

# The City of Edinburgh Council

10.05am, Thursday, 27 June 2019

## Integration Scheme – Carers (Scotland) Act 2016 – Update

Executive/routine  
Wards  
Council Commitments

### 1. Recommendations

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- 1.1 To agree to consult on the delegation of Sections 6, 21, 24, 25, 31, 34 and 35 of the Carers (Scotland) Act 2016 as they relate to adult social care.
- 1.2 To note that following the six-week consultation period that a report will be submitted to Council to agree the change to the Integration Scheme.

**Andrew Kerr**

Chief Executive

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## Integration Scheme – Carers (Scotland) Act 2016 – Update

### 2. Executive Summary

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- 2.1 The Integration Scheme for the Edinburgh Integration Joint Board (“IJB”) requires to be updated to reflect changes brought about by the Carers (Scotland) Act 2016 (the “Carers Act”), which introduced new statutory obligations on local authorities and health boards, requiring certain local authority and health board functions to be delegated to Integration Joint Boards.
- 2.2 This report outlines progress to date by the City of Edinburgh Council and NHS Lothian and the governance process for agreeing the changes.

### 3. Background

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- 3.1 The Public Bodies (Joint Working) (Scotland) Act 2014 required local authorities and health boards to prepare an Integration Scheme for the area of the local authority. The Integration Scheme is a legally binding agreement between the Council and NHS Lothian that sets out detailed measures on the governance of integration functions.
- 3.2 The Integration Scheme for the Edinburgh IJB was approved by Council on 12 March 2015 and came into effect from 27 June 2015 by Order of the Scottish Parliament.

### 4. Main report

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- 4.1 The Carers Act, which came into effect on 1 April 2018, places a number of new duties on local authorities and health boards. In order to implement the Carers Act the Scottish Government amended the regulations made under the Public Bodies (Joint Working) (Scotland) Act 2014 to require that certain of the functions are delegated to integrated joint boards.
- 4.2 The amendments were made through:
  - 4.2.1 the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017 and the Public Bodies

(Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment (No. 2) Regulations 2017), which identify functions that *must* be delegated; and

4.2.2 the Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Amendment Regulations 2017, which identifies functions that *may* be delegated.

4.3 In order to accommodate these changes, the Integration Scheme for the Edinburgh IJB requires to be updated to include the new duties for delegation brought about by the Carers (Scotland) Act 2016.

4.4 In terms of the new duties under the Carers (Scotland) Act 2016 the following local Authority functions must be delegated to the IJB:

4.4.1 Section 6 – Duty to prepare adult carer support plan (and associated responsibilities to review and provide information)

4.4.2 Section 21 – Duty to set local eligibility criteria (and associated responsibilities to publish and review)

4.4.3 Section 24 – Duty to provide support

4.4.4 Section 25 – Provision of support to carers: breaks from caring

4.4.5 Section 31 – Duty to prepare local carer strategy (and associated responsibilities to publish and review)

4.4.6 Section 34 – Information and advice service for carers

4.4.7 Section 35 – Short breaks services statements

4.5 The statutory guidance states that “the requirement to delegate the above functions only extends to adult social care. Delegation of these functions with respect to children’s social care remains a matter for local decision.” Local authority functions under section 12 – duty to prepare young carer statement (and associated responsibilities to publish and review) may be delegated but there is no requirement to do so.

4.6 In terms of the new duties under the Carers Act the following health board functions may be delegated to the IJB:

4.6.1 Section 12 – Duty to prepare young carer statement (and associated responsibilities to publish and review).

4.6.2 Section 31 – Duty to prepare local carer strategy (and associated responsibilities to publish and review).

4.7 The NHS Lothian Board agreed, at its meeting of 3 April 2019, to delegate only Section 31 to the four Integration Joint Boards in Lothian.

4.8 It is recommended that the Council only delegates those functions associated with adult social care and that those functions that relate to children’s social care remain a matter for the local authority.

## **5. Next Steps**

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- 5.1 If approved, the Council will carry out a 6-week consultation with stakeholders, as required by the Public Bodies (Joint Working) (Scotland) Act 2014, and report back in August 2019 for formal approval. The updated Integration Scheme must then be submitted to Scottish Ministers for their approval.

## **6. Financial impact**

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- 6.1 There are no financial impacts as a result of this report.

## **7. Stakeholder/Community Impact**

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- 7.1 Failure to revise the Integration Scheme would result in the Edinburgh Integration Joint Board, the City of Edinburgh Council and NHS Lothian failing to meet its statutory duties.

## **8. Background reading/external references**

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- 8.1 Integration Scheme

## **9. Appendices**

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