

PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1

Functions of Local Authorities and Health Boards

Strategic planning etc.

Section 29 – Requirement to prepare strategic plans

82. **Section 29** requires the integration authority to prepare a strategic plan for the area of each local authority. This section sets out what a strategic plan is and the period the plan relates to. Section 59 defines the term “integration authority” by reference to the integration model adopted in the integration scheme.
83. The integration authority can include such material as it thinks fit in the strategic plan, however there are two mandatory elements:
- A strategic plan must set out the arrangements for carrying out the integration functions (defined in section 60) in the local authority area over the period of the plan (subsection (2)(a)). The area must be divided into localities for this purpose, and the arrangements for each locality must be set out separately (subsection (3)).
 - A strategic plan must also set out the way in which the arrangements for carrying out the functions are intended to achieve or contribute towards achieving the national health and wellbeing outcomes.
84. Subsection (4) provides that the Health Board and local authority may choose to delegate the functions on a day that is earlier than the day prescribed by the Scottish Ministers under sections 9(3) or 15(2). Where this occurs, the integration authority must make clear in its first strategic plan the date when functions are to be delegated.
85. The first strategic plan of an integration authority must be prepared before the integration start date (subsection (5)), which is defined in subsection (6) as meaning either the date of delegation of functions set out in the strategic plan or the day prescribed by the Scottish Ministers under section 9(3) or 15 (2).

Section 30 – Considerations in preparing strategic plan

86. **Section 30(2)** requires the integration authority to take into account the integration delivery principles (set out in section 31) and the national health and wellbeing outcomes (prescribed under section 5) in preparing a strategic plan. Subsections (3) and (4) provide that each integration authority, when preparing a strategic plan, must take account of any other strategic plan that has been, or is being, prepared where that

plan sets out, or proposes to set out, arrangements for the use of services, facilities or resources used by another integration authority.

Section 31 – Integration delivery principles

87. **Section 31** sets out the integration delivery principles that must be taken into account in preparation of the strategic plan and in the exercise of integration functions (as required by section 40).
88. The effect of subsection (1)(a) is to ensure that, in making arrangements for the carrying out of integration functions, the integration authority takes account of the main purpose of the services provided in pursuance of those functions, which is to improve the wellbeing of users of the service.
89. Subsection (1)(b) supplements this by setting out principles for the provision of those services which must also be taken into account in making arrangements for delivery of integration functions. The effect is to ensure a focus on integrated delivery - including consideration of the needs of different service users and different areas, the particular characteristics and circumstances of different service users, the rights of service users, the dignity of service users, the participation by service users in the community in which they live, protecting and improving the safety of service users, improving the quality of services, local planning and leadership, the anticipation and prevention of need, and the effective use of resources.

Section 32 – Establishment of strategic planning group

90. **Section 32** puts an obligation on integration authorities to establish a strategic planning group for each local authority area, for the purposes of preparing the strategic plan for that area.
91. Depending on the model of integration chosen, the group must involve members nominated by the local authority or the Health Board, or both, as set out in subsection (1) (a), (b) and (c). In effect, this provides for the bodies who prepared the integration scheme to be involved in the development of the strategic plan. In addition, the integration authority will be required by subsection (1)(d) and (e) to involve a range of relevant stakeholders, including representatives of groups prescribed by the Scottish Ministers by regulations under subsection (2).
92. Subsection (3) provides for the integration authority to determine the number of members in its strategic planning group and the process for the appointment, replacement and removal of members. Subsection (4) provides that the integration authority may appoint members of the strategic planning group from persons nominated under subsection (1), to remove persons from membership of the group and to appoint members in place of members who resign or are removed from membership of the group. Subsection (5) provides for a constituent authority to remove from its strategic planning group a member appointed to represent it and to nominate (under subsection (1)) another person in place of a member of the group appointed to represent it. Subsection (6) provides for a member of the strategic planning group to resign at any time. Subsections (7) to (9) provide for the views of localities to be taken into account by requiring the integration authority to identify the most appropriate person to represent each locality on the strategic planning group. This also provides for local flexibility, so that an individual can represent more than one locality. Subsection (10) provides that the integration authority's ability to make decisions is not undermined by any vacancy in its membership.
93. Subsection (11) and (12) provide that the integration authority is to determine the procedure of the group, and may pay members of the group expenses and allowances.

