

AMENDMENT TO HSCP INTEGRATION SCHEMES TO SUPPORT THE IMPLEMENTATION OF THE CARERS (SCOTLAND) ACT 2016

Recommendation:-

The NHS Board is asked to –

1. To note the implementation of the Carers (Scotland) Act 2016 and its impact on the functions delegated to Integrated Joint Boards (IJBs) outlined in the Integration Scheme. Integration Schemes are the legal documents which outline the functions and duties delegated to the Integrated Joint Boards from the NHS Boards and Local Authorities
2. To approve the joint working between the Health Board and Local Authorities to prepare the revised Integration Schemes to reflect the statutory changes outlined in the Carers Act and to submit these Schemes to the Scottish Ministers by 2 March 2018 for approval.
3. To jointly approve with Local Authorities the attached amendments to the listed Integration Schemes in accordance with The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment (No.2) Regulations 2017 with six Local Authorities listed. (Paragraph 2.3 in the paper)
4. To jointly approve with Local Authorities the attached amendments to the listed Integration Schemes in accordance with The Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Amendment Regulations 2017 with the five Local Authorities listed. (Paragraph 3.2 in the paper)

Purpose of Paper:-

The intention of this paper to the NHS Board is to seek the Board's approval to make the necessary amendments to IJB Integration Schemes in order to take account of the requirements of the Carers (Scotland) Act 2016, which is due to be implemented on 1st April 2018 and submit to Scottish Ministers with a recommendation from the Board that they are approved.

The Act relates to both adult and young carers, defining a carer as “an individual who provides or intends to provide care for another individual (the ‘cared for person’)”.

The intention of the Act is to ensure that carers of any age are supported to continue with their caring role, are able to have a life and access to support alongside their caring

responsibilities. For young carers the Act intends to ensure that they are supported to enable them to have a childhood similar to their non-carer peers.

The Act introduces a universal entitlement to assessment for carers, regardless of the level or frequency of care they provide. It also includes prescriptive processes around carer assessment, support planning and review.

The provisions set out in the Act are as follows:

- a duty to prepare a local carer strategy;
- a statutory duty to offer and prepare an Adult Care Support Plan (ACSP) and a Young Carer Statement (YCS) for anyone identified as a carer, or for any carer who requests an assessment and appears to be a carer;
- a requirement for an adult carer support plan or young carer statement to include emergency plans;
- a requirement for a timescale for preparing a support plan for the carer of a terminally ill person;
- a duty to set and publish local eligibility criteria;
- a duty to provide support to carers whose needs meet the local eligibility criteria. Within this consideration must be given to whether the support should take the form of, or include, a break from caring;
- a duty to involve carers in carers service design and delivery;
- a requirement for carers to be involved in the hospital discharge procedures of the person they care for;
- a requirement to provide an advice and information service for carers;
- a requirement to prepare and publish a short breaks statement.

An accompanying suite of regulations have recently been produced by the Scottish Government, including an amendment through the *Public Bodies (Joint Working) (Prescribed Local Authority Functions etc) (Scotland) Amendment Regulations 2017*, which places a duty on Integration Authorities to set local eligibility criteria for carer support.

The purpose of this paper is to inform the Board of the new duties which will come into force to support the implementation of the Carers (Scotland) Act 2016 and which required the Scottish Government to incorporate provisions from the Carers Act into those regulations that support the Public Bodies (Joint Working) (Scotland) Act 2014. The paper details the revisions to the Integration Scheme that the Health Board and Local Authorities must jointly put in place to include the new duties for delegation to the Integration Authorities.

Key Issues to be considered:-

The Carers (Scotland) Act 2016 comes into effect on 1 April 2018. In order to implement the Carers Act, the Scottish Government has incorporated provisions stemming from the Carers Act into those regulations that support the Public Bodies (Joint Working) (Scotland) Act 2014 relating to functions for delegation.

An amendment has been made through the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017, which covers Section 21 of the Carers Act and places a duty on Integration Authorities to set local eligibility criteria for carer support in relation to adult services and, where appropriate, the delegated functions relating to children's services. This came into force on 16 June 2017.

Two further statutory instruments came into force on 18 December 2017:

- The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment (No. 2) Regulations 2017, which identifies functions that *must* be delegated.
- The Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Amendment Regulations 2017, which identifies functions that *may* be delegated.

In order to accommodate these changes, Health Boards and Local Authorities require to amend their Integration Schemes to include the new duties for delegation to Integrated Authorities put in place by the Carers (Scotland) Act 2016. These are technical changes which allow IJBs, Councils and the Health Board to continue to carry out the roles each already plays in delivering support to carers and to enable all parties to comply with the new legislation.

