

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe certain functions of local authorities for the purpose of section 1(7) of the Public Bodies (Joint Working) (Scotland) Act 2014 (“the Act”), and make amendments to the schedule to the Act.

The Act requires Health Boards and local authorities to agree arrangements for joint working in their area in relation to certain of their statutory functions. This will have the effect that adult health and social care services, and certain other health and social care services, are provided, in all local authority areas, in a way which is integrated from the point of view of a person using those services. These joint working arrangements will involve the delegation of functions by a local authority, or by the Health Board, or both. Where a local authority is to delegate functions it must delegate the prescribed functions and may also delegate additional functions as provided for by section 1(5) of, and the schedule to, the Act.

Regulation 2(1) introduces the schedule to the Regulations, column A of which contains a list of functions which are prescribed for the purpose of section 1(7) of the Act. Section headings for each enactment conferring prescribed functions are given in brackets for illustrative purposes. Regulation 2(2) describes the effect of the limitations on the prescription of certain functions which are set out in column B of the schedule. The prescribed functions may be broadly described as relating to social care services provided by local authorities. The effect of prescribing these functions is that in every local authority area in Scotland, the statutory functions relating to adult social care services will be held by the same body as holds statutory functions relating to adult primary and community health services.

The social care services that are provided under the prescribed functions include social work services for adults, including adults with physical disabilities or learning disabilities, social work services for older people, mental health services, drug and alcohol support services, adult protection services, health improvement services and aspects of housing support services.

Regulation 3 makes amendments to remove certain enactments from the schedule to the Act. The effect of these amendments is that the functions conferred by enactments removed from the schedule, which relate to the setting of charges for social care services, will not be able to be delegated by a local authority as part of the joint working arrangements prepared under the Act.