Introduction

1. This statement summarises Scottish Ministers’ intention in relation to the regulations that will be made under section 27(5) of the Public Bodies (Joint Working) (Scotland) Bill. These regulations will prescribe such groups of persons that the integration authority must consult having developed a draft strategic plan. The power, underlined within the wider section, at introduction is:

Section 27  Steps following establishment of consultation group

(1) Having established a group under section 26, an integration authority in relation to the area of a local authority is to—
   (a) prepare proposals for what the strategic plan should contain, and
   (b) seek the views of its strategic planning group on the proposals.

(2) Taking account of any views expressed by virtue of subsection (1)(b) the integration authority is then to—
   (a) prepare a first draft of the strategic plan, and
   (b) seek the views of the group on the draft.

(3) Taking account of any views expressed by virtue of subsection (2)(b), the integration authority is then to—
   (a) prepare a second draft of the strategic plan,
   (b) send a copy to—
      (i) the persons mentioned in subsection (4), and
      (ii) such other persons as it considers appropriate, and
   (c) invite the recipients to express views (within such period as the integration authority considers appropriate) on the draft.

(4) The persons referred to in subsection (3)(b)(i) are—
   (a) where the integration authority is an integration joint board, the local authority and the Health Board which prepared the integration plan in pursuance of which the integration joint board was established,
   (b) where the integration authority is a local authority, the Health Board with which the local authority prepared the integration plan in pursuance of which the integration authority acquired its delegated functions,
   (c) where the integration authority is a Health Board, the local authority with which the Health Board prepared the integration plan in pursuance of which the integration authority acquired its delegated functions, and
   (d) persons who the integration authority considers to be representative of each of the groups mentioned in subsection (5).
(5) The groups referred to in subsection (4)(d) are such groups of persons appearing to the Scottish Ministers to have an interest as may be prescribed.

(6) In finalising the strategic plan, the integration authority must take account of any views expressed by virtue of subsection (3)(c).

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 section 27 will be subject to the negative procedure.

Background

3. 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 how these arrangements are intended to achieve the national outcomes. Each strategic plan should last for a minimum of three years, although the actual planning period of each plan can be longer (so an integration authority can set out a five year or a ten year plan but must review it after every three years). The plan should be subject to a continual cycle of analysis and review.

4. Section 26 puts an obligation on the integration authority to establish a strategic planning group. Under section 27(1) and (2), the integration authority must seek and take account of the views of this group in preparing a strategic plan. Having sought and taken account of these views, section 27(3)(b) sets out that the integration authority is to send a draft of the strategic plan to other interested stakeholders. Section 27(4) (d) and (5) together allow the Scottish Ministers to prescribe certain groups whose views should be taken account of in the strategic planning process. Representatives of each prescribed group must be provided with a copy the draft strategic plan. The integration authority may also consult more widely if it feels this is appropriate. Any views on the draft expressed by the persons who are consulted must be taken account of by the integration authority, by virtue of section 23(6).

5. 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.
6. It is essential that the integration authority shares the draft strategic plan widely with those who have an interest in the delivery or receipt of health and social care within the geographic boundaries of the integration authority. This would include other integration authorities or local authorities whose resident populations access services primarily through the same NHS Board.

7. Scottish Government officials are discussing the groups that should be included in this process with the National Steering Group on Joint Strategic Commissioning. Subject to the views of the Group, it is envisaged the regulation will specify the following groups that should be included within the consultation –

- Health and social care professionals who operate within the boundaries of the proposed integration authority;
- Users of health and/or social care who reside within the boundaries of the proposed integration authority;
- Carers of users of health and/or social care who reside within the boundaries of the proposed integration authority;
- Commercial providers of health and/or social care who operate within the boundaries of the proposed integration authority;
- Non-commercial providers of health and/or social care who operate within the boundaries of the proposed integration authority;
- Recognised representative bodies, representing the interests of specific age, condition or illness groups;
- Other Health Boards, local authorities and integration authorities that might be affected by the strategic plan;
- Housing providers.

8. This list would be the core groups that should be consulted. Integration authorities would be able to consult with such other local groups as they consider to have an interest.

The Scottish Government
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