

POLICY NOTE

THE PUBLIC BODIES (JOINT WORKING) (INTEGRATION JOINT BOARDS AND INTEGRATION JOINT MONITORING COMMITTEES) (AMENDMENT) (SCOTLAND) ORDER 2015

SSI 2015 No. 66

1. The above instrument was made in exercise of the powers conferred by sections 12, 17 and 69(1) of the Public Bodies (Joint Working) (Scotland) Act 2014 (a). The instrument is subject to negative procedure.

Background

2. This Order makes minor amendments to two instruments made under the Public Bodies (Joint Working) (Scotland) Act 2014, to adjust drafting errors and remove inconsistencies in the instruments as originally made.
3. The amendments address points which were drawn to the attention of the Scottish Parliament by the Delegated Powers and Law Reform Committee in their 66th report of 2014, published on 19 November 2014. In correspondence with the committee, the Scottish Government undertook to rectify these issues when there was an opportunity to do so. In relation to the amendment described in paragraph 5, below, the Scottish Government undertook to make this amendment before any integration joint boards are established. The Scottish Government considers that it is appropriate to make amendments to these Orders to rectify these issues, and that all the amendments should be made before integration joint boards are established from 1 April 2015.
4. The amendments will rectify minor drafting errors and minor technical changes, resulting in no change to policy. The effect of the amendments is to ensure that the legislation remains consistent and clear. The amendments are described below in the policy objectives.

Policy Objectives

5. In the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 the requirements of Articles 3(1)(d) and 5(2)(d) pertaining to the chief officer being a member of the integration joint board when it is established, are removed. These provisions are inconsistent with section 10 of the Public Bodies (Joint Working) (Scotland) Act 2014, which requires the chief officer to be appointed by the integration joint board. New articles 3(7A) and 5(7A) have been inserted to include a requirement that the chief officer of an integration joint board is to be a member of that integration joint board.
6. Article 3(3) which relates to the number of members appointed by the integration joint board, has been amended to clarify that article 3(3) determines the precise number of members appointed by each of the Health Board and Local Authority.

7. The wording within article 5(6) has been amended as it was viewed as inconsistent with that in article 3(6). It has been amended to clearly state that once the integration joint board is established, it will appoint members to represent various groups in addition to the members already appointed.
8. In the Public Bodies (Joint Working) (Integration Joint Monitoring Committees) (Scotland) Order 2014, amendments are made to articles 3(5) and 4(6) to ensure the language used is consistent. An amendment is also made to article 4(7) to ensure that its provisions only apply in appropriate circumstances, depending on which integration model is to be used in a particular area.

Consultation

9. In accordance with section 12(3)(a) of the [Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#), the Scottish Ministers are required to consult with Health Boards and Local Authorities before amending the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order. This consultation was carried out between 19th and 23rd January 2015. No issues were raised.

Impact Assessments

10. An equality impact assessment has already been completed on the Public Bodies (Joint Working) (Scotland) Bill and a summary published. To view the Equality Impact Assessment click [here](#). No additional issues arise as a result of this instrument.

Financial Effects

11. A Business and Regulatory Impact Assessment was completed on the Public Bodies (Joint Working) (Scotland) Bill and a summary was published. To view the Business and Regulatory Impact Assessment click [here](#). No additional issues arise as a result of this instrument.

Scottish Government
Directorate for Health and Social Care Integration
Integration and Reshaping Care Division