Section 33 – Preparation of strategic plan

94. **Section 33** sets out the process for the involvement of the strategic planning group in the development of the strategic plan by an integration authority, assuring the group's engagement in the process from the start.
95. The integration authority is required to prepare proposals for the content of the strategic plan, to consult the strategic planning group on the proposals (subsection (2)) and then to prepare a first draft of the strategic plan, taking into account the views of the group expressed during the consultation. The integration authority must then consult the group on the draft (subsection (3)).
96. Taking account of the views in response to the consultation on the first draft, the integration authority is required to prepare a second draft of the strategic plan and send a copy of it for comment to persons mentioned in subsection (5), and any other persons the integration authority considers appropriate.
97. The persons mentioned in subsection (5) include the local authority and the Health Board or both (depending on the model of integration chosen) as well as representatives of any groups prescribed by the Scottish Ministers by regulations under subsection (6). The effect of this is to ensure that any others with an interest will have an opportunity to comment on the draft plan.
98. Subsection (7) requires the integration authority to take into account the views obtained through consultation on the second draft of the strategic plan when finalising the strategic plan.

Section 34 – Provision of information for purpose of preparing strategic plan

99. **Section 34** places a duty on Health Boards and local authorities to share information for the purpose of preparing the strategic plan. Subsection (1) requires the provision of information by constituent authorities to an integration joint board. Subsections (2) and (3) apply to the provision of information to an integration authority which is a local authority or a Health Board. In both cases, information must be shared if it is information which may be reasonably required for the purpose of preparing a strategic plan.

Section 35 – Publication of strategic plans

100. **Section 35** places a duty on integration authorities to publish strategic plans. Subsection (1) requires this to be done as soon as practicable after the plan has been finalised under section 33. Subsection (2) requires an integration authority to publish a statement at the same time it publishes its strategic plan, which describes the consultation it undertook under section 33.

Section 36 – Significant decisions outside strategic plan: public involvement

101. **Section 36** makes provision for where an integration authority plans to make a decision that would have a significant effect on the arrangements for provision of a service in pursuance of integrated functions and give effect to the decision by means other than by revising its strategic plan under section 37.
102. The integration authority is required to consult its strategic planning group, along with users or potential users of the service which is being or may be provided, on the proposed decision.

Section 37 – Review of strategic plan

103. **Section 37** sets out the review process that applies to a strategic plan. Subsection (1) (read with subsection (10)) require that an integration authority review its strategic plan at least every three years, and may carry out additional reviews from time to

time. Subsection (2) provides that in carrying out a review of the strategic plan, integration authorities must have regard to the national health and wellbeing outcomes, the integration delivery principles, and the views of the strategic planning group. Subsection (3) provides that the carrying out of a review under subsection (1) may result in the integration authority making any necessary changes by replacing its strategic plan. Subsection (4) provides flexibility for integration authorities to determine the details of the review process they use, subject to the requirements imposed by subsection (2).

104. Under subsections (5) to (7), the Health Board and local authority are required to provide the integration authority with the information that is reasonably required to carry out the review of the strategic plan. Subsection (8) provides that, in preparing a replacement strategic plan, the integration authority must have regard to the national outcomes for health and wellbeing and the integration planning and delivery principles, along with the requirements on consultation, provision of information and publication that are set out in the Act in relation to strategic planning. Subsection (9) provides that a strategic plan which is prepared following a review must specify the date on which it takes effect.

Section 38 – Requirement to prepare replacement strategic plan

105. **Section 38** applies to integration joint boards. It provides that the local authority and the Health Board may, acting jointly, direct the integration joint board to prepare a replacement strategic plan where they feel the strategic plan prohibits either of them from carrying out any of their functions. Subsections (3) and (4) set out specific requirements for a direction to prepare a replacement strategic plan. Under subsection (6), a direction requiring the replacement of the strategic plan is binding on the integration authority.

Section 39 – Strategic plan: annual financial statement

106. **Section 39** requires the integration authority to publish an annual financial statement upon publication of its first strategic plan, and every year after that (subsection (1)). The financial statement must set out the total resources that the integration authority intends to allocate under the provisions of the strategic plan (subsection (2)).