

# Public Bodies (Joint Working) (Scotland) Bill

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## Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 53  
Long Title

Schedule

Amendments marked \* are new (including manuscript amendments) or have been altered.

### Section 1

#### Alex Neil

- 1 In section 1, page 1, line 20, leave out <where subsection (5A) applies> and insert <in relation to any functions to which subsection (5A) applies that are to be delegated>

#### Alex Neil

- 2 In section 1, page 1, line 21, leave out from <in> to end of line 22 and insert <for use by the person to whom the functions are delegated in respect of those functions,>

#### Alex Neil

- 3 In section 1, page 1, line 23, leave out from beginning to <it> in line 24 and insert <in relation to any functions other than those mentioned in paragraph (ca) that are to be delegated (including any functions mentioned in that paragraph but in relation to which the Health Board deems subsection (5A)>

#### Alex Neil

- 4 In section 1, page 1, line 25, leave out from <a> to <is> in line 26 and insert <the delegated functions by the person delegating the functions to the person to whom the functions are>

#### Nanette Milne

- 95 In section 1, page 1, line 26, at end insert—  
<( ) arrangements for a single point of entry to complaints systems for all services provided in pursuance of functions delegated under paragraph (b) or (c),>

#### Malcolm Chisholm

- 96 In section 1, page 1, line 26, at end insert—  
<(da) arrangements for seeking the advice of the persons mentioned in subsection (3A) with regard to the quality, safety and standards of services provided in pursuance of functions delegated under paragraph (b) or (c),>

**Malcolm Chisholm**

- 97 In section 1, page 1, line 27, at end insert—  
<(3A) The persons mentioned in subsection (3)(da) are—  
    (a) the medical director of the Health Board,  
    (b) the director of nursing of the Health Board,  
    (c) the chief social work officer of the local authority.>

**Alex Neil**

- 5 In section 1, page 2, line 9, after <in> insert <Part 1 of>

**Alex Neil**

- 6 In section 1, page 2, line 9, at end insert <, or  
    ( ) by virtue of an enactment listed in Part 2 of the schedule.>

**Alex Neil**

- 98 In section 1, page 2, line 12, after second <by> insert <or by virtue of>

**Alex Neil**

- 99 In section 1, page 2, line 33, after second <by> insert <or by virtue of>

**Alex Neil**

- 7 In section 1, page 2, line 42, at end insert—  
<( ) Regulations under subsection (3)(e) may include provision—  
    (a) conferring discretion on local authorities and Health Boards,  
    (b) requiring local authorities and Health Boards to establish processes and  
        procedures relating to prescribed matters,  
    (c) imposing requirements on local authorities and Health Boards about the disclosure  
        of information,  
    (d) in relation to such other matters relating to integration schemes as the Scottish  
        Ministers think fit.>

**Section 2**

**Alex Neil**

- 8 In section 2, page 3, line 24, after <authority> insert <and the Health Board>

**Section 4**

**Alex Neil**

- 9 In section 4, page 4, line 1, leave out <functions which are delegated under an integration  
scheme> and insert <integration functions>

**Malcolm Chisholm**

- 100 In section 4, page 4, line 2, after <wellbeing> insert <and independent living>

**Nanette Milne**

- 101 In section 4, page 4, line 7, after <needs> insert <, aspirations, abilities, characteristics and circumstances>

**Nanette Milne**

- 102 In section 4, page 4, line 7, at end insert <including the need for access to independent advocacy services,>

**Alex Neil**

- 10 In section 4, page 4, line 9, at end insert—  
<( ) takes account of the particular characteristics and circumstances of different service-users,  
( ) respects the rights of service-users,>

**Malcolm Chisholm**

- 103 In section 4, page 4, line 10, leave out <takes account of the> and insert <has regard to the right to>

**Malcolm Chisholm**

- 104 In section 4, page 4, line 10, at end insert—  
<( ) enables service-users to exercise choice and control and to participate in decisions regarding their need for services and the provision of those services to them,>

