

REPORT TO: East Lothian Council

MEETING DATE: 25 June 2019

BY: Chief Officer, East Lothian Integration Joint Board (IJB)

SUBJECT: Revision of the Integration Scheme for East Lothian Integration Joint Board

1 PURPOSE

- 1.1 This report is to inform East Lothian Council of a necessary revision to the Integration Scheme for East Lothian Integration Joint Board.

2 RECOMMENDATIONS

That the Council:

- 2.1 Notes that as a result of the introduction of the Carers (Scotland) Act 2016, East Lothian Integration Joint Board was required to revise its Integration Scheme.
- 2.2 Accepts the revised Integration Scheme for East Lothian Integration Joint Board which has been published in the Members' Library, Ref. 89/19 (June 2019 Bulletin), which was approved by NHS Lothian on 6 April 2019 and supported by the Integration Joint Board on 28 March 2019. Approval by the Health Board and Council is required before the revised Scheme can be submitted to Scottish Government for final approval.
- 2.3 Notes that on approval of the revised Integration Scheme, the date for a comprehensive review of the Scheme will be extended to 2024. In the event of any relevant legislation changing there may need to be further revisions to the Integration Scheme.

3 BACKGROUND

Integration Scheme

- 3.1 The original Integration Scheme for East Lothian was approved in May 2015. It described the vision for the new East Lothian Integration Joint Board, the integration planning principles the IJB would adhere to and the national health and wellbeing and other outcomes it sought to deliver.
- 3.2 The Scottish Government has more recently required each IJB, as a consequence of the effect of the Carers Act and regulations, to revise its Integration Scheme.
- 3.3 The Scottish Government indicated such a revision was mandatory and that Integration Schemes will need to change on each occasion that relevant law changes. The burden this brings to IJBs is being considered by the relevant government department.
- 3.4 The Scottish Government advised that in view of the change being primarily administrative the revised Integration Scheme did not require a consultation to be carried out, as might ordinarily arise from the Public Bodies Act. Instead, it was sufficient for the revised scheme to be published on the IJB's/local authority's public website for four weeks.
- 3.5 The Scottish Government also advised that the NHS Board and local authority must approve the revised Integration Scheme before submitting it to the Scottish Government for approval.
- 3.6 Lastly, IJBs were advised that on conclusion of this revision to the Integration Scheme the date of review of the complete scheme will reset, so will occur 5 years later. This means a comprehensive review will be required in 2024.

Delegation of Carers Act Duties

- 3.7 The Carers (Scotland) Act was passed by the Scottish Parliament in February 2016 and came into force on 1 April 2018. The legislation, which has implications for adult services and children's services, required IJBs to:
 - Develop Adult Carer Support Plans and Young Carer Statements.
 - Develop and publicise local Eligibility Criteria by 30 Sep 2017 and to finalise and publish these by 1 April 2018.
 - Involve carers, carer bodies and relevant representatives in the development of the Eligibility Criteria.
 - Prepare a local carers strategy by 1 April 2018.
 - Establish and maintain an information and advice service for carers.
 - Prepare and publish a short breaks statement by 31 Dec 2018.

- 3.8 Work to deliver the requirements of the Act in East Lothian was led by the Carers' Strategic Group involving senior officers from East Lothian Health and Social Care Partnership and East Lothian Council as well as other stakeholders.
- 3.9 Work through 2019/20 and beyond to develop services for all ages of carers will be progressed in partnership with all statutory, third sector and other agencies along with carer representatives to ensure services in East Lothian reflect carers' needs and follow integration principles.
- 3.10 The Carers Act Regulations have certain requirements regarding prescribed health board and local authority functions. Some functions must be delegated to IJBs, some are optional:
- The local authorities must delegate certain functions associated with the Carers Act as they relate to adults, as well as making further prescribed edits to the schemes with regard to other Acts.
 - Under the Act, local authorities are the responsible authority for all carers, except young carers who are pre-school children.
 - The NHS Board is responsible for pre-school young carers and may delegate their responsibilities as set out in two sections of the Carers' Act, namely, Section 12 - Duty to Prepare Young Carers' Statements and Section 31 - Duty to prepare a local Carer strategy.
- 3.11 Section 12 (6) of the Act states: *'Where the responsible authority, in relation to a young carer, is not the responsible local authority, the responsible authority must not provide the young carer statement to the young carer without the approval of the responsible local authority.'*
- 3.12 As a result, a Health Board is not free to act under Section 12 as the local authority has to approve what happens.
- 3.13 For the above reasons, Lothian NHS Board reached the conclusion that there is no practical reason for the Health Board to retain the Section 12 duty.
- 3.14 The NHS Board also took the view that since the local authority must delegate its Section 31 duty for adult carers to the IJB, and as the responsibility for all carers is effectively with the local authority and the IJB, it wished to delegate its Section 31 duty.

4 POLICY IMPLICATIONS

- 4.1 The inclusion of the Carers Act in the Integration Scheme ensures this important policy is fully reflected within the core functions of East Lothian Integration Joint Board.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - Scottish Government funding was allocated to support the waiving of charges to carers. There are no other financial implications arising from the change to the Integration Scheme.
- 6.2 Personnel - The revision of the Integration Scheme was carried out by the legal department of East Lothian Council. There are no ongoing personnel implications associated with the revised Scheme.
- 6.3 Other – None.

7 BACKGROUND PAPERS

- 7.1 Revised Integration Scheme for East Lothian Integration Joint Board as published in Members Library Service, Ref. 89/19 (June 2019 Bulletin), https://www.eastlothian.gov.uk/meetings/meeting/16428/members_library_service

AUTHOR'S NAME	Paul Currie
DESIGNATION	Strategic Planning and Performance Manager
CONTACT INFO	paul.currie@nhslothian.scot.nhs.uk
DATE	13 June 2019