

# Public Bodies (Joint Working) (Scotland) Bill

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## 2nd Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- a list of any amendments already debated;
- the text of amendments to be debated on the second day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

### Groupings of amendments

#### **Strategic plan: preparation considerations**

95, 221, 96, 222, 239

#### **Strategic planning group**

105, 106, 107, 108, 110, 233, 112, 113, 114, 115, 234, 117, 119

#### **Strategic plan: review and replacement**

127, 128, 237, 129, 130

#### **Consultation regarding proposed decision which may significantly affect service provision**

132, 133, 134

#### **Integration authority: performance report**

135, 136, 137, 138, 139

#### **Reports by integration joint monitoring committee**

240

#### **Review and revisal of integration scheme**

241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252

*Notes on amendments in this group*

Amendment 243 pre-empts amendment 148

Amendment 249 pre-empts amendment 160

#### **Default power of Scottish Ministers**

253

**Directions by the Scottish Ministers**

254

**Guidance**

255, 256, 257

**Inspection by Social Care and Social Work Improvement Scotland and/or Healthcare Improvement Scotland**

258, 259, 260

**Discharge of local authority functions**

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**Shared services**

262, 263, 264, 265, 266, 267, 268, 269, 271, 273, 274

**Subordinate legislation**

270

**Repeal**

272

**Commencement**

275

**Amendments already debated**

**“Integration plan” to “integration scheme”**

With 1 - 109, 111, 121, 122, 148, 149, 150, 151, 152, 153, 154, 155, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194, 196, 197, 198, 199

*Notes on amendments in this group*

Amendments 148 and 160 in this group (already debated on Day 1) are pre-empted by amendments 243 and 249 respectively (both of which are in the group “Review and revisal of integration scheme”)

**Budget for delegated functions**

With 3 – 156, 157

**Functions which may, must or may not be delegated**

With 5 – 200

**Minor and technical**

With 11 – 120, 191, 195

**Principles**

With 19 - 97, 97A, 223, 98, 99, 224, 225, 100, 226, 101, 102, 227, 228, 229, 230, 103, 231, 104

**Consultation and involvement of persons working as members of a “relevant profession”**

With 210 - 232, 235, 238

**Strategic plan: process**

With 147 - 116, 118, 123, 236, 124, 125, 126, 131, 201

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**Amendments in debating order**

**Strategic plan: preparation considerations**

**Alex Neil**

- 95** In section 24, page 10, line 32, leave out from beginning to <local> and insert <This section applies where an integration authority in relation to the area of a local authority is preparing a strategic plan.

( ) The integration>

**Rhoda Grant**

- 221** In section 24, page 10, line 35, at end insert—

<( ) outcomes agreed for the area of the local authority through community planning.

( ) In this section “community planning” means planning to which the provisions of section 15(1) of the Local Government in Scotland Act 2003 (community planning) apply.>

**Alex Neil**

- 96** In section 24, page 10, line 35, at end insert—

<(3) The integration authority must have regard to the effect which any arrangements which it is considering setting out in the strategic plan in pursuance of section 23(2)(a) may have on services, facilities or resources—

- (a) utilised by arrangements set out in pursuance of that section in a strategic plan prepared by another integration authority,
- (b) which would be utilised by arrangements which another integration authority is considering setting out in pursuance of that section in a strategic plan which it is preparing.

(4) The references in subsections (3)(a) and (b) to a strategic plan are to a strategic plan relating to the same period as, or relating to part of the same period as, the strategic plan which is being prepared by the integration authority.>

**Malcolm Chisholm**

- 222** After section 24, insert—

**<24A Duty to seek, record and have due regard to advice**

(1) In preparing a strategic plan, an integration authority for the area of a local authority must, where appropriate, seek, record and have due regard to the professional advice of the persons specified in subsection (3) in respect of issues relating to quality and safety.

(2) An integration authority for the area of a local authority must set out arrangements for how it will, where appropriate, seek, record and have due regard to the professional advice of the persons specified in subsection (3) in respect of issues relating to quality and safety in the carrying out of the integration functions for the area of the local authority.

