

Briefing number: 55 Date: June 2014

## Public Bodies (Joint Working) Act

### Health & Social Care

## Integration Regulations – Set 2



# BARGAINING BRIEFING

### Introduction

The Public Bodies (Joint Working) Act has been passed and the Scottish Government is consulting over [regulations](#) that implement health and care integration. The main provisions of the Act and UNISON's position is set out in [Briefing 47](#).

This briefing covers the second set of draft regulations and orders with a consultation period Tuesday, 27 May – Monday 18 August 2014.

### Consultation

This set of draft regulations relates to:

- Prescribed groups which must be consulted when preparing or revising integration schemes; preparing draft strategic plans; and when making decisions affecting localities
- Membership, powers and proceedings of integration joint boards (IJBs) (Body Corporate Model)
- Establishment, membership and proceedings of integration joint monitoring committees (Lead Agency Model)
- Prescribed membership of strategic planning groups
- Prescribed form and content of performance reports

### Prescribed groups which must be consulted when preparing or revising Integration Schemes; draft strategic plans.

#### Standard Consultees:

- Health professionals;
- Users of health care;
- Carers of users of health care;
- Commercial providers of health care;
- Non-commercial providers of health care;
- Social care professionals;
- Users of social care;
- Carers of users of social care;
- Commercial providers of social care;
- Non-commercial providers of social care;
- Non-commercial providers of social housing; and
- Third sector bodies carrying out activities related to health or social care.

#### Additional Consultees

- Staff of the local authority likely to be affected by the Integration Scheme;
- Staff of the health board likely to be affected by the Integration Scheme; and
- Other local authorities operating within the area of the health

### KEY POINTS:

- These regulations (set 2) implement the Scottish Government's plans for health and social care integration
- They prescribe which groups have to be consulted when preparing or revising Integration Schemes, preparing draft strategic plans and when making decisions affecting localities.
- Membership, powers and proceeds of Integration Joint Boards (Body Corporate Model)
- Establishment, membership and proceedings of integration joint monitoring committees (Lead Agency Model)
- Prescribed membership of strategic planning groups
- Prescribed form and content of performance groups.



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## Prescribed Consultees for Locality Planning Decisions

In addition to the standard consultees listed above, additional consultees are:

- Staff of the health board likely to be affected by the Integration Scheme; and
- Other local authorities operating within the area of the health board preparing the Integration Scheme;
- Residents of the locality.

## Membership, powers and proceedings of Integration Joint Boards (body corporate model)

There will be two categories of membership for the Integration Joint Boards: voting and non-voting. Scottish Ministers believe that only members nominated by the health board and local authority should have a vote.

### Voting Members

- The local authority and the health board must nominate the same number of representatives to sit on the IJB;
- The health board and the local authority must agree on the number of representatives that they will each nominate;
- The health board and local authority must put forward a minimum of three nominees each, however local authorities can require that the number of nominees is to be a maximum of 10% of their full council number;
- The local authority will nominate councillors to sit on the IJB;
- The health board will primarily nominate non-executive directors to sit on the IJB;
- A health board must have at least two non-executive directors on each of the IJBs created within their geographical area;

Where the health board is unable to fill all their places with non-executive directors they can then nominate other appropriate people, who must be members of the health board, to fill their spaces.

### Non Voting members:

The minimum non-voting advisory membership for each Integration Joint Board is:

- A registered health professional employed and nominated by the health board;
- Chief Social Work Officer;
- A staff-side representative;
- A third sector representative;
- A carer representative;
- A service user representative;
- Chief Officer.

In addition, other members may be appointed, as required, by the Integration Joint Board.