**Malcolm Chisholm**

- 105 In section 4, page 4, leave out lines 11 and 12 and insert—  
<( ) has regard to the right of service-users to participate in the life of the community in which they live,>

**Section 5**

**Alex Neil**

- 11 In section 5, page 4, line 24, after <wellbeing> insert <(the “national health and wellbeing outcomes”)>

**Alex Neil**

- 12 In section 5, page 4, line 25, leave out subsection (2)

**Alex Neil**

- 13 In section 5, page 5, line 4, at end insert—  
<( ) such persons having functions in relation to housing as the Scottish Ministers think fit.>

## **Section 7**

**Alex Neil**

- 14 In section 7, page 5, line 19, leave out subsection (2)

## **Section 11**

**Alex Neil**

- 15 In section 11, page 6, line 37, leave out <appoint> and insert <employ>

**Alex Neil**

- 16 In section 11, page 7, line 6, leave out subsection (3)

## **Section 12A**

**Alex Neil**

- 17 In section 12A, page 8, line 31, leave out subsection (1)

**Alex Neil**

- 18 In section 12A, page 9, line 1, leave out <95,>

## **After section 18**

**Alex Neil**

- 19 After section 18, insert—

### **<Power of Scottish Ministers to make provision giving effect to integration scheme**

The Scottish Ministers may by regulations make such provision as they think fit for the purpose of giving effect to provision included by virtue of section 1(3)(e) in integration schemes approved by them under section 7.>

## **Section 18A**

**Alex Neil**

- 106 Move section 18A to after section 22A

## **Section 19**

**Alex Neil**

- 20 In section 19, page 12, line 1, leave out <imposes on> and insert <transfers to>

**Alex Neil**

- 21 In section 19, page 12, line 5, leave out <confers any right on the new employer> and insert <transfers to the new employer any right>

## Section 20A

### Alex Neil

- 22 In section 20A, page 12, line 24, leave out <function conferred by> and insert <prescribed function conferred by or by virtue of>

### Alex Neil

- 23 In section 20A, page 12, line 26, at end insert <, and  
( ) any prescribed conditions are satisfied.>

### Alex Neil

- 24 In section 20A, page 12, line 27, after second <the> insert <prescribed>

### Alex Neil

- 25 In section 20A, page 12, line 30, after <Board> insert <or (as the case may be) a local authority and Health Board acting jointly>

### Alex Neil

- 26 In section 20A, page 12, line 30, after second <the> insert <prescribed>

## Section 20B

### Alex Neil

- 27 In section 20B, page 12, line 34, leave out <function conferred by> and insert <prescribed function conferred by or by virtue of>

### Alex Neil

- 28 In section 20B, page 12, line 36, at end insert <, and  
( ) any prescribed conditions are satisfied.>

### Alex Neil

- 29 In section 20B, page 12, line 37, after second <the> insert <prescribed>

### Alex Neil

- 30 In section 20B, page 13, line 1, after <Board> insert <or (as the case may be) a local authority and Health Board acting jointly>

### Alex Neil

- 31 In section 20B, page 13, line 1, after second <the> insert <prescribed>

## Section 22

### Alex Neil

- 32 In section 22, page 13, line 19, leave out <on its behalf>

**Alex Neil**

- 33 In section 22, page 13, line 23, leave out <on its behalf>

**Section 22A**

**Alex Neil**

- 34 In section 22A, page 13, line 39, at end insert—  
<( ) must, where provision of the type mentioned in section 1(3)(ca) is included in the integration scheme in relation to the function to which the direction relates, set out the amount which has been set aside by the Health Board for the use of the person who is to carry out the function,>

**Alex Neil**

- 35 In section 22A, page 14, line 1, after <must> insert <, in any other case,>

**Alex Neil**

- 36 In section 22A, page 14, line 2, leave out <on its behalf>

**Alex Neil**

- 37 In section 22A, page 14, line 3, at end insert—  
<( ) must specify how such an amount or, as the case may be, such a payment is to be used,>