(3) The persons are—

- (a) the chief social work officer of the local authority,
- (b) a registered medical practitioner nominated by the relevant Health Board,

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- (c) a registered nurse nominated by the relevant Health Board,
- (d) a registered allied health professional nominated by the relevant Health Board,
- (e) any other person prescribed by regulations made by the Scottish Ministers.>

**Malcolm Chisholm**

- 239** In section 49, page 21, line 11, after <5(1)> insert <and 24A(3)(e)>

**Strategic planning group**

**Alex Neil**

- 105** In section 26, page 11, line 17, leave out <For the purpose of preparing a> and insert <Before preparing its first>

**Alex Neil**

- 106** In section 26, page 11, line 18, after <group> insert <(its “strategic planning group”)>

**Alex Neil**

- 107** In section 26, page 11, line 19, leave out from <one> to end of line 21 and insert—
- <(i) at least one person nominated by the Health Board which is a constituent authority in relation to the integration joint board,
  - (ii) where one local authority is a constituent authority in relation to the integration joint board, at least one person nominated by it,
  - (iii) where two or more local authorities are constituent authorities in relation to the integration joint board, at least one person nominated by the authorities,>

**Alex Neil**

- 108** In section 26, page 11, line 22, leave out <one person nominated by the local authority> and insert <at least one person nominated by the local authority or authorities>

**Alex Neil**

- 110** In section 26, page 11, line 25, after <authority,> insert <at least>

**Rhoda Grant**

- 233** In section 26, page 11, line 33, at end insert <and must include—
- (a) service-users,
  - (b) unpaid carers, and
  - (c) non-commercial organisations who represent the interests of service-users and unpaid carers.>

**Alex Neil**

- 112** In section 26, page 11, line 33, at end insert—
- <(2A) The integration authority is to determine—

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- (a) the number of members of its strategic planning group,
  - (b) so far as not set out in this section, the processes for appointment, removal and replacement of members.
- (2B) The integration authority may—
- (a) appoint members of its strategic planning group from persons nominated under subsection (1),
  - (b) in such circumstances as the authority considers appropriate, remove persons appointed under paragraph (a) from membership of the group,
  - (c) appoint members in place of members who resign or are removed from membership of the group.
- (2C) A constituent authority may—
- (a) remove from its strategic planning group a member appointed to represent it,
  - (b) nominate under subsection (1) another person in place of a member of the group appointed to represent it.
- (2D) A member of a strategic planning group may resign at any time.
- (2E) During the period to which any strategic plan of an integration authority relates, its strategic planning group is also to comprise a person to represent the interests of each locality set out in the plan in pursuance of section 23(3)(a).
- (2F) It is for the integration authority to—
- (a) decide which persons are suitable to represent the interests of a locality, and
  - (b) select the representative.
- (2G) An integration authority may under subsection (2F)(b) select a single person in respect of two or more localities.
- (2H) The validity of anything done by an integration authority's strategic planning group is not affected by any vacancy in its membership.>

### Alex Neil

- 113 In section 26, page 11, line 34, leave out second <the> and insert <an integration authority's strategic planning>

### Alex Neil

- 114 In section 26, page 11, line 35, leave out first <The> and insert <An>

### Alex Neil

- 115 In section 26, page 11, line 35, leave out second <the> and insert <its strategic planning>

### Rhoda Grant

- 234 In section 26, page 11, line 36, at end insert—
- <(5) The integration authority must make such arrangements as it considers necessary to secure the effective involvement of persons representing the groups mentioned in subsection (2)(a), (b) and (c).
  - (6) Arrangements under subsection (5) may, in particular, include arrangements for—

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- (a) paying such expenses as appear to the authority to be necessary, including the cost of replacement care,
- (b) providing information in a timely fashion and in a format that is accessible to members of the group,
- (c) ensuring the accessibility of venues for any meetings of the group,
- (d) ensuring access to appropriate training for members of the group.>

### Alex Neil

- 117 In section 27, page 12, line 1, leave out second <the> and insert <its strategic planning>

### Alex Neil

- 119 In section 27, page 12, line 5, leave out second <the> and insert <its strategic planning>

### Strategic plan: review and replacement

### Alex Neil

- 127 In section 30, page 13, line 19, leave out <in its next strategic plan> and insert <by virtue of revising its strategic plan under section (*Review of strategic plan*)>

### Alex Neil

- 128 In section 30, page 13, line 23, after <must> insert—  
<( ) seek and have regard to the views of its strategic planning group, and>

### Rhoda Grant

- 237 In section 30, page 13, line 25, at end insert—  
<( ) non-commercial providers of health care or social care, and  
( ) other relevant bodies who may be affected by the decision.>

### Alex Neil

- 129 After section 30, insert—  
<**Review of strategic plan**
- (1) An integration authority—
    - (a) must before the expiry of the relevant period review the effectiveness of its strategic plan,
    - (b) may from time to time carry out such a review.
  - (2) In carrying out a review under subsection (1), the integration authority must—
    - (a) have regard to—
      - (i) the integration delivery principles, and
      - (ii) the national health and wellbeing outcomes, and
    - (b) seek and have regard to the views of its strategic planning group on—

