

REVIEW OF THE HEALTH AND SOCIAL CARE INTEGRATION SCHEME

1. EXECUTIVE SUMMARY

- 1.1 The Business Continuity Committee and NHS Highland Board, at their meetings held on 16th April and 26th March 2020 respectively, approved revisions made to the Health and Social Care Integration Scheme following a 6 week joint consultation process, which ran from 9th December 2019 to 17 January 2020.
- 1.2 The revised Scheme was subsequently submitted to the Scottish Government for their review. This report provides details of the changes proposed by the SG and seeks approval of the revised Scheme (attached at appendix 1), which has been updated accordingly.

2. RECOMMENDATIONS

Members are asked to:-

- 2.1 Agree the revised Integration Scheme (Appendix 1), which has been further updated to take account of feedback received from the SG as part of their review.
- 2.2 Note that a similar report is being tabled at the NHS Highland Board on 24th November for their approval.
- 2.3 Agree that the Chief Executives of the two parent bodies jointly submit the revised Scheme to the Scottish Government for final approval.

3. DETAIL

- 3.1 The legal requirement to complete a review of an Integration Scheme is set out in Section 44 of the Public Bodies (Joint Working) (Scotland) Act 2014 (the Act). The Scheme must be reviewed each subsequent period of 5 years beginning with the day on which the Scheme was approved, in the case of Argyll and Bute, 27 June 2015. On this basis the review of the Scheme in Argyll and Bute was required by law to be completed by 27 June 2020. The statutory responsibility to review the Scheme sits with the Board of NHS Highland and Argyll and Bute Council.

- 3.2 Following a joint consultation exercise, which ran from 9th December 2019 to 17 January 2020, a number of revisions were made to the Scheme to take account of the feedback received and approved by NHS Highland Board and the Business Continuity Committee at their respective meetings in March and April this year.
- 3.3 It was the intention to submit the revised Scheme to Scottish Ministers in April for review, but due to Covid-19 the SG advised the parent bodies that due to other priorities they did not wish to receive any updated Integration Schemes until the situation had subsided. On this basis, the Scheme was not submitted to the SG until July 2020.
- 3.4 The SG have now completed their review of the Argyll and Bute Integration Scheme and provided both verbal and written feedback on 7th and 28th October 2020 respectively. The Scheme has been further updated to take account of the SG comments, which are summarised below and highlighted in appendix 1. The majority of the revisions are technical in nature and do not alter anything of substance or policy.
- i. Pages 37 – 40 – Health Board functions delegated by virtue of s.1(6) and s.1(8) of the 2014 Act listed separately to provide clarity on those functions that “can” and “must” be delegated.
 - ii. Page 38 – year changed from 2004 to 2018 in respect of The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004.
 - iii. Page 49 – title of the Social Care (Self-directed Support) (Scotland) Act 2013 has been written in full.
 - iv. Page 52 – The column header “enactment conferring function” updated to “functions conferred by virtue of enactments”.
 - v. Page 53 – section 19 (Local authority plans for services for children) of The Children (Scotland) Act 1995 removed as these functions are repealed from the Public Bodies (Joint Working) (Scotland) Act 2014.
 - vi. Page 54 – reference to section 24 and 24A of The Children (Scotland) Act 1995 removed as these functions are repealed and have been removed from the 2014 Act. This does not create a gap in integration planning as both the relevant new functions for carer planning (sections 6 and 12 of the Carer’s (Scotland) Act 2016) are included in the Scheme.
 - vii. Page 55 – Section 4 (local authority plan) of the Adoption and Children (Scotland) Act 2007 removed as these functions are repealed from the Public Bodies (Joint Working) (Scotland) Act 2014.
- 3.5 With regard to (v) and (vii) above the SG have advised that a legislative piece of work is being carried out to remove the repealed legislation from the Public Bodies (Joint Working) (Scotland) Act 2014 Schedule. This should not be an onerous piece of work however, due to the pressures of Covid and Brexit it has

been agreed that the SG shall delay carrying out this work until the next parliamentary term, and look to secure an appropriate legislative vehicle at the earliest opportunity to make the amendment.

- 3.6 In light of the further changes, Members are asked to approve the Integration Scheme detailed at Appendix 1. A report will also be submitted to the NHS Highland Board scheduled for 24th November 2020 to obtain their approval. If agreeable, both parent bodies will then arrange for the revised Scheme to be jointly submitted to Scottish Ministers for final sign off.
- 3.7 Thereafter, the Council and NHS Highland will arrange for the final Integration Scheme to be published as soon as practicable after it takes effect.

4. CONCLUSION

- 4.1 Following review by the SG, the Argyll and Bute Integration Scheme has been further updated to take account of the comments received, as detailed at section 3.4 of the paper. Members are asked to approve the revised Scheme as set out at Appendix 1 and agree that the parent bodies re-submit the Scheme to the SG for final sign off.

5. IMPLICATIONS

- 5.1 Policy - In line with Scottish Government Legislation to improve health and social care outcomes for customers
- 5.2 Financial – none arising from this report
- 5.3 Legal - Meets the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014
- 5.4 HR – none arising from this report
- 5.5 Equalities/Fairer Scotland Duty – none arising from this report
- 5.6 Risk – non compliance with statutory measures under the Public Bodies (Joint Working) (Scotland) Act 2014
- 5.7 Customer Services – improved outcomes for customers at core of legislation

6. APPENDICES

- 6.1 Appendix 1 – Revised Integration Scheme as at November 2020

Policy Lead – Councillor Kieron Green - Health and Social Care

Douglas Hendry

Executive Director with responsibility for Legal and Regulatory Support

3 November 2020

For further information, please contact:

Laura Blackwood
Directorate Support Officer
Customer Services
01546 604325