



**REPORT TO: HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD –
25 AUGUST 2020**

REPORT ON: REVIEW OF INTEGRATION SCHEME

REPORT BY: CHIEF OFFICER

REPORT NO: DIJB38-2020

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to advise the Health and Social Care Integration Joint Board of the legal requirement on Dundee City Council and NHS Tayside to review the Integration Scheme between them and the terms of correspondence received from the Scottish Government.

2.0 RECOMMENDATIONS

It is recommended that the Integration Joint Board (IJB):

- 2.1 Notes the requirements imposed by the Public Bodies (Joint Working) (Scotland) Act 2014 on local authorities and Health Boards in relation to the review of integration schemes as described in Section 4.1;
- 2.2 Notes the terms of the correspondence received from the Scottish Government as described in Section 4.2; and
- 2.3 Notes that revised managerial arrangements for Inpatient Mental Health and Learning Disability Services, as well as the Crisis Resolution and Home Treatment Teams will be reflected within the reviewed integration schemes as described in section 4.3.2.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising from this report.

4.0 MAIN TEXT

4.1 Background.

- 4.1.1 Section 2 of the Public Bodies (Joint Working)(Scotland) Act 2014 (“the Act”) provided that where the areas of two or more local authorities fall within the area of a Health Board then each local authority and the Health Board must jointly prepare an integration scheme for the area of the local authority. An integration scheme is a scheme setting out amongst other things:-
 - (i) Which integration model is to apply.
 - (ii) The functions that are to be delegated in accordance with that model.
 - (iii) Prescribed information to be determined by the Scottish Ministers.

The prescribed information referred to at (iii) above is set out in the Public Bodies (Joint Working) (Integration Scheme) Regulations 2014.

- 4.1.2 The current Integration Scheme between the NHS Tayside and Dundee City Council can be found at:
https://www.dundeehscp.com/sites/default/files/publications/dundee_integration_scheme.pdf
- 4.1.3 Section 44 of the Act provides that a local authority and a Health Board must carry out a review of its Integration Scheme before the expiry of the relevant period for the purpose of identifying whether any changes to the scheme are necessary or desirable. The relevant period is defined as the period of five years beginning with the day on which the Scheme was approved by the Scottish Ministers. The current Integration Scheme between the NHS Tayside and Dundee City Council was approved by the Scottish Ministers on 22 September 2015. Therefore, there is a requirement for the current Integration Scheme to be reviewed by 21 September 2020.
- 4.1.4 The Act provides that in reviewing an integration scheme a local authority and a Health Board must have regard to:-
- (i) The integration planning principles set out in Section 4 of the Act; and
 - (ii) The national health and wellbeing outcomes prescribed by the Scottish Ministers by regulations.
- 4.1.5 In reviewing an integration scheme, the local authority and the Health Board must jointly consult such persons or groups of persons appearing to the Scottish Ministers to have an interest as may be prescribed and such other persons as the local authority and the health Board think fit. In finalising any revised integration scheme, the local authority and the health Boards must take account of views expressed by virtue of this consultation process. The public Bodies (Joint Working) (Prescribed Consultees) (Scotland) Regulations 2014 specify that the groups of persons that the Scottish Ministers require a local authority and a Health Board to consult are:-
- i. Health professionals
 - ii. Users of health care
 - iii. Carers of users of health care
 - iv. Commercial providers of health care
 - v. Non-commercial providers of health care
 - vi. Social care professionals
 - vii. Users of social care
 - viii. Carers of users of social care
 - ix. Commercial providers of social care
 - x. Non-commercial users of social care
 - xi. Staff of the health board and local authority who are not health professionals or social care professionals
 - xii. Non-commercial providers of social housing
 - xiii. Third sector bodies carrying out activities related to health or social care
 - xiv. Other local authorities operating within the area of the Health board preparing the integration scheme.
- 4.1.6 In respect of the above, the consultees must:
- (a) in the case of users of health care or social care reside within the area of the local authority preparing the integration scheme and use services provided in pursuance of functions which may be delegated to the integration joint board by the local authority or the Health Board,
 - (b) in the case of carers of users of health care or social care, care for a person to whom paragraph (a) above applies,
 - (c) in the case of non-commercial providers of social housing and third sector bodies carrying out activities related to health or social care, operate within the area of the local authority preparing the integration scheme; and
 - (d) in any other case, operate within the area of the local authority preparing the integration scheme or the revised integration scheme; and provide, or be engaged in relation to, services provided in pursuance of functions which may be delegated to the integration joint board by the local authority or the Health Board.

