”, and
    - (c) after subsection (2), insert—
      - “(3) In this section—
        - “integration delivery principles” has the meaning given by section 31 of the 2014 Act;
        - “national health and wellbeing outcomes” has the same meaning as in section 5(1) of the 2014 Act;
        - “social services” has the meaning given by section 46 of the Public Services Reform (Scotland) Act 2010.”.
- (3) In section 10J (inspections of independent health care services)—
  - (a) in subsection (1), after paragraph (b), add—
    - “(c) where services provided by an independent health care service and social services are provided in pursuance of an integration scheme approved under section 7 of the Public Bodies (Joint Working) (Scotland) Act 2014 (“the 2014 Act”), the planning, organisation or co-ordination of those services.”,
  - (b) in subsection (2)—
    - (i) for “this section” substitute “subsection (1)(a) or (b)”,
    - (ii) after paragraph (e), add—
      - “(f) reviewing and evaluating the extent to which the independent health care service is complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,
      - (g) reviewing and evaluating the extent to which the planning, organisation or co-ordination of services provided by an independent health care service and social services is complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,
      - (h) reviewing and evaluating the effectiveness of a strategic plan prepared under section 29 of the 2014 Act in complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,
      - (i) encouraging improvement in the extent to which implementation of a strategic plan prepared under

---

*Status: This is the original version (as it was originally enacted).*

---

section 29 of the 2014 Act complies with the integration delivery principles and contributes to achieving the national health and wellbeing outcomes, and

- (j) enabling consideration as to the need for any recommendations to be prepared as to any such improvement to be included in the report prepared under section 10N.”,
- (c) after subsection (2), insert—
  - “(2A) The purposes of an inspection under subsection (1)(c) may include any of those mentioned in subsection (2)(f) to (j).”, and
- (d) after subsection (7), add—
  - “(8) In this section—
    - “integration delivery principles” has the meaning given by section 31 of the 2014 Act;
    - “national health and wellbeing outcomes” has the same meaning as in section 5(1) of the 2014 Act;
    - “social services” has the meaning given by section 46 of the Public Services Reform (Scotland) Act 2010.”.

## **56 Joint inspections of health services and social services**

- (1) The Public Services Reform (Scotland) Act 2010 is amended as follows.
- (2) In section 115(11) (meaning of “confidential information”), for “section”, where it second occurs, substitute “sections 116A(4) and”.
- (3) After section 116, insert—

### **“116A Joint inspections of social services and health services**

- (1) Social Care and Social Work Improvement Scotland (“SCSWIS”) and Healthcare Improvement Scotland (“HIS”) may jointly conduct an inspection in relation to—
  - (a) any social services, services provided under the health service or services provided by an independent health care service which are provided in pursuance of an integration scheme approved under section 7 of the Public Bodies (Joint Working) (Scotland) Act 2014 (“the 2014 Act”), or
  - (b) a local authority, Health Board or integration joint board (as defined in section 1(4)(a) of the 2014 Act) which is required by section 29 of the 2014 Act to prepare a strategic plan.
- (2) The purposes of an inspection under this section may be any of those mentioned in section 10I(1) or (1B) or 10J(2) of the National Health Service (Scotland) Act 1978 or section 53(2) of this Act.
- (3) On the request of SCSWIS and HIS, any other person or body mentioned in section 115(6) may conduct an inspection under subsection (1) jointly with SCSWIS and HIS.