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- (i) the effectiveness of the arrangements for the carrying out of the integration functions in the area of the local authority, and
  - (ii) whether the integration authority should prepare a replacement strategic plan.
- (3) Following a review under subsection (1), an integration authority may prepare a replacement strategic plan.
- (4) Subject to subsection (2), the process of such a review is to be such as the integration authority determines.
- (5) A constituent authority must provide an integration authority which is an integration joint board with such information as the integration authority may reasonably require for the purpose of carrying out a review under subsection (1).
- (6) The person mentioned in subsection (7) must provide an integration authority which is a Health Board or a local authority with such information as the integration authority may reasonably require for the purpose of carrying out a review under subsection (1).
- (7) That person is the local authority or the Health Board with which the integration authority prepared the integration scheme in pursuance of which the integration authority acquired its delegated functions.
- (8) A strategic plan prepared in pursuance of this section must specify a day on which the period of the plan is to begin.
- (9) In subsection (1), “relevant period”, in relation to an integration authority, means—
  - (a) the period of 3 years beginning with the integration start day (as defined in section 23(4)), and
  - (b) each subsequent period of 3 years beginning with—
    - (i) where a replacement strategic plan is prepared following a review under subsection (1), the day specified under subsection (8),
    - (ii) where no replacement strategic plan is prepared following such a review, the day on which the integration authority decides not to prepare a revised strategic plan.>

**Alex Neil**

**130** After section 30, insert—

### **<Requirement to prepare replacement strategic plan**

- (1) This section applies where the integration authority in relation to the area of a local authority is an integration joint board.
- (2) If it appears to a constituent authority that the strategic plan is preventing, or is likely to prevent, the constituent authority from carrying out any of its functions appropriately or in a way which is consistent with the integration delivery principles and the national health and wellbeing outcomes, the constituent authorities acting jointly may direct the integration authority to prepare a replacement strategic plan.
- (3) A direction under subsection (2) must—
  - (a) be in writing,
  - (b) include a statement summarising the reasons for giving it.
- (4) A direction under subsection (2) must specify—



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- (a) a day by which the replacement strategic plan must be prepared, and
  - (b) a day on which the period of the plan is to begin.
- (5) The constituent authorities acting jointly may by direction substitute a different day for a day specified under subsection (4).
- (6) An integration authority must comply with a direction given to it under subsection (2).>

**Consultation regarding proposed decision which may significantly affect service provision**

**Alex Neil**

**132** In section 32, page 13, line 33, after <where> insert—

<( ) an integration authority carrying out an integration function for the area of a local authority proposes to take a decision which the authority considers might significantly affect the provision in a locality of the area of a service provided in pursuance of the function, or

( )>

**Alex Neil**

**133** In section 32, page 14, line 1, leave out <person must take such action as the> and insert <integration authority or, as the case may be, person must take such action as the authority or>

**Alex Neil**

**134** In section 32, page 14, line 4, at end insert—

<( ) The integration authority may pay to members of groups consulted under subsection (3) such expenses and allowances as the authority determines.>

**Integration authority: performance report**

**Alex Neil**

**135** In section 33, page 14, line 6, leave out <and publish>

**Alex Neil**

**136** In section 33, page 14, line 9, after <year> insert <to which it relates>

**Alex Neil**

**137** In section 33, page 14, leave out line 12 and insert—

<(3A) An integration authority must—

(a) publish each performance report before the expiry of the period of 4 months beginning with the end of the reporting year, and

(b) provide a copy of it to the persons mentioned in subsection (3B).

(3B) Those persons are—

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- (a) where the integration authority is an integration joint board, each constituent authority,
  - (b) where the integration authority is a local authority and a Health Board acting jointly, the integration joint monitoring committee,
  - (c) where the integration authority is a Health Board or a local authority—
    - (i) the integration joint monitoring committee, and
    - (ii) the other authority.
- (3C) A constituent authority must provide an integration authority which is an integration joint board with such information as the authority may reasonably require for the purpose of preparing a performance report.
- (3D) The other authority must provide an integration authority which is a Health Board or a local authority with such information as the integration authority may reasonably require for the purpose of preparing a performance report.>

### Alex Neil

**138** In section 33, page 14, line 13, after <section> insert—

<“other authority” means the local authority or the Health Board with which the integration authority prepared the integration scheme in pursuance of which the integration authority acquired its delegated functions,>

