

POLICY NOTE

THE PUBLIC BODIES (JOINT WORKING) (PRESCRIBED LOCAL AUTHORITY FUNCTIONS ETC.) (SCOTLAND) AMENDMENT (No. 2) REGULATIONS 2017

SSI 2017/XXX

1. The above instrument is made in exercise of the powers conferred by section 1(7) and (12) of the Public Bodies (Joint Working) (Scotland) Act 2014 (“the Act”). This instrument is subject to affirmative resolution procedure.

Policy Objectives

2. The Act requires that Health Boards and local authorities agree arrangements for joint working in relation to certain statutory functions. Certain statutory functions may be delegated to the bodies responsible for delivering the joint working arrangements (generally known as “integration joint boards”), and certain functions can be prescribed as mandatory for delegation.

3. The purpose of these amending regulations is to remove from the schedule to the Public Bodies (Joint Working) (Scotland) Act 2014 the entry relating to section 3 of the Social Care (Self-directed Support) (Scotland) Act 2013 (support for adult carers), as this provision will be repealed by the Carers (Scotland) Act 2016 when it comes fully into force on 1st April 2018. The instrument further specifies the following functions of a local authority under the Carers (Scotland) Act 2016 which must, so far as they are exercisable in relation to adults, be delegated to integration joint boards.

- Section 6 of the Carers (Scotland) Act 2016 which requires that the responsible local authority prepare an adult carer support plan for each identified adult carer. The adult carer support plan will detail the carer’s needs for support and personal outcomes.
- Section 24 of the Carers (Scotland) Act 2016 which requires that the responsible local authority has a duty to provide support to carers in its area to meet their needs which cannot be met by general services and information and advice (i.e. eligible needs).
- Section 25 of the Carers (Scotland) Act 2016 which requires local authorities to consider whether support to a carer should include or take the form of a break from caring.
- Section 31 of the Carers (Scotland) Act 2016 which requires that each local authority and health board jointly prepare a local carer strategy which applies to its area. This will set out, amongst other things, how they plan to identify and support carers in their area.
- Section 34 of the Carers (Scotland) Act 2016 which requires that each local authority establishes and maintains an information and advice service for relevant carers in its area.
- Section 35 of the Carers (Scotland) Act 2016 which requires that each local authority prepares and publishes a short break services statement detailing information on short breaks available to carers and cared-for persons in Scotland.

Consultation

4. No consultation has been carried out on this instrument. The proposed amendments are administrative and require new functions which arise from the Carers (Scotland) Act 2016 to be delegated to Integration Authorities.

Impact Assessments

5. An Equality Impact Assessment (EQIA), Privacy Impact Assessment (PIA) and Children's Rights and Wellbeing Impact Assessment (CRWIA) has been carried out in relation to the Carers (Scotland) Act 2016 and an EQIA has already been completed on the Public Bodies (Joint Working) (Scotland) Act 2014. It was not deemed necessary to complete a further EQIA in relation to this instrument.

Financial Effects

6. The Business and Regulatory Impact Assessment (BRIA) is being reviewed for the Carers (Scotland) Act 2016 and no action is required in relation to this instrument.

Scottish Government
Health and Social Care Integration Directorate
Integration Division
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