---

*Status: This is the original version (as it was originally enacted).*

---

- (4) In conducting an inspection under this section, SCSWIS and HIS must have regard to any code of practice or practice note issued by the Scottish Ministers for the purpose of—
  - (a) giving practical and general guidance on matters relating to such an inspection (including, without prejudice to that generality, such matters as access to confidential information and the holding, sharing and destruction of such information),
  - (b) promoting what appear to them to be desirable practices with regard to such matters.
- (5) After conducting an inspection under this section, SCSWIS and HIS must—
  - (a) prepare a report, and
  - (b) give any person to whom the report relates an opportunity to comment on the report.
- (6) SCSWIS and HIS must—
  - (a) give the report to the Scottish Ministers,
  - (b) give copies of the report to any person to whom the report relates, and
  - (c) make copies of the report available at their offices for inspection by any person at any reasonable time.
- (7) In this section—
  - “independent health care service” has the meaning given by section 10F of the National Health Service (Scotland) Act 1978;
  - “social services” has the meaning given by section 46.”.
- (4) In section 117 (regulations relating to joint inspections), after subsection (5), add—
  - “(6) In this section, “joint inspection” means an inspection conducted under section 115 or 116A.”.

## **57 Amendments of section 56 of Local Government (Scotland) Act 1973**

In section 56 of the Local Government (Scotland) Act 1973 (arrangements for discharge of functions by local authorities)—

- (a) after subsection (7), insert—
  - “(7A) A local authority is not to make arrangements under this section for the discharge of any functions conferred on it by the Public Bodies (Joint Working) (Scotland) Act 2014 by any other local authority.”, and
- (b) after subsection (15), add—
  - “(16) In this section, “Act” includes an Act of the Scottish Parliament.”.

## **58 Children’s services planning**

In section 7(1) of the Children and Young People (Scotland) Act 2014 (which makes provision for introductory matters relating to children’s services planning), in the definition of “other service provider”, after paragraph (e), insert—

- (f) an integration joint board established by order under section 9 of the Public Bodies (Joint Working) (Scotland) Act 2014.”.

## **59      Meaning of “integration authority”**

For the purposes of this Part, the “integration authority” for the area of a local authority is—

- (a) where in pursuance of the integration scheme for the area functions are delegated in accordance with the integration model mentioned in section 1(4) (a), the integration joint board established in pursuance of the scheme,
- (b) where in pursuance of the integration scheme for the area functions are delegated in accordance with the integration model mentioned in section 1(4) (b), the Health Board to which the functions are delegated,
- (c) where in pursuance of the integration scheme for the area functions are delegated in accordance with the integration model mentioned in section 1(4) (c), the local authority to which the functions are delegated,
- (d) where in pursuance of the integration scheme for the area functions are delegated in accordance with the integration model mentioned in section 1(4) (d), the local authority and the Health Board to which the functions are delegated, acting jointly.

## **60      Meaning of “integration functions”**

(1) For the purposes of this Part, the “integration functions” for the area of a local authority are—

- (a) where in pursuance of the integration scheme for the area functions are delegated in accordance with the integration model mentioned in section 1(4) (a), the functions delegated to the integration joint board in pursuance of the scheme,
- (b) where in pursuance of the integration scheme for the area functions are delegated in accordance with the integration model mentioned in section 1(4) (b)—
  - (i) the functions delegated to the Health Board in pursuance of the scheme, and
  - (ii) the functions to be carried out in conjunction with those functions,
- (c) where in pursuance of the integration scheme for the area functions are delegated in accordance with the integration model mentioned in section 1(4) (c)—
  - (i) the functions delegated to the local authority in pursuance of the scheme, and
  - (ii) the functions to be carried out in conjunction with those functions,
- (d) where in pursuance of the integration scheme for the area functions are delegated in accordance with the integration model mentioned in section 1(4) (d)—
  - (i) the functions delegated to each of the Health Board and the local authority in pursuance of the scheme, and
  - (ii) the functions to be carried out in conjunction with those functions.

(2) In subsection (1), the references to the functions which are to be carried out in conjunction with delegated functions are to the functions set out in the integration scheme in pursuance of section 1(3)(c).



## **61      Meaning of “constituent authority”**

For the purposes of this Part, each local authority and the Health Board which prepared the integration scheme in pursuance of which an integration joint board was, or is to be, established is a “constituent authority” in relation to that board.