**Alex Neil**

- 38 In section 22A, page 14, leave out lines 13 and 14

**Alex Neil**

- 39 In section 22A, page 14, line 15, leave out second <the> and insert <any>

**Alex Neil**

- 40 In section 22A, page 14, line 25, leave out from <or> to end of line 26

**Alex Neil**

- 41 In section 22A, page 14, line 32, leave out <national health and wellbeing outcomes> and insert <integration delivery principles and contribute to achieving the national health and wellbeing outcomes in relation to the carrying out of the functions>

**Alex Neil**

- 42 In section 22A, page 14, line 35, leave out <national health and wellbeing outcomes in relation to> and insert <integration delivery principles or contribute to achieving the national health and wellbeing outcomes in relation to the carrying out of>

## Section 23

### Rhoda Grant

- 43 In section 23, page 15, line 5, after <outcomes,> insert—  
<( ) setting out arrangements between the integration authority and other such authorities for ensuring that integration functions are carried out in a way that takes account of the particular needs of service-users moving into the area of the local authority from the area of another local authority,>

### Alex Neil

- 44 In section 23, page 15, line 12, leave out <not to be delegated to the authority on> and insert <to be delegated to the authority before>

### Alex Neil

- 107 In section 23, page 15, line 23, leave out <14(2)> and insert <14(1A)>

## Section 24

### Alex Neil

- 45 In section 24, page 15, line 34, leave out <utilised by> and insert <used in relation to>

### Alex Neil

- 46 In section 24, page 15, line 36, leave out <utilised by> and insert <used in relation to>

## Section 25

### Alex Neil

- 47 In section 25, page 16, line 3, leave out <functions which are delegated under an integration scheme> and insert <integration functions>

### Malcolm Chisholm

- 108\* In section 25, page 16, line 4, after <wellbeing> insert <and independent living>

### Nanette Milne

- 109 In section 25, page 16, line 9, after <needs> insert <, aspirations, abilities, characteristics and circumstances>

### Nanette Milne

- 110 In section 25, page 16, line 9, at end insert <including the need for access to independent advocacy services,>

### Alex Neil

- 48 In section 25, page 16, line 11, at end insert—  
<( ) takes account of the particular characteristics and circumstances of different service-users,  
( ) respects the rights of service-users,>

**Malcolm Chisholm**

- 111 In section 25, page 16, line 12, leave out <takes account of the> and insert <has regard to the right to>

**Malcolm Chisholm**

- 112 In section 25, page 16, line 12, at end insert—  
<( ) enables service-users to exercise choice and control and to participate in decisions regarding their need for services and the provision of those services to them,>

**Malcolm Chisholm**

- 113 In section 25, page 16, leave out lines 13 and 14 and insert—  
<( ) has regard to the right of service-users to participate in the life of the community in which they live,>

**Neil Findlay**

- 49 In section 25, page 16, line 20, after <arising,> insert—  
<( ) supports and rewards staff employed in the provision of those services in a way that will best protect the quality of the service,>

**Section 26**

**Alex Neil**

- 114 In section 26, page 16, line 31, leave out <it> and insert <the local authority>

**Alex Neil**

- 115 In section 26, page 16, line 33, after second <the> insert <local>

**Rhoda Grant**

- 116 In section 26, page 16, line 40, at end insert—  
<( ) at least one person who the integration authority considers to be representative of service-users in the area to which the strategic plan relates,  
( ) at least one person who the integration authority considers to be representative of carers in the area to which the strategic plan relates,>

**Alex Neil**

- 50 In section 26, page 17, line 19, leave out <its> and insert <a>

**Section 27**

**Nanette Milne**

- 117 In section 27, page 18, line 23, at end insert—  
<( ) groups appearing to the integration authority to be representative of non-commercial organisations contributing to the health and wellbeing of service-users in the area covered by the strategic plan,>



