

---

<b>Report To:</b>	<b>Inverclyde Council</b>	<b>Date:</b>	<b>22 February 2018</b>
<b>Report By:</b>	<b>Corporate Director Environment, Regeneration &amp; Resources</b>	<b>Report No:</b>	<b>VP/LP/024/18</b>
<b>Contact Officer:</b>	<b>Vicky Pollock</b>	<b>Contact No:</b>	<b>01475 712180</b>
<b>Subject:</b>	<b>Health and Social Care Integration Integration Scheme Amendments – Carers (Scotland) Act 2016</b>		

---

## **1.0 PURPOSE**

- 1.1 The purpose of this report is to seek the Council's formal approval to amendments to Inverclyde's Health and Social Care Integration Scheme.

## **2.0 SUMMARY**

- 2.1 The Inverclyde Integration Scheme is the joint agreement between Inverclyde Council and NHS Greater Glasgow and Clyde which sets out the arrangements for the integration of health and social care services and forms the basis of the establishment and continued operation of the Inverclyde Integration Joint Board.
- 2.2 Amendments are required to the Inverclyde Integration Scheme as a result of the implementation of the Carers (Scotland) 2016. There are new duties in the Carers (Scotland) Act 2016 which require, by legislation, to be delegated to the Inverclyde Integration Joint Board.
- 2.3 The revised Integration Scheme is to be submitted to the Scottish Government by 2 March 2018.

## **3.0 RECOMMENDATION**

- 3.1 It is recommended that the Council:
- (1) approves the amendments to the Health and Social Care Integration Scheme for Inverclyde as detailed in Appendix 2;
  - (2) agrees to the submission of the amended Integration Scheme to the Scottish Government for approval;
  - (3) agrees that any minor amendments to the Integration Scheme proposed by the Scottish Government, following their consideration thereof, will be agreed by the Corporate Director (Chief Officer) of the Inverclyde Health and Social Care Partnership following consultation with the Chair and Vice-Chair of the Inverclyde Integration Joint Board and that the Integration Scheme will only require further approval by the Council if changes are significant; and
  - (4) authorises the Head of Legal & Property Services in consultation with the relevant Officers to make any consequent changes to the Council's Standing Orders, Scheme of Administration and Scheme of Delegation arising from the Council's decision.

## **4.0 BACKGROUND**

- 4.1 The Public Bodies (Joint Working) (Scotland) Act 2014 required all Local Authorities and Health Boards to integrate Health and Social Care Services and to jointly prepare, consult and submit for approval an Integration Scheme to the Scottish Ministers setting out the local governance arrangements for integration. The Integration Scheme sets out clearly which matters are delegated to the Integration Joint Board ("IJB") and specifies the legislative provisions. The Integration Scheme for the Inverclyde IJB was agreed by Inverclyde Council and by NHS Greater Glasgow & Clyde in 2015. The Integration Scheme was then approved by the Scottish Government.
- 4.2 The Carers (Scotland) Act 2016 ("the 2016 Act") comes into effect on 1 April 2018. The provisions contained in the 2016 Act have implications for IJBs, Local Authorities and Health Boards as new duties will come into force which need to be delegated to the Inverclyde IJB. As a result, the Inverclyde Integration Scheme must be amended and submitted to the Scottish Government Health and Social Care Integration Directorate by 2 March 2018. Thereafter, the Integration Scheme will be presented for the approval of Scottish Ministers. Correspondence from the Scottish Government on this matter is attached at Appendix 1.
- 4.3 The 2016 Act is designed to support carers' health and wellbeing and help make caring more sustainable. The provisions in the 2016 Act include the identification of carers needs for support through Adult Carer Support Plans and Young Carer Statements, the provision of support to carers, the enabling of carer involvement in certain services, the preparation of Local Carer Strategies and the establishment of information and advice services for carers.
- 4.4 The Inverclyde IJB has received regular updates on progress towards implementation of the 2016 Act and is aware of the new duties and responsibilities that will be incumbent on the Health and Social Care Partnership as of 1 April 2018.
- 4.5 The changes required to the Integration Scheme in order to comply with the provisions of the 2016 Act are set out in Appendix 2. The local authority and health board functions referred to require to be delegated to the IJB. As the amendments are required as the result of legislative changes, the Scottish Government has advised that rather than undertake a full consultation exercise, stakeholders as identified within the Public Bodies (Joint Working) (Scotland) Act 2014 should be informed of the proposed changes.
- 4.6 This is a purely technical amendment to ensure that the Carers (Scotland) Act 2016 is fully implemented.

## **5.0 PROPOSALS**

- 5.1 It is recommended that the Council approves the amendments to the Inverclyde Integration Scheme to include the new duties put in place by the Carers (Scotland) Act 2016 for delegation to the Inverclyde Integration Joint Board in respect of the relevant local authority functions and to also note those functions which will be delegated by NHS Greater Glasgow and Clyde.

