
NORTH AYRSHIRE COUNCIL

20th February 2018

Cabinet

Title: Carers (Scotland) Act 2016 – New Duties

Purpose: To advise Cabinet of the amendments required to the North Ayrshire Integration Scheme to include new duties put in place by the Carers (Scotland) Act 2016.

Recommendation: Cabinet is asked to :-

1. Note that duties under the Carers (Scotland) Act 2016 require to be delegated to the Integration Joint Board;
2. Recommend to Council that appropriate changes to the Council's Scheme of Administration and Scheme of Delegation to Officers are made as part of the next review of governance documents and;
3. Agree to amend the North Ayrshire Integration Scheme to include new duties under the Carers (Scotland) Act 2016, and, subject to the agreement of NHS Ayrshire and Arran, to submit the revised Integration Scheme for the approval of Ministers;

1. Executive Summary

- 1.1 The Carers (Scotland) Act 2016 (the Carers Act) comes into effect on 1 April 2018. Implementation of the Act has implications for the three Ayrshire Integration Joint Boards, Health Boards and Local Authorities, as new duties come into force which require to be delegated. This requires changes to Integration Schemes in advance of the commencement date of 1 April 2018 for the Carers Act.
- 1.2 The Regulations received parliamentary approval on 18th December 2017 and the amended Integration Schemes should be submitted to the Scottish Government Health & Social Care Integration Directorate by 2nd March 2018. Thereafter they will be presented for the approval of Scottish Ministers.
- 1.3 There is a process to make amendment to Integrations Schemes which includes consultation with stakeholders identified within The Public Bodies (Joint Working) (Prescribed Consultees) (Scotland) 2014. As these amendments are required as a result of legislative changes, the Scottish Government has advised that we need to ensure that these stakeholders are informed of the proposed changes, rather than undertake a consultation. This limits the changes that can be made to the Integration Schemes at this

time to those emerging from the change to the Regulations, as any additional changes would require the fuller consultation process to be undertaken

2. Background

- 2.1 An Integration Scheme is the joint agreement between local authorities and the NHS Board which sets out the arrangements in accordance with the Public Bodies (Joint Working)(Scotland) Act 2014 for the integration of health and social care services, including the establishment of Integration Joint Boards (IJBs).
- 2.2 The Public Bodies (Joint Working)(Scotland) Act 2014 and the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc) (Scotland) Regulations 2014 set out those functions that 'must' be delegated to each of the Ayrshire Integration Joint Boards and those which 'may' be delegated to the IJBs through local agreement. The current functions are set out in Part 1 of Annexes 1 and 2 within the Integration Schemes.
- 2.3 The Carers Act is designed to support carers' health and wellbeing and to help make caring more sustainable. The IJBs are already responsible for support to adult carers as part of their responsibilities for adult social care and as local agreement was to delegate children's services to the IJBs, they are also responsible for support to young carers.
- 2.4 In order to implement the Carers Act, the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc) (Scotland) Amendment Regulations 2017 require the key duties of the Act to be delegated by local authorities and Health Boards to the Integration Joint Board. This accords with the current approach in North Ayrshire, where all social work functions are wherever possible, delegated to the IJB.
- 2.5 The relevant sections of the Carers Act which must be delegated to the IJB are as follows. As Children's Services have been delegated to the IJBs these also require delegation in respect of children.

Health Board Functions

The Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Amendment Regulations 2017 identifies the following new statutory duties that will need to be delegated to the IJB from the Health Board:

- Section 12 - Duty to prepare young carer statement
- Section 31 - Duty to prepare local carer strategy

Local Authority Functions

The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017, requires delegation of Section 21 of the Carers Act to the IJB. This places a duty on the IJBs to set local eligibility criteria for carer support.

The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) Scotland) Amendment (No 2) Regulations 2017, identifies a number of functions that 'must' be delegated and therefore be referred to in the Integration Schemes. Whilst these are in relation to adult care services, as children's services are delegated, locally, to the IJBs these duties also apply to our children's services, and are :-

- Section 6 – Duty to prepare adult carer support plan;
- Section 24 – Duty to provide support
- Section 25 - Provision of support to carers: breaks from caring
- Section 31 - Duty to prepare local carer strategy
- Section 34 - Information and advice service for carers
- Section 35 - Short breaks services statements

2.6 As the delegation is required by legislation, Cabinet does not require to formally agree this delegation. However it is recommended that Council makes relevant amendments to the Scheme of Administration and Scheme of Delegation to Officers when the governance documents are next reviewed.

2.7 Subject to the formal agreement by Cabinet and the NHS Board to their respective delegations, officers from both parties will ensure that the prescribed stakeholders are informed of these amendments and work together to make the necessary changes in the Integration Schemes to allow these to be forwarded to the Scottish Government by the due date of 2 March 2018. The same amendments will require to be made to all three Ayrshire Integration Schemes.

3. Proposals

3.1 Cabinet is asked to:-

1. Note that duties under the Carers (Scotland) Act 2016 require to be delegated to the Integration Joint Board;
2. Recommend to Council that appropriate changes to the Council's Scheme of Administration and Scheme of Delegation to Officers are made as part of the next review of governance documents and;
3. Agree to amend the North Ayrshire Integration Scheme to include new duties under the Carers (Scotland) Act 2016, and, subject to the agreement of NHS Ayrshire and Arran, to submit the revised Integration Scheme for the approval of Ministers;

4. Implications

Financial:	Whilst there may be significant financial implications relating to support for carers under the new duties, Scottish Government have confirmed money will be forthcoming.
Human Resources:	There are no HR implications
Legal:	<p>The report will support North Ayrshire Council to discharge the functions in line with the Carers (Scotland) Act 2016 and ensure compliance with statutory guidance.</p> <p>Amendment to the Integration Schemes will reflect the additional delegated responsibilities for the Integration Joint Boards in respect of Carers (Scotland) Act 2016.</p>
Equality:	There are no equality implications.
Children and Young People:	
Environmental & Sustainability:	N/A
Key Priorities:	N/A
Community Benefits:	N/A

5. Consultation

- 5.1 Similar reports are being presented to East and South Ayrshire Councils, and a report was submitted to NHS Board on 29th January 2018.
- 5.2 Officers will ensure that the IJBs and stakeholders identified within the Public Bodies (Joint Working)(Prescribed Consultees)(Scotland) 2014 are informed of the proposed changes.



Stephen Brown
Interim Director/Chief Officer
North Ayrshire Integration Joint Board

For further information please contact **Stephen Brown, Interim Director** on **01294 317723**.

Background Papers

N/A