## **Section 30A**

**Alex Neil**

**51** In section 30A, page 20, line 9, at end insert—

<( ) Sections 24, 27, 27A and 29 apply in relation to a strategic plan prepared by virtue of subsection (3) as those sections apply in relation to a strategic plan prepared by virtue of section 23.>

**Alex Neil**

**52** In section 30A, page 20, line 14, leave out <23(4)> and insert <23(6)>

**Alex Neil**

**53** In section 30A, page 20, line 19, leave out <revised> and insert <replacement>

## **Section 30B**

**Alex Neil**

**54** In section 30B, page 20, line 26, leave out <is consistent with the integration delivery principles and> and insert <complies with the integration delivery principles and contributes to achieving>

**Alex Neil**

**55** In section 30B, page 20, line 37, at end insert—

<( ) Sections 24, 27, 27A and 29 apply in relation to a strategic plan prepared by virtue of subsection (2) as those sections apply in relation to a strategic plan prepared by virtue of section 23.>

## **Section 31**

**Alex Neil**

**118** In section 31, page 21, line 9, leave out <(see section 25)>

**Alex Neil**

**119** In section 31, page 21, line 10, leave out <(see section 5)>

## **Section 32**

**Alex Neil**

**56** In section 32, page 21, line 14, after <the> insert <integration>

## **Section 33**

**Alex Neil**

**57** In section 33, page 21, line 33, after <in> insert <planning and>

## Section 33B

### Bob Doris

120 In section 33B, page 23, line 14, at end insert—

<(3A) When carrying out a review of the scheme under subsection (2), the local authority and the Health Board must jointly review the impact of the scheme on—

- (a) the rights of children,
- (b) the outcomes for children,
- (c) the continuity of services provided to those persons moving from services generally provided to persons under 18 years of age to services generally provided to persons aged 18 years or over,
- (d) such other matters as may be prescribed.

(3B) In subsection (3A)—

“children” means persons who have not attained the age of 18 years,

“the rights of children” has the same meaning as in section 4(1) of the Children and Young People (Scotland) Act 2014.>

### Bob Doris

121 In section 33B, page 23, line 16, after <(3),> insert <and

( ) any impacts identified under subsection (3A),>

## Section 33C

### Alex Neil

58 In section 33C, page 23, line 32, leave out <Where matters are prescribed under> and insert <On each occasion on which the Scottish Ministers exercise the power conferred by>

### Bob Doris

122 In section 33C, page 23, line 39, at end insert—

<(4A) When carrying out a review of the scheme under subsection (2), the local authority and the Health Board must jointly review the impact of the scheme on—

- (a) the rights of children,
- (b) the outcomes for children,
- (c) the continuity of services provided to those persons moving from services generally provided to persons under 18 years of age to services generally provided to persons aged 18 years or over,
- (d) such other matters as may be prescribed.

(4B) In subsection (4A)—

“children” means persons who have not attained the age of 18 years,

“the rights of children” has the same meaning as in section 4(1) of the Children and Young People (Scotland) Act 2014.>

**Bob Doris**

- 123 In section 33C, page 23, line 41, after <(3)>, insert <and  
( ) any impacts identified under subsection (4A),>

**Section 34**

**Alex Neil**

- 59 In section 34, page 24, line 20, leave out <plan> and insert <scheme>

**Alex Neil**

- 60 In section 34, page 24, line 22, leave out <or (as the case may be) (4A)>

**Alex Neil**

- 61 In section 34, page 24, line 29, leave out from beginning to <(3)> in line 30

**Alex Neil**

- 62 In section 34, page 24, line 32, leave out subsection (4A)

**Section 35**

**Alex Neil**

- 124 In section 35, page 25, line 1, leave out <any of the matters> and insert <a matter>

