



Integration Joint Board

5<sup>th</sup> April 2018

This Report relates to  
Item 10 on the Agenda

# **Carers (Scotland) Act 2016 and the Scheme of Integration**

*(Paper presented by Linda Owen)*

*For Noting*

<b>Approved for Submission by</b>	Julie White, Chief Officer
<b>Author</b>	Linda Owen, Strategic Planning and Commissioning Manager
<b>List of Background Papers</b>	The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland)

	<p>Amendment (No. 2) Regulations 2017</p> <p>The Public Bodies (Joint Working) )Prescribed Health Board Functions) (Scotland) Amendment Regulation 2017</p> <p>Local Eligibility Criteria Regulations</p> <p>The Public Bodies (Joint Working) (Scotland) Act 2014</p> <p>Dumfries and Galloway Scheme of Integration (2015)</p>
<b>Appendices</b>	Appendix 1 – Dumfries and Galloway Integration Scheme

## SECTION 1: REPORT CONTENT

<b>Title/Subject:</b>	Carers (Scotland) Act 2016 and the Scheme of Integration
<b>Meeting:</b>	Integration Joint Board
<b>Date:</b>	5 <sup>th</sup> April 2018
<b>Submitted By:</b>	Linda Owen, Strategic Planning and Commissioning Manager
<b>Action:</b>	For Noting

### 1. Introduction

- 1.1 The Carers (Scotland) Act 2016 (the Carers Act) is due to come into effect on 1 April 2018. Implementation of this Act has implications for integration authorities, local authorities and health boards, as new duties come into force.
- 1.2 All integration authorities are responsible for the provision of support to adult Carers as part of their responsibilities for adult social care and through a variety of other legislation such as
  - The Social Care (Self Directed Support) (Scotland) Act 2013
  - Social Work (Scotland) Act 1968.
- 1.3 Legislation relating to the provision of support for Carers is now contained within the Carers (Scotland) Act 2016.
- 1.4 Amendment to current schemes of integration is required to be made to reflect these legislative changes.

### 2. Recommendations

- 2.1 **The Integration Joint Board is asked to:**
  - **Note the amendment to the Scheme of Integration**

### 3. Background

- 3.1 The Carers (Scotland) Act 2016, which will take effect on 1 April 2018, is a key piece of legislation to 'promote, defend and extend the rights' of Adult and Young Carers across Scotland. It brings a renewed focus to the role of unpaid Carers and challenges statutory, independent and third sector services to provide greater levels of support to help Carers maintain their health and wellbeing.

- 3.2 Supporting Carers has been identified as one of the 10 priority areas of focus in the 'Dumfries and Galloway Integration Joint Board Health and Social Care Strategic Plan 2016 – 2019' (aligned to the nine national health and wellbeing outcomes).
- 3.3 The Act introduces:
- Adult Carer Support Plans and Young Carer Statements to identify the needs of Carers. These were previously known as Carers' Assessments
  - Eligibility criteria to enable the provision of appropriate levels of support to Carers
  - Carer involvement in hospital discharge of the cared for person
  - Short breaks statements
  - A National Charter for Carers
- 3.3 Duties relating to the provision of support to Carers such as providing an information and advice service and involving Carers in care planning have, to date, been placed local authorities. These duties have been extended further in the Carers (Scotland) Act and will now be delegated to integration authorities.

#### **4. Main Body of the Report**

- 4.1 The Scottish Government wrote to Chief Officers on 17 November 2017 to advise that Schemes of Integration need to be amended to support the Carers (Scotland) Act 2016.
- 4.2 The government have already introduced an amendment through the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017, which covers Section 21 of the Carers Act. This amendment 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.
- 4.3 A consultation on local eligibility criteria for Dumfries and Galloway was undertaken with Carers, Carers Organisations and staff across the Partnership between October and December 2017. The feedback from the consultation is currently being considered and a paper relating specifically to eligibility criteria will be brought to the Integration Joint Board.
- 4.4 As well as the regulation relating to eligibility criteria, the government has laid two further statutory instruments with the Scottish Parliament to accommodate the remaining necessary changes. These came into force on 18 December 2017. The regulations outline the changes that must be made to all Schemes of Integration across Scotland in relation to functions delegated by the local authority and functions that may be delegated to the Integration Joint Board from NHS Boards. An amended Scheme of Integration with tracked changes is attached as Appendix 1 (pages 31 – 37).
- 4.5 The changes to the Scheme of Integration are technical to accommodate new legislation and are clearly laid out in the statutory instruments.

4.6 The process for making this amendment is time critical. The Scottish Government Integration Department require that revised schemes are submitted to them no later than **2 March 2018**.

4.7 In order to meet this deadline The Scheme of Integration has been presented to:

- The Integration Joint Board Health and Social Care Senior Management Team, 16 January 2018
- Dumfries and Galloway NHS Board, 5 February 2018
- Dumfries and Galloway Council, 27 February 2018
- As per regulations relating to the Public Bodies (Joint Working) (Scotland) Act 2014, the Strategic Planning Group will be notified of these changes.

4.8 The Scottish Government suggests that Integration Joint Boards consider how they will incorporate their new duties within the context of their strategic plan. The Dumfries and Galloway Carers Strategy 2017-2021 approved at the Integration Joint Board meeting on 30 November 2017, includes the newly delegated duties.

## **5. Conclusions**

5.1 The Dumfries and Galloway Scheme of Integration has been amended to accommodate the Carers (Scotland) Act 2016 as directed.

5.2 The amended Scheme of Integration is attached as Appendix 1.

## **SECTION 2: COMPLIANCE WITH GOVERNANCE STANDARDS**

### **6. Resource Implications**

6.1. There are no resource implication to the Partnership

### **7. Impact on Integration Joint Board Outcomes, Priorities and Policy**

7.1. This is in line with the 9 national health and wellbeing outcomes and also the Integration Joint Board Health and Social Care Strategic Plan.2016-2019.

### **8. Legal & Risk Implications**

8.1. If the scheme of integration where not amended, there would be the risk of non compliance with the Carers (Scotland) Act 2016, which may leave the local authority and the NHS Board open to legal challenge.

### **9. Consultation**

9.1. Carers Programme Board, Carers Interest Network and Carers Reference Group, Head of Adult Social Work Services, Corporate Business Manager

### **10. Equality and Human Rights Impact Assessment**

10.1. An Impact Assessment is not required.

### **11. Glossary**

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