In addition to making the technical changes to the Integration Schemes, the Integrated Joint Boards are giving full consideration to local implementation and are updated on the range of provisions to be delivered under the Act and the preparations underway including:

- Local governance arrangements in place and implementation approach;
- Draft Local Eligibility Criteria; and
- Management of the key risks identified.

In accordance with the required process, Health Boards and Local Authorities need to ensure that identified stakeholders within the Public Bodies (Joint Working) (Prescribed Consultees) (Scotland) Regulations 2014 are informed of the proposed changes, and this has occurred, or is being progressed. Following this process and approval by the appropriate Local Authorities and NHS G&G, the revised Integration Schemes will be submitted to the Scottish Government for Ministerial approval.

Any Patient Safety /Patient Experience Issues:-

This will enable the IJBs to develop and deliver local, integrated, support for Carers

Any Financial Implications from this Paper:-

No.

Any Staffing Implications from this Paper:-

No.

Any Equality Implications from this Paper:-

No

Any Health Inequalities Implications from this Paper:-

No

Has a Risk Assessment been carried out for this issue? If yes, please detail the outcome:-

No

Highlight the Corporate Plan priorities to which your paper relates:-

These implications of new duties will be considered within the Strategic Commissioning Plans for each of the HSCPs' respective IJBs.

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1. This report seeks approval to prepare revised Integration Schemes jointly with Local Authorities to reflect the statutory changes outlined and to submit these to the Scottish Ministers on 2nd March 2018 for Ministerial approval. The Integration Schemes have been amended only to reflect the new duties put in place by the Carers (Scotland) Act 2016 for delegation to Integration Authorities, and the entries are exactly as set out in the following paragraphs. In accordance with the established process, stakeholders as identified within the Public Bodies (Joint Working) (Scotland) Act 2014 have been informed of the proposed changes.

2 **Amendment of the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Regulations 2017**

2.1. These Regulations may be cited as the *Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017* and came into force on 16 June 2017.

In part 1 of the schedule (functions prescribed for the purposes of section 1(7) of the Public Bodies (Joint Working) (Scotland) Act 2014), after the entry relating to section 19 of the Social Care (Self-directed Support) (Scotland) Act 2013, in Column A insert:

Carers (Scotland) Act 2016

Section 21
(duty to set local eligibility)

2.2. These Regulations may be cited as the *Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment (No. 2) Regulations 2017* and came into force with regulation 1.

In the entry for the Social Work (Scotland) Act 1968, omit the references in Column A to Section 12AA (assessment of ability to provide care) and Section 12 AB (duty of local authority to provide information to carer).

In the entry for the Social Care (Self-directed Support) (Scotland) Act 2013, omit the reference in Column A to section 3 (support for adult carers), and the corresponding entry in Column B delete (only in relation to assessments carried out under integration functions”

In the entry for the Carers (Scotland) Act 2016, in column A insert:

Section 6
(duty to prepare adult carer support plan)

Section 24
(duty to provide support)

Section 25
(provision of support to carers: breaks from caring)

Section 31
(duty to prepare local carer strategy)

Section 34
(information and advice service for carers)

Section 35
(short breaks services statements).

2.3. The Board is asked to note and approve the insertion of the prescribed amendments, as detailed in paragraphs 2.1 and 2.2, into the Integration Schemes between NHSGG&C and the following six local authorities:

- East Dunbartonshire Council
- East Renfrewshire Council
- Glasgow City Council
- Inverclyde Council
- Renfrewshire Council
- West Dunbartonshire Council

3 Amendment of the Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Amendment Regulations 2017

3.1. These regulations may be cited as the *Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Amendment Regulations 2017* and came into force on 18 December 2017.

In Column A of schedule 1 of the 2014 Regulations, after the entry relating to the Children and Young People (Scotland) Act 2014 insert:

Carers (Scotland) Act 2016

Section 12
(duty to prepare young carer statement)

Section 31
(duty to prepare local carer strategy)

3.2 These amendments apply only to the authorities which have delegated child care services, and, as such, do not apply to Renfrewshire Council. Therefore, the Board is asked to note and approve the insertion of the amendments, as detailed in paragraph 3.1, into the Integration Schemes between NHSGG&C and the following five local authorities:

- East Dunbartonshire Council
- East Renfrewshire Council

- Glasgow City Council
- Inverclyde Council
- West Dunbartonshire Council

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