Policy Statement – Consultation Group
Section 26(2)

Introduction

1. This statement summarises Scottish Ministers’ intentions in relation to the Regulations that will be made under section 26(2) of the Public Bodies (Joint Working) (Scotland) Bill. These regulations will prescribe such persons or groups of persons that the Health Board and the local authority must consult in the development of the strategic plan. The power conferred on Scottish Ministers, underlined within the wider section, as introduced is:

Section 26 - Establishment of consultation group

(1) For the purpose of preparing a strategic plan, an integration authority in relation to the area of a local authority is to establish a group comprising—

(a) where the integration authority is an integration joint board, one person nominated by each of the local authority and the Health Board which prepared the integration plan in pursuance of which the integration authority was established,

(b) where the integration authority is a Health Board, one person nominated by the local authority with which the integration authority prepared the integration plan in pursuance of which the integration authority acquired its functions,

(c) where the integration authority is a local authority, one person nominated by the Health Board with which the integration authority prepared the integration plan in pursuance of which the integration authority acquired its functions,

(d) one person in respect of each of the groups mentioned in subsection (2), being a person who the integration authority considers to be representative of that group, and

(e) such other persons as the integration authority considers appropriate.

(2) The groups referred to in subsection (1)(d) are such groups of persons appearing to the Scottish Ministers to have an interest as may be prescribed.

(3) The procedure of the group is to be such as the authority determines.

(4) The integration authority may pay to members of the group such expenses and allowances as the authority determines

2. 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.

3. An amendment to the Bill at stage two is proposed which would have the effect of re-naming the consultation group the “strategic planning group”.


Strategic Planning

4. Section 23 of the Public Bodies (Joint Working) (Scotland) Bill requires the integration authority to prepare a strategic plan for the area of the local authority. A strategic plan is a document that sets out the arrangements for carrying out the integrated functions, and also explains how these arrangements are intended to achieve the national outcomes. Each strategic plan should last for a minimum three years, although the actual planning period of each plan can be longer (so an integration authority can set out a five or ten year plan but must review it at least every three years). The plan should be subject to a continual cycle of analysis and review.

5. Depending on the model of integration chosen, the group must involve members nominated by the local authority or the Health Board, or both, as set out in subsection (1)(a), (b) and (c). In effect, this provides for the partners who prepared the integration scheme and are party to the integrated arrangements to be involved in the development of the strategic plan. In addition, once a draft strategic plan is prepared, the integration authority will be required to seek the views of a range of relevant stakeholders, to be prescribed by Scottish Ministers as having an interest. The integration authority can appoint others as it feels appropriate. The integration authority is to determine the procedure of the group and may pay members of the group expenses and allowances.

6. In order to gain an understanding of local need and demand, integration authorities must take account of the views of those that provide services and of those that use services. The Policy Memorandum that accompanies the Bill makes clear that, as part of the strategic planning process, integration authorities will be required 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.

7. The regulations will specify the groups that must be represented in the consultation group. Subject to discussion within the National Steering Group on Joint Strategic Commissioning, these groups may include:

   - Health professionals who operate within the boundaries of the proposed integration authority;
   - Users of health care who reside within the boundaries of the proposed integration authority;
   - Carers of users of health care who reside within the boundaries of the proposed integration authority;
   - Commercial providers of health care who operate within the boundaries of the proposed integration authority;
   - Non-commercial providers of health care who operate within the boundaries of the proposed integration authority;
• Social care professionals who operate within the boundaries of the proposed integration authority;
• Users of social care who reside within the boundaries of the proposed integration authority;
• Carers of users of social care who reside within the boundaries of the proposed integration authority;
• Commercial providers of social care who operate within the boundaries of the proposed integration authority;
• Non-commercial providers of social care who operate within the boundaries of the proposed integration authority;
• Representative of recognised bodies representing the interests of specific age, condition, or illness groups;
• Neighbouring Health Boards, local authorities and integration authorities that may be affected by the strategic plan;
• Housing providers;
• Representatives of localities as provided for in proposed amendment to s26.

8. It is expected that the groupings themselves will agree representative nominees for appointment by the integration authority. It will remain up to each integration authority as to the actual numbers appointed, which might be single or multiple representation.

9. The Scottish Government will issue extensive guidance on the development of strategic plans to ensure consistency of approach across Scotland.

The Scottish Government
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