Policy Statement – Locality Consultation Regulations  
Section 32(4)

Introduction

1. The Public Bodies (Joint Working) (Scotland) Bill (referred to in this statement as the Bill) gives Scottish Ministers the power in section 32(4) to make regulations that prescribe such persons or groups of persons that the integration authority, Health Board and the local authority must consult and take account of the views of, for decisions that may significantly affect services in a locality. The relevant provision of the Bill is as follows:

32 Carrying out of integration functions: localities

(1) This section applies where a person carrying out an integration function for the area of a local authority proposes to take a decision which the person considers might significantly affect the provision in a locality of the area of a service provided in pursuance of the function.

(2) In subsection (1), “locality” means a locality of an area as set out in the strategic plan in pursuance of section 23(3) (a).

(3) The person must take such action as the person thinks fit with a view to securing that the groups mentioned in subsection (4) are involved in and consulted on the decision.

(4) The groups referred to in subsection (3) are such groups of persons appearing to the Scottish Ministers to have an interest as may be prescribed.

2. Section 32(4) provides a power for Ministers to prescribe the groups which must be consulted.

3. By virtue of section 48(1), “prescribed” means prescribed by regulations. Section 49 sets out additional provisions in relation to subordinate legislation under the Bill. By virtue of section 49(4), regulations under this section will be subject to the negative procedure.

4. Ministers therefore require to prescribe by regulations a list of persons who must be consulted before a decision is taken under section 32(1).

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5. The development of locality planning arrangements is an essential part of the integration reform agenda. By virtue of section 23(3), all strategic plans prepared under the Bill require to make provision about localities. A locality is a defined ‘natural community’ that is primarily brought together because the resident population have similar health and social care needs. Considering the area of an
integration authority in this way allows for better planning of services as they are better aligned to the needs of communities.

6. It is also the best place for engaging and involving health and social care professionals in the planning and delivery of services, because the areas are small enough that those planning for the community that they are serving whilst having an understanding of their needs. It draws together those professionals that work alongside each other on a regular basis to allow, frontline staff to discuss and plan for tangible changes to service provision, something that is essential to keeping the majority of professional staff engaged.

7. Evidence shows, however, that the most effective services are those that are developed and designed in partnership with local communities. Local communities, users and their carers are best placed to know what services they actually want, and what benefit they derive from the existing arrangements. This intelligence will be essential for integration authorities if they are to deliver improved outcomes.

8. The Scottish Government intends to consult on the basis that the regulation will stipulate that the following people or groups of people must be consulted when a decision is proposed to be taken under section 32(1):

- General Practitioners;
- General Practitioner practice managers;
- Social Workers;
- Mental Health Officers;
- Nurses;
- Allied Health Professionals;
- Pharmacists;
- Dentists;
- Opticians;
- Scottish Ambulance Service;
- Public Health professionals;
- Local authority Councillors;
- Users of services;
- Unpaid carers of the users of services;
- Non-commercial providers of health or/and care services;
- Commercial providers of health or/and services;
- Non-commercial providers of social housing.

The Scottish Government
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