### Alex Neil

**139** In section 33, page 14, line 14, leave out <23(4)(b)> and insert <9(3) or, as the case may be, 14(1A)>

## **Reports by integration joint monitoring committee**

### Alex Neil

**240** After section 33, insert—

*<Reports by integration joint monitoring committee*

#### **Reports**

- (1) An integration joint monitoring committee may give reports to the integration authority on any aspect of the carrying out of the integration functions for the area of the local authority for which the integration joint monitoring committee is established.
- (2) A report may include recommendations as to how those integration functions should be carried out in future.
- (3) Where a report is given to an integration authority under subsection (1), the integration authority must—
  - (a) have regard to the report and any recommendations included in it,
  - (b) take such action as the authority considers necessary, and
  - (c) if the report includes recommendations, give the integration joint monitoring committee a response to them in writing as soon as is reasonably practicable after the authority is given the report.

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- (4) An integration joint monitoring committee may publish—
  - (a) reports given under subsection (1),
  - (b) responses given under subsection (3)(c).
- (5) The local authority and the Health Board which prepared the integration scheme by virtue of which the integration joint monitoring committee is established must provide the committee with such reports, information or other assistance as the committee may reasonably require for the purpose of preparing a report under subsection (1).>

### **Review and revisal of integration scheme**

**Alex Neil**

**241** Before section 34, insert—

#### **<Review of integration scheme**

- (1) This section applies where an integration scheme has been approved by the Scottish Ministers under section 7.
- (2) The local authority and the Health Board must carry out a review of the scheme before the expiry of the relevant period for the purpose of identifying whether any changes to the scheme are necessary or desirable.
- (3) Sections 3 and 6 apply to a review of an integration scheme under subsection (2) as they apply to the preparation of an integration scheme (but as if the words “Before submitting the integration scheme for approval under section 7,” in section 6(2) were omitted).
- (4) After taking account of any views of persons consulted under section 6 (as applied by subsection (3)), the local authority and the Health Board must decide whether any changes to the scheme are necessary or desirable.
- (5) In subsection (2), the “relevant period” means—
  - (a) the period of 5 years beginning with the day on which the scheme was approved under section 7, and
  - (b) each subsequent period of 5 years beginning with—
    - (i) where the local authority and the Health Board vary the scheme under section 34, the day specified under subsection (5) of that section,
    - (ii) where the local authority and the Health Board decide no changes to the scheme are necessary or desirable, the day on which that decision is made.>

**Alex Neil**

**242** Before section 34, insert—

#### **<Requirement to review integration scheme**

- (1) This section applies where an integration scheme has been approved by the Scottish Ministers under section 7.
- (2) On the request of the local authority or the Health Board, the local authority and the Health Board must jointly carry out a review of the scheme for the purpose of identifying whether any changes to the scheme are necessary or desirable.

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- (3) Where matters are prescribed under section 1(3)(e), the Scottish Ministers may require the local authority and the Health Board jointly to carry out a review of the integration scheme for the purpose of identifying whether any changes to the scheme are necessary or desirable.
- (4) Sections 3 and 6 apply to a review of an integration scheme under subsection (2) or (3) as they apply to the preparation of an integration scheme (but as if the words “Before submitting the integration scheme for approval under section 7,” in section 6(2) were omitted).
- (5) After taking account of any views of persons consulted under section 6 (as applied by subsection (3)), the local authority and the Health Board must decide whether any changes to the scheme are necessary or desirable.>

### Alex Neil

- 243 In section 34, page 14, line 19, leave out from <an> to end of line 20 and insert <a local authority and a Health Board decide under section (*Review of integration scheme*) or (*Requirement to review integration scheme*) that changes to an integration scheme are necessary or desirable.>

### Alex Neil

- 244 In section 34, page 14, line 34, at end insert—
- <(f) change or remove any information included in the plan by virtue of section 1(3)(e),>

### Alex Neil

- 245 In section 34, page 14, line 34, at end insert—
- <(3A) Before complying with subsection (4) or (as the case may be) (4A), the local authority and the Health Board must jointly consult—
- (a) such persons or groups of persons appearing to the Scottish Ministers to have an interest as may be prescribed, and
- (b) such other persons as the local authority and the Health Board think fit.
- (3B) In finalising the revised integration scheme, the local authority and the Health Board must take account of any views expressed by virtue of subsection (3A).>

### Alex Neil

- 246 In section 34, page 14, line 35, at beginning insert <If a revised integration scheme includes provision of the type mentioned in any of paragraphs (a) to (e) of subsection (3),>