**Section 36**

**Alex Neil**

- 63 In section 36, page 25, line 22, at end insert—
- <(5) Before making a scheme under subsection (3) in relation to staff, the Scottish Ministers must consult in respect of each group mentioned in subsection (6) such persons appearing to be representative of the group as the Scottish Ministers think fit.
  - (6) The groups mentioned in subsection (5) are—
    - (a) health professionals,
    - (b) social care professionals,
    - (c) such other groups of persons appearing to the Scottish Ministers to have an interest as may be prescribed.>

**Section 37**

**Alex Neil**

- 64 In section 37, page 25, line 39, leave out from beginning to end of line 1 on page 26 and insert—  
<( ) the carrying out of integration functions,>

**Section 41A**

**Alex Neil**

- 65 In section 41A, page 27, line 28, after second <the> insert <planning, organisation or>

**Alex Neil**

- 66 In section 41A, page 27, line 30, after <(2)> insert—  
<( ) for “this section” substitute “subsection (1)(a) or (b)”,  
( )>

**Alex Neil**

- 67 In section 41A, page 27, leave out line 31

**Alex Neil**

- 68 In section 41A, page 27, line 35, after second <the> insert <planning, organisation or>

**Alex Neil**

- 69 In section 41A, page 28, line 11, after <57.”,> insert—  
<( ) after subsection (2), insert—  
“(2A) The purposes of an inspection under subsection (1)(c) may include any of those mentioned in subsection (2)(f) to (j).”,>

**Alex Neil**

- 70 In section 41A, page 28, line 17, at end insert—  
<“national health and wellbeing outcomes” has the same meaning as in section 5(1) of the 2014 Act.”.>

**Section 41B**

**Alex Neil**

- 71 In section 41B, page 28, line 21, at end insert—  
<( ) for subsection (1), substitute—  
“(1) HIS may inspect any service provided under the health service—  
(a) in pursuance of its general duty of furthering improvement in the quality of health care in Scotland, or  
(b) for any of the purposes mentioned in subsection (1B).”,>

**Alex Neil**

- 72 In section 41B, page 28, line 23, leave out <is> and insert <and social services are>

**Alex Neil**

- 73 In section 41B, page 28, line 25, leave out <service> and insert <planning, organisation or co-ordination of those services>

**Alex Neil**

- 74 In section 41B, page 28, line 31, after second <the> insert <planning, organisation or>

**Alex Neil**

- 75 In section 41B, page 29, line 7, at end insert—  
    <“national health and wellbeing outcomes” has the same meaning as in section 5(1) of the 2014 Act;>

**Alex Neil**

- 76 In section 41B, page 29, line 15, after second <the> insert <planning, organisation or>

**Alex Neil**

- 77 In section 41B, page 29, line 16, after <(2)> insert—  
    <( ) for “this section” substitute “subsection (1)(a) or (b)”,  
    ( )>

**Alex Neil**

- 78 In section 41B, page 29, leave out line 17

**Alex Neil**

- 79 In section 41B, page 29, line 22, after second <the> insert <planning, organisation or>

**Alex Neil**

- 80 In section 41B, page 29, line 37, after <10N.”,> insert—  
    <( ) after subsection (2), insert—  
    “(2A) The purposes of an inspection under subsection (1)(c) may include any of those mentioned in subsection (2)(f) to (j).”>

**Alex Neil**

- 81 In section 41B, page 29, line 41, leave out <Public Bodies (Joint Working) (Scotland) Act 2014;> and insert <2014 Act;  
    “national health and wellbeing outcomes” has the same meaning as in section 5(1) of the 2014 Act;>

**Section 41C**

**Alex Neil**

- 82 In section 41C, page 30, line 19, at end insert—  
    <( ) On the request of SCSWIS and HIS, any other person or body mentioned in section 115(6) may conduct an inspection under subsection (1) jointly with SCSWIS and HIS.>

**Section 41D**

**Alex Neil**

- 83 In section 41D, page 31, line 9, leave out <of its functions under> and insert <functions conferred on it by>

