

# Ayrshire and Arran NHS Board



Monday 29 January 2018

## Amendment to the three Ayrshire Integration Schemes – Carers (Scotland) Act 2016

**Author:**

Eunice Johnstone, Portfolio Programme Manager, Transformation and Sustainability

**Sponsoring Director:**

John Burns, Chief Executive

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### Recommendation

The NHS Board is asked to:

- Approve the amendment of each of the Ayrshire Integration Schemes in to include new duties put in place by the Carers (Scotland) Act 2016 for delegation to Integration Joint Boards in respect of the Health Board Functions.
- Note, for completeness, those which relate to the Local Authorities.
- Remit officers to advise the prescribed stakeholder of these changes and revise the Integration Schemes for forwarding to the Scottish Government by the due date.

### Summary

Amendments are required to the three Ayrshire Integration Schemes in relation to delegation by the Health Board, and also by the Local Authorities, to reflect changes to the Regulations in support of the Public Bodies (Joint Working)(Scotland) Act 2014, and associated guidance, as a result of the implementation of the Carers (Scotland) Act 2016.

**Key Messages:**

These required amendments reflect legislative changes and as such will be notified to the prescribed stakeholders; consultation is not required. The Integration Joint Boards will be advised of this additional delegation.

The revised Integration Schemes are to be lodged with the Scottish Government by 2 March 2018 for presentation to the Scottish Ministers, thereafter.

### Glossary of Terms

IJBs	Integration Joint Boards
SG	Scottish Government

## **1. Introduction**

- 1.1 The Carers (Scotland) Act 2016 (the Carers Act) comes into effect on 1 April 2018. Implementation of the Act has implications for the three Ayrshire Integration Joint Boards, Health Boards and Local Authorities, as new duties come into force which require to be delegated. This requires changes to the three Ayrshire Integration Schemes in advance of the commencement date of 1 April 2018 for the Carers Act.
- 1.2 A similar paper will be presented to each of the three Local Authorities to receive their formal agreement to amend the Integration Scheme, and to the IJBs to note these amendments.
- 1.3 There is a time imperative to achieving this agreement as the Regulations only received parliamentary approval on 18 December 2017 and the amended Integration Schemes are to be submitted to the Scottish Government Health and Social Care Integration Directorate by 2 March 2018. Thereafter they will be presented for the approval of Scottish Ministers.
- 1.4 There is a process to make amendment to Integrations Schemes which includes consultation with stakeholders identified within The Public Bodies (Joint Working) (Prescribed Consultees) (Scotland) 2014. As these amendments are required as a result of legislative changes, the Scottish Government has advised that we need to ensure that these stakeholders are informed of the proposed changes, rather than undertake a consultation. This limits the changes that can be made to the Integration Schemes at this time to those emerging from the change to the Regulations, as any additional changes would require the fuller consultation process to be undertaken.

## **2. Background**

- 1.2 An Integration Scheme is the joint agreement between the NHS Board and the respective local Authority which sets out the arrangements in accordance with the Public Bodies (Joint Working)(Scotland) Act 2014 for the integration of health and social care services, including the establishment of Integration Joint Boards.
- 1.3 The Public Bodies (Joint Working)(Scotland) Act 2014 set out those functions that 'must' be delegated to each of the Ayrshire Integration Joint Boards and those which 'may' be delegated to the IJBs through local agreement. The current functions are set out in Part 1 of Annexes 1 and 2 within the Integration Schemes.
- 1.4 The Carers Act is designed to support carers' health and wellbeing and to help make caring more sustainable. The IJBs are already responsible for support to adult carers as part of their responsibilities for adult social care and as local agreement was to delegate children's services to the IJBs, they are also responsible for support to young carers.
- 1.5 In order to implement the Carers Act, provisions stemming from the Act have been included into the Regulations in support of the Public Bodies (Joint Working) (Scotland) Act 2014 that relate to functions for delegation to IJBs. In turn, this means that amendments are required to each of the three Ayrshire Integration Schemes to reflect these changes.

## **2 Current Position**

- 2.1 The NHS Board and each of the three Ayrshire Local Authorities have been directed to amend their joint Integration Schemes to reflect changes to the Regulations which relate to the Prescribed Local Authority Functions and to the Prescribed Health Board Functions, and the delegation to IJBs. The changes are set out in the Regulations and these are summarised below. Please note that as Children's Services have been delegated to the IJBs these also require delegation in respect of children.
- 2.1.1 The Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland Amendment Regulations 2017 identifies the following new statutory duties that will need to be referred to in respect of Health Boards:
- Section 12 - Duty to prepare young carer statement
  - Section 31 - Duty to prepare local carer strategy
- 2.1.2 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 the IJBs to set local eligibility criteria for carer support that will need to be referred to in respect of Local Authorities.
- 2.1.3 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 and therefore be referred to in the Integration Schemes. Whilst these are in relation to adult care services, as children's services are delegated, locally, to the IJBs these duties also apply to our children's services, and are:
- Section 6 – Duty to prepare adult carer support plan;
  - Section 24 – Duty to provide support
  - Section 25 - Provision of support to carers: breaks from caring
  - Section 31 - Duty to prepare local carer strategy
  - Section 34 - Information and advice service for carers
  - Section 35 - Short breaks services statements
- 2.2 The Regulations also specify which statutory references must be removed from the Integration Schemes.
- 2.3 Subject to the formal agreement of the NHS Board and Local Authorities to their respective delegations, officers from both parties will ensure that the prescribed stakeholders are informed of these amendments and work together to make the necessary changes in the Integration Schemes to allow these to be forwarded to the Scottish Government by the due date of 2 March 2018.

## **3 Recommendation**

- 3.1 The NHS Board is asked to: approve the amendment of each of the Ayrshire Integration Schemes in to include new duties put in place by the Carers (Scotland) Act 2106 for delegation to Integration Joint Boards in respect of the Health Board Functions; to note, for completeness, those which relate to the Local Authorities; and remit officers to advise the prescribed stakeholder of these changes and revise the Integration Schemes for forwarding to the SG by the due date.

## Monitoring Form

<b>Policy/Strategy Implications</b>	<p>The report will support NHS Board to discharge its functions in line with The Carers (Scotland) Act 2016 and ensure compliance with the statutory guidance.</p> <p>Amendment to the Integration Schemes will reflect the additional delegated responsibilities for the Integration Joint Boards in respect of the Carers (Scotland) Act 2016.</p>
<b>Workforce Implications</b>	There are no workforce implications
<b>Financial Implications</b>	There are no financial implications
<b>Consultation (including Professional Committees)</b>	<p>Simultaneous reports are being submitted to East, North and South Ayrshire Councils.</p> <p>Officers will ensure that the IJBs and stakeholders identified within The Public Bodies (Joint Working) (Prescribed Consultees) (Scotland) 2014 are informed of the proposed changes.</p>
<b>Risk Assessment</b>	This change is a result of legislation.
<b>Best Value</b> <ul style="list-style-type: none"> <li>- Vision and leadership</li> <li>- Effective partnerships</li> <li>- Governance and accountability</li> <li>- Use of resources</li> <li>- Performance management</li> </ul>	Not applicable
<b>Compliance with Corporate Objectives</b>	Not applicable
<b>Single Outcome Agreement (SOA)</b>	Not applicable
<b>Impact Assessment</b> <p>These changes arise from the Carers (Scotland) Act 2016 which has been impact assessed.</p>	