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## **Establishment, membership and proceedings of integration joint monitoring committees (lead agency model)**

Integration Joint Monitoring Committees are to be established to monitor the progress of the integration functions for the health board and the local authority in meeting the requirements of the national health and wellbeing outcomes. The minimum required membership will be:

- Three councillors nominated by the local authority;
- Three persons nominated by the health board (at least two non-executive directors and another member of the health board);
- Health Board Director of Finance (where the integration authority is the health board) or the local authority Section 95 Officer (where the integration authority is the local authority);
- Plus other members as outlined in the non-voting membership of the Integration Joint Board

## **Prescribed membership of strategic planning groups**

The strategic planning process requires integration authorities to:

- Embed patients/clients and their carers in the decision making process;
- Treat the third and independent sectors as key partners; and
- Involve GPs, other clinicians and social care professionals in all stages of the planning work, from the initial stages to the final draft.

## **Membership of the Strategic Planning Groups will include a representative of:**

- Health professionals who operate within the local authority area
- Users of health care who reside within the local authority area
- Carers of users of health care who reside within the local authority area
- Commercial providers of health care who operate within the local authority area
- Non-commercial providers of health care who operate within the local authority area
- Social care professionals who operate within the local authority area
- Users of social care who reside within the local authority area
- Carers of users of social care who reside within the local authority area
- Commercial providers of social care who operate within the local authority area
- Non-commercial providers of social care who operate within the local authority area
- Non-commercial providers of social housing within the local authority area
- Third sector bodies within the local authority carrying out activities related to health or social care



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## Prescribed form and content of performance reports

The Public Bodies (Joint Working) (Scotland) Act 2014 gives Scottish Ministers the powers to set out the form and content of the annual performance report that all Integration Authorities are required to produce. These draft Regulations set out what Scottish Ministers intend to require that Integration Authorities include within the report.

The aim of these draft Regulations is to require that the key elements of the planning and delivery of integrated health and social care services are reported on, and also that there is a measure of national comparability between the reports, while retaining flexibility for each Integration Authority to reflect their local circumstances. In particular; these draft Regulations require that Integration Authorities report on:

- Progress to deliver the national health and wellbeing outcomes;
- Information on performance against key indicators or measures;
- How the strategic planning and locality arrangements have contributed to delivering services that reflect the integration principles;
- The details of any review of the strategic plan within the reporting year;
- Any major decisions taken outwith the normal strategic planning mechanisms;
- An overview of the financial performance of the Integration Authority;
- The extent to which Integration Authorities have moved resources from institutional to community based care and support, by reference to changes in the proportion of the budget spent on each type of care and support.

### And within a lead agency arrangement only:

- Any recommendations and the response to those recommendations, made by the integration joint monitoring committee.

These elements will need to be reported on each year and, where applicable, there will also be a requirement for each annual report to include a comparison with at least the five preceding years.

### Action for Branches

Branches should familiarise themselves with the detail of the regulations as they set out in some detail the members who will be involved with the new integration bodies. Other members may be added to these various boards/committees by negotiations with the local authority and health board.

Most health and local authority branches will have held initial meetings to discuss this issue and agreed a process for ongoing engagement.

Please forward any comments on the draft regulations to Diane Anderson [diane.anderson@unison.co.uk](mailto:diane.anderson@unison.co.uk) by Friday 8 August 2014

### Further information

Draft regulations – Set 1  
<http://www.scotland.gov.uk/Publications/2014/05/5284>

Draft Regulations – Set 2  
<http://www.scotland.gov.uk/Publications/2014/05/6659/13>

Bill and supporting papers  
<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/63845.aspx>

Policy Statements  
<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/65592.aspx>

Scottish Govt  
<http://www.scotland.gov.uk/Topics/Health/Policy/Adult-Health-SocialCare-Integration>

UNISON Briefing 47  
[http://www.unison-scotland.org.uk/briefings/b047\\_PublicbodiesBill\\_Feb2014.pdf](http://www.unison-scotland.org.uk/briefings/b047_PublicbodiesBill_Feb2014.pdf)

UNISON Briefing 53  
[http://www.unison-scotland.org.uk/briefings/b053\\_BargainingBrief\\_CareIntegrationRegs1\\_May2014.pdf](http://www.unison-scotland.org.uk/briefings/b053_BargainingBrief_CareIntegrationRegs1_May2014.pdf)



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