### Alex Neil

- 247 In section 34, page 14, line 36, at end insert—
- <(4A) If a revised integration scheme includes provision of the type mentioned in paragraph (f) of subsection (3), the local authority and the Health Board must jointly give notice of the change to the Scottish Ministers.>

### Alex Neil

- 248 In section 34, page 14, line 38, at end insert—
- <( ) As soon as practicable after a revised integration scheme takes effect, the local authority and the Health Board must publish it.>

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### Alex Neil

- 249 In section 35, page 15, line 2, leave out from <an> to end of line 3 and insert <a local authority and a Health Board decide under section (*Review of integration scheme*) or (*Requirement to review integration scheme*) that changes to an integration scheme are necessary or desirable.>

### Alex Neil

- 250 In section 35, page 15, line 5, at end insert <or (as the case may be) 2(2)>

### Alex Neil

- 251 In section 35, page 15, line 8, at end insert—  
<( ) This Act applies in relation to a new integration scheme prepared by virtue of subsection (2) as it applies in relation to an integration scheme which requires to be prepared by section 1 or (as the case may be) 2(2).>

### Alex Neil

- 252 In section 36, page 15, line 18, at end insert—  
<( ) Before making a scheme under subsection (3), the Scottish Ministers must consult—  
(a) the person from whom it is proposed to transfer staff, and  
(b) the person to whom it is proposed that the staff be transferred.>

## Default power of Scottish Ministers

### Alex Neil

- 253 In section 39, page 16, line 10, after <7> insert <, or the day specified under subsection (4)(c) of that section,>

## Directions by the Scottish Ministers

### Alex Neil

- 254 In section 40, page 17, line 5, at end insert—  
<( ) The Scottish Ministers may not under subsection (1) or (2) give a direction requiring a local authority or Health Board to make a written application of the type mentioned in section (*Section (Directions by integration authority): supplementary*).>

## Guidance

### Alex Neil

- 255 In section 41, page 17, line 7, leave out from beginning to <board> and insert <A person mentioned in subsection (2)>

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**Alex Neil**

- 256 In section 41, page 17, line 8, leave out <their> and insert <its>

**Alex Neil**

- 257 In section 41, page 17, line 9, at end insert—

- <(2) Those persons are—
- (a) a local authority,
  - (b) a Health Board,
  - (c) an integration joint board,
  - (d) an integration joint monitoring committee.>

**Inspection by Social Care and Social Work Improvement Scotland and/or Healthcare Improvement Scotland**

**Alex Neil**

- 258 After section 41, insert—

**<Social Care and Social Work Improvement Scotland**

In section 53 of the Public Services Reform (Scotland) Act 2010 (inspections by Social Care and Social Work Improvement Scotland)—

- (a) in subsection (1), after paragraph (b), add—
  - “(c) where social services, services provided under the health service or services provided by an independent health care service are provided in pursuance of an integration scheme approved under section 7 of the Public Bodies (Joint Working) (Scotland) Act 2014 (“the 2014 Act”), the co-ordination of those services.”,
- (b) in subsection (2), after paragraph (e), add—
  - “(f) where the inspection is carried out under subsection (1)(c)—
    - (i) reviewing and evaluating the extent to which the social service is complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,
    - (ii) reviewing and evaluating the extent to which the co-ordination of social services, services provided under the health service and services provided by an independent health care service is complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,
    - (iii) reviewing and evaluating the effectiveness of a strategic plan prepared under section 23 of the 2014 Act in complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,

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- (iv) encouraging improvement in the extent to which implementation of a strategic plan prepared under section 23 of the 2014 Act complies with the integration delivery principles and contributes to achieving the national health and wellbeing outcomes, and
- (v) enabling consideration as to the need for any recommendations to be prepared as to any such improvement to be included in the report prepared under section 57.”, and

(c) after subsection (6), add—

“(7) In this section—

“independent health care service” has the meaning given by section 10F(1) of the National Health Service (Scotland) Act 1978;

“integration delivery principles” has the meaning given by section 25 of the 2014 Act.”.>

### **Alex Neil**

**259\*** After section 41, insert—

#### **<Healthcare Improvement Scotland**

- (1) The National Health Service (Scotland) Act 1978 is amended as follows.
- (2) In section 10I (Healthcare Improvement Scotland: inspection of services provided under the health service)—
  - (a) after subsection (1), insert—
    - “(1A) Where a service provided under the health service is provided by virtue of an integration scheme approved under section 7 of the Public Bodies (Joint Working) (Scotland) Act 2014 (“the 2014 Act”), HIS may inspect the service for any of the purposes mentioned in subsection (1B).
  - (1B) The purposes are—
    - (a) reviewing and evaluating the extent