



REPORT TO ABERDEENSHIRE COUNCIL – 18th JANUARY 2018

REPORT TO NHS GRAMPIAN BOARD – 1st FEBRUARY 2018

LEGISLATIVE CHANGE TO ABERDEENSHIRE INTEGRATION JOINT BOARD INTEGRATION SCHEME

1 Recommendations

Aberdeenshire Council and NHS Grampian are recommended to:

- 1.1 *Approve the amendment to the Health and Social Care Integration Scheme for Aberdeenshire as detailed in Appendix 1.*
- 1.2 *Agree that the amended Integration Scheme can be submitted to the Scottish Government for approval.*
- 1.3 *Agree that any minor amendments to the Integration Scheme proposed by the Scottish Government, following their consideration, will be agreed by the Chief Officer of the Aberdeenshire Health and Social Care Partnership following consultation with the Chair and Vice Chair of the Integration Joint Board and that the Scheme will only require further approval by the Board and the Council if changes are significant.*
- 1.4 *Agree to suspend Standing Orders 7.2.1 and 9.1 to allow an amendment to the Scheme of Governance to take effect from 1st April 2018 as detailed in Appendix 2*

2 Background / Discussion

Purpose of Report

- 2.1 The Public Bodies (Joint Working) (Scotland) Act 2014 required all local authorities and health boards to integrate adult community health and social care services and to submit an “integration scheme” to the Scottish Government 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 Aberdeenshire Integration Joint Board was agreed by NHS Grampian on 6th March 2015 and by Full Council on 12th March 2015. The Integration Scheme was then approved by the Scottish Government.
- 2.2 The Carers (Scotland) Act 2016 comes into force on 1 April 2018. The provisions contained in this act have implications for Integration Authorities, Local Authorities and Health Boards. As a result the Aberdeenshire Integration Scheme must be amended and submitted to the Scottish Government by 2nd March 2018.

- 2.3 The Carers (Scotland) Act 2016 is designed to support carers' health and wellbeing and help make caring more sustainable. The provisions in the 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.
- 2.4 The Aberdeenshire Integration Joint Board has received regular updates on progress towards implementation of the Carers (Scotland) Act 2016 and is fully aware of the new duties and responsibilities that will be incumbent on the Health and Social Care Partnership as of 1st April 2018.
- 2.5 The change required to the Integration Scheme in order to comply with the provisions of the Carers (Scotland) Act 2016 is set out in Appendix 1. Given that the change is required by legislation there is no discretion and it must be approved by both NHS Grampian and the Council without amendment. There is no requirement to consult on the change to the scheme as it is mandatory however the statutory consultees will receive notification of the amendment.
- 2.6 The Council's Scheme of Governance will require to be amended from the 1st April 2018, when the Act becomes law. Those changes are detailed in Appendix 2.
- 2.6 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3 Scheme of Governance

- 3.1 Full Council is able to consider and take a decision on this item in terms of Section A2.3 of the List of Committee Powers in Part 2A of the Scheme of Governance. Standing Orders require that notice of any proposed alterations to the Scheme of Governance be given at one meeting of Full Council before approval at the next. It is possible to suspend Standing Orders to make these changes immediately. A two thirds majority in favour of suspending Standing Orders is required. The proposed amendment to the Scheme of Governance is a technical requirement in statute therefore it is appropriate to suspend Standing Orders to update the Scheme of Governance on the 1st of April in line with legislation.

4 Implications and Risk

- 4.1 An equality impact assessment has been not been carried out as the change to the Integration Scheme is a statutory requirement that of itself does not have a differential impact on any of the protected characteristics.
- 4.2 Staffing and financial implications will be considered in the implementation of the Carers Act 2016.
- 4.3 The following Risks have been identified as relevant to this matter on a Corporate Level ACORP005 – Working with Other Organisations (Corporate Risk Register).

4.4 There is no impact on the Town Centres as a result of this report therefore no Impact Assessment is required.

Ritchie Johnson
Director Business Services

Report Author: Lauren Cowie, Principal Solicitor (Governance),
Date: December 2017

APPENDIX 1

Amendments Required to the Aberdeenshire Integration Scheme

The following table outlines the required amendments to Part 1 of Annex 2 – Functions delegated by the Local Authority to the Integration Joint Board

Column A Enactment conferring function	Column B Limitation
The Social Work (Scotland) Act 1968	
Section 12AA (Assessment of ability to provide care.)¹	
Section 12AB (Duty of local authority to provide information to carer.)²	
Social Care (Self-directed Support) (Scotland) Act 2013	
Section 3 (Support for adult carers.)³	Only in relation to assessments carried out under integration functions.
Carers (Scotland) Act 2016⁴	
Section 6 (duty to prepare adult carer support plan)	
Section 21 (duty to set local eligibility criteria)	
Section 24 (duty to provide support)	
Section 25 (provision of support to carers: breaks from caring)	

¹ Will be repealed by the Carers (Scotland) Act 2016 Sch. para. 1(2)

² Will be repealed by the Carers (Scotland) Act 2016 Sch. para. 1(2)

³ Will be repealed by the Carers (Scotland) Act 2016 Act Sch. para 5(3)

⁴ Sections 6, 24, 25, 31, 34 and 35 of the 2016 Act will be inserted into the schedule of the Public Bodies (Joint Working) (Scotland) Act 2014 by paragraph 6(2)(c) of the schedule of the Carers (Scotland) Act 2016.

Section 31 (duty to prepare local carer strategy)	
Section 34 (information and advice service for carers)	
Section 35 (short breaks services statements)	

APPENDIX 2 - Scheme of Governance amendments

The following should be added to Part E2.1

“(g) Carers (Scotland) Act 2016 so far as it relates to young carers

The following should be added to Appendix C of Part 2A – List of Committee Powers

Carers (Scotland) Act 2016 so far as it relates to adult social work services.