## After section 41D

Alex Neil

84 After section 41D, insert—

### <Children’s services planning

In section 7(1) of the Children and Young People (Scotland) Act 2014 (which makes provision for introductory matters relating to children’s services planning), in the definition of “other service provider”, after paragraph (e), insert—

- “(f) an integration joint board established by order under section 9 of the Public Bodies (Joint Working) (Scotland) Act 2014.”>

## Section 46

Alex Neil

85 In section 46, page 35, line 13, at end insert—

<( ) after subsection (1), insert—

“(1A) The Scottish Ministers may do any (or all) of the following—

- (a) form or participate in forming bodies corporate for any of the purposes mentioned in subsection (1B),
- (b) participate in bodies corporate formed for any of those purposes,
- (c) with a view to securing or facilitating any of the purposes for which such a body corporate is formed—
  - (i) transfer, or secure the transfer, to the body corporate of heritable or moveable property held by the Scottish Ministers, a Health Board, the Common Services Agency for the Scottish Health Service (“the Agency”) or Healthcare Improvement Scotland (“HIS”) under or by virtue of, or for the purposes of, this Act and any rights, liabilities or obligations relating to the property,
  - (ii) otherwise invest in the body corporate (whether by acquiring assets, securities or rights or otherwise),
  - (iii) provide loans and guarantees and make other kinds of financial provision to or in respect of the body corporate.

(1B) The purposes are—

- (a) management or development of any heritable property held by the Scottish Ministers, a Health Board, the Agency or HIS under or by virtue of, or for the purposes of, this Act,
- (b) management of any moveable property so held,
- (c) disposal of any such heritable or moveable property.”>

Alex Neil

86 In section 46, page 35, line 14, after <corporate”> insert—

<( ) after subsection (2), insert—

“(2A) The Scottish Ministers may—

- (a) form or participate in forming bodies corporate for a prescribed purpose,
  - (b) participate in bodies corporate formed for a prescribed purpose.
- (2B) A purpose prescribed under subsection (2A) must relate to the functions conferred on the Scottish Ministers by or under this Act.”,>

### Section 48

#### Alex Neil

- 125 In section 48, page 35, line 30, at end insert—  
<“integration delivery principles” has the meaning given by section 25,>

#### Alex Neil

- 87 In section 48, page 35, line 34, at end insert—  
<“national health and wellbeing outcomes” has the same meaning as in section 5(1),>

#### Alex Neil

- 88 In section 48, page 36, line 11, after <2(3),> insert <11(5)(a)(i), 12(2A)(a)(i), 33C(2) (first occurrence only),>

#### Neil Findlay

- 89 In section 48, page 36, line 19, at end insert—  
<( ) References in this Act to improving the quality of services include measures to ensure that services are provided to service-users for an amount of time that is appropriate to meet their needs.>

### Section 49

#### Alex Neil

- 90\* In section 49, page 36, line 26, leave out <1(4H) and 5(1)> and insert <1(3)(e), (4C), (4D) and (4H), 5(1) and (*Power of Scottish Ministers to make provision giving effect to integration scheme*)>

### Schedule

#### Alex Neil

- 91 In the schedule, page 38, line 17, leave out <and 38> and insert <, 38 and 76>

#### Alex Neil

- 92 In the schedule, page 38, line 26, leave out <80, 90, 99> and insert <71, 80, 90, 99, 101>

#### Alex Neil

- 93 In the schedule, page 38, line 30, leave out <145, 166 and 167> and insert <144, 145, 166, 167, 180, 183 and 184>

**Alex Neil**

**94** In the schedule, page 38, line 33, at end insert—

<PART 2

FUNCTIONS CONFERRED BY VIRTUE OF ENACTMENTS

Section 4 of the Community Care and Health (Scotland) Act 2002.

Section 153 of the Children’s Hearings (Scotland) Act 2011.>



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