4.1.7 Section 46 of the Act requires a local authority and a Health Board to jointly submit a revised integration scheme to the Scottish Ministers for approval if they consider that changes to an integration scheme are necessary or desirable. The Scottish Ministers can approve the revised integration scheme submitted or refuse to approve it. If the Scottish Ministers refuse to approve the revised integration scheme submitted they must give the local authority and the Health Board reasons for the refusal (including identifying which particular parts of the scheme caused them to decide to refuse approval), explain how the scheme should be modified, and specify a day by which the local authority and the Health Board must jointly modify the scheme and submit it for approval.

4.2 Scottish Government Guidance on the Review of Integration Schemes

4.2.1 Correspondence was received from the Scottish Government in relation to the duty on local authorities and Health Boards to review their integration schemes. This correspondence advised that, given the current work across local health and social care systems to respond to Covid-19, the Scottish Government asked local authorities and Health Boards to note that it does not expect them to continue work on developing successor schemes.

4.2.2 The correspondence confirmed that for absolute clarity the Act does not require the Health Board and Local Authority to produce a successor scheme, it requires a review. Health Boards and local authorities should therefore ensure that they jointly carry out the minimum requirement of a review and that this is acknowledged jointly and formally. This review can note anything that requires further work between the partners and set out plans for the completion of that work at a later date, including the production of a successor scheme. Until such time, the current Integration Scheme will remain in force.

4.3 Future Review of the Integration Schemes

4.3.1 The review of integration schemes should reflect the developing thinking around the integration of health and social care at a local and national level. It is anticipated that initial planning for the review will be agreed across the four partners in Tayside to take into account the interdependency between the different agencies with regards to 'hosting' of services across Tayside.

4.3.2 The reviewed scheme of integration will take into account the Minister for Mental Health's announcement that the operational responsibility for the management of General Adult Psychiatry would be led by NHS Tayside rather than an Integrated Authority. Following discussions with the Scottish Government and the Tayside Executive Partners, the operational responsibility for Inpatient Mental Health and Learning Disability Services, as well as the Crisis Resolution and Home Treatment Teams transferred to the new interim Director for NHS Tayside from Monday 15 June 2002.

5.0 POLICY IMPLICATIONS

5.1 This report has been screened for any policy implications in respect of Equality Impact Assessment. There are no major issues.

6.0 RISK ASSESSMENT

Risk 1 Description	There is a risk that the review of the scheme of integration for Dundee Health and Social Care Partnership will not be completed within the required timescales.
Risk Category	Governance, Legal
Inherent Risk Level	Likelihood (3) x Impact (3) = High Risk (9)
Mitigating Actions (including timescales and resources)	Discussions have commenced at an executive level to agree the approach to the review. Available resources will be made available to support the review at a local level.

	This is a legal requirement and engagement by all relevant partners is ensured.
Residual Risk Level	Likelihood (2) x Impact (3) = Moderate Risk (6)
Planned Risk Level	Likelihood (2) x Impact (3) = Moderate Risk (6)
Approval recommendation	It is proposed that the risk is accepted.

7.0 CONSULTATIONS

7.1 The Chief Officer, Executive Director of Corporate Services (Dundee City Council), Director of Finance of NHS Tayside and the Clerk were consulted in the preparation of this report.

8.0 DIRECTIONS

8.1 The Integration Joint Board requires a mechanism to action its strategic commissioning plans and this is provided for in sections 26 to 28 of the Public Bodies (Joint Working)(Scotland) Act 2014. This mechanism takes the form of binding directions from the Integration Joint Board to one or both of Dundee City Council and NHS Tayside.

Direction Required to Dundee City Council, NHS Tayside or Both	Direction to:	
	1. No Direction Required	x
	2. Dundee City Council	
	3. NHS Tayside	
	4. Dundee City Council and NHS Tayside	

9.0 BACKGROUND PAPERS

9.1 None.

Vicky Irons
Chief Officer

DATE: 4 August 2020