## **6.0 IMPLICATIONS**

### **Finance**

- 6.1 There are no financial implications.

### Financial Implications:

#### One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

#### Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

### **Legal**

- 6.2 The amendments to the Integration Scheme are a statutory requirement will reflect the additional delegated responsibilities from the Council to the Inverclyde Integration Joint Board in respect of the Carers (Scotland) Act 2016. These additional delegations are as prescribed by the Public Bodies (Joint Working) (Prescribed Local Authority functions etc.) (Scotland) Amendment Regulations 2017 and the Public Bodies (Joint Working) (Prescribed Local Authority functions etc.) (Scotland) Amendment (No. 2) Regulations 2017.

### **Human Resources**

- 6.3 There are no HR implications arising from this report.

### **Equalities**

- 6.4 There are no equality implications arising from this report. The amendments to the Integration Scheme arise from the Carers (Scotland) Act 2016, which has been equality impact assessed.

### **Repopulation**

- 6.5 There are no repopulation implications arising from this report.

## **7.0 CONSULTATIONS**

- 7.1 The Corporate Director (Chief Officer), Inverclyde Health & Social Care Partnership and NHS Greater Glasgow & Clyde have been consulted in the preparation of this report. A report will also be submitted to the Board of NHS Greater Glasgow & Clyde in respect of the delegation of Health Board functions under the Carers (Scotland) Act 2016.
- 7.2 Officers will ensure that the Inverclyde IJB and stakeholders identified within the Public Bodies (Joint Working) (Prescribed Consultees) (Scotland) 2014 are informed of the proposed changes.

## **8.0 BACKGROUND PAPERS**

- 8.1 Inverclyde Integration Scheme - [https://www.inverclyde.gov.uk/assets/attach/3702/Inverclyde Integration Scheme 13-10-15.pdf](https://www.inverclyde.gov.uk/assets/attach/3702/Inverclyde%20Integration%20Scheme%2013-10-15.pdf)

T: 0131-244 5453  
E: Alison.taylor@gov.scot

**NHS Chief Executives  
Local Authority Chief Executives  
Chief Officers of Integration Authorities**

Our ref: IAScheme-CA2016

17 November 2017

Dear Colleagues,

## **CARERS (SCOTLAND) ACT 2016 - IMPLEMENTATION**

As you know, the Carers (Scotland) Act 2016 (the Carers Act) comes into effect on 1 April 2018. Implementation of the Act has implications for Integration Authorities, Local Authorities and Health Boards, as new duties come into force and are delegated. This letter provides an update on timing for the changes coming into force and outlines changes that Health Boards and Local Authorities need to put in place in their Integration Schemes.

The Carers Act is designed to support carers' health and wellbeing and to help make caring more sustainable. All Integration Authorities are already responsible for support to adult carers as part of their responsibilities for adult social care. Where children's services are also delegated, responsibility for support to young carers also sits with the Integration Authority. In order to implement the Carers Act, the Scottish Government must incorporate provisions stemming from the Carers Act into those regulations that support the Public Bodies (Joint Working) (Scotland) Act 2014 that relate to functions for delegation. Once changes to the regulations have been made, Health Boards and Local Authorities, working with Integration Authorities, need to amend their Integration Schemes to take account of the new provisions.

To date we have made an amendment through the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017, which covers Section 21 of the Carers Act and places a duty on Integration Authorities to set local eligibility criteria for carer support in relation to adult services and where appropriate the delegated functions relating to children's services.

We have now laid two further statutory instruments with the Scottish Parliament to accommodate the remaining necessary changes. The instruments lie in Parliament for 40 days and, subject to parliamentary approval, will come into force on 18 December 2017, at which point you will be able to start work on amending your Integration Schemes. The two instruments are:

- The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment (No 2) Regulations 2017, which identifies a number of functions that *must* be delegated. In line with requirements on integration, the requirement to delegate these functions only extends to adult social care. Delegation of these functions with respect to children's social care remains a matter for local discretion.
- The Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Amendment Regulations 2017, which identifies functions that *may* be delegated.

For further details, see the regulations and the associated policy notes attached to the covering email to this letter.

In order to accommodate these changes, Health Boards and Local Authorities will need to amend their Integration Schemes to include the new duties put in place by the Carers Act for delegation to Integration Authorities. As per the process when Integration Schemes were originally written, Health Boards and Local Authorities will need to ensure that stakeholders identified within The Public Bodies (Joint Working) (Prescribed Consultees) (Scotland) Regulations 2014 are informed of the proposed changes. Following this process and appropriate approval by the Health Board and Local Authority, revised Integration Schemes should be submitted to Scottish Ministers via this division for their approval. We would ask that revised Integration Schemes are submitted to Scottish Government no later than 2 March 2018.

Once the process for reviewing Integration Schemes is completed, Integration Authorities will need to consider the implications of these new duties in the context of their overarching strategic commissioning plan. We anticipate that any changes to the strategic commissioning plan will be incorporated incrementally as part of the local, ongoing, planning process.

If you have any questions in relation to this process, I would be grateful if these could be directed to Brian Nisbet – [brian.nisbet@gov.scot](mailto:brian.nisbet@gov.scot).

Yours faithfully



**Alison Taylor**  
**Head of Integration Division**

## Amendments required to Inverclyde Integration Scheme

The following tables outline the required amendments to Part 1 of Annex 2 – Functions Delegated by the Council to the Integration Joint Board

<b>TO BE DELETED</b> <b>REFERENCES TO COUNCIL FUNCTIONS WHICH MUST BE REMOVED FROM THE INTEGRATION SCHEME AS THE STATUTORY PROVISIONS WILL BE REPEALED</b>	
<b>Column A</b> <b>Enactment conferring function</b>	<b>Column B</b> <b>Limitation</b>
<b>The Social Work (Scotland) Act 1968</b>	
<del><i>Section 12AA</i></del> <del><i>(Assessment of ability to provide care.)</i></del> <sup>1</sup>	
<del><i>Section 12AB</i></del> <del><i>(Duty of local authority to provide information to carer.)</i></del> <sup>2</sup>	
<b>Social Care (Self- Directed Support)(Scotland) Act 2013</b>	
<del><i>Section 3 (Support for adult carers.)</i></del> <sup>3</sup>	<del><i>Only in relation to assessments carried out under integration functions.</i></del>

**\*\*Deletions are in italics with strikethrough. Additions are in italics and underlined.\*\***

<sup>1</sup> Will be repealed by the Carers (Scotland) Act 2016 Sch. Para 1(2)

<sup>2</sup> Will be repealed by the Carers (Scotland) Act 2016 Sch. Para 1(2)

<sup>3</sup> Will be repealed by the Carers (Scotland) Act 2016 Sch. Para 5(3)

**TO BE INSERTED  
COUNCIL FUNCTIONS WHICH MUST BE DELEGATED TO THE IJB AND THEREFORE REFERRED TO  
IN THE INTEGRATION SCHEME. (APPLICABLE TO BOTH ADULT AND CHILDRENS' SERVICES)**

Column A Enactment conferring function	Column B Limitation
<b>Carers (Scotland) Act 2016<sup>4</sup></b>	
<p><u>Section 6</u> <i>(Duty to prepare adult carer support plan.)</i></p> <p><u>Section 21</u> <i>(Duty to set local eligibility.)</i></p> <p><u>Section 24</u> <i>(Duty to provide support.)</i></p> <p><u>Section 25</u> <i>(Provision of support to carers; breaks from caring.)</i></p> <p><u>Section 31</u> <i>(Duty to prepare local carer strategy.)</i></p> <p><u>Section 34</u> <i>(Information and advice service for carers.)</i></p> <p><u>Section 35</u> <i>(Short breaks services statements.)</i></p>	

**\*\*Deletions are in italics with strikethrough. Additions are in italics and underlined.\*\***

<sup>4</sup> Sections 6, 21, 24, 25, 31, 34 and 35 of the Carers (Scotland) Act 2016 will be inserted into the Schedule of the Public Bodies (Joint Working) (Scotland) Act 2014 by the Carers (Scotland) Act 2016 Sch. para 6(2)(c).

## Amendments required to Inverclyde Integration Scheme

The following table outlines the required amendments to Part 1 of Annex 1 – Functions Delegated by the Health Board to the Integration Joint Board<sup>5</sup>

<b>TO BE INSERTED HEALTH BOARD FUNCTIONS WHICH MUST BE DELEGATED TO THE IJB AND THEREFORE REFERRED TO IN THE INTEGRATION SCHEME.</b>	
<b>Column A</b>	<b>Column B</b>
<b>Carers (Scotland) Act 2016<sup>6</sup></b>	
<u>Section 12</u> <i>(Duty to prepare young carer statement.)</i>	
<u>Section 31</u> <i>(Duty to prepare local carer strategy.)</i>	

**\*\*Deletions are in italics with strikethrough. Additions are in italics and underlined.\*\***

---

<sup>5</sup> To be approved by NHS Greater Glasgow and Clyde Board

<sup>6</sup> Sections 12 and 21 of the Carers (Scotland) Act 2016 will be inserted into the Schedule of the Public Bodies (Joint Working) (Scotland) Act 2014 by the Carers (Scotland) Act 2016 Sch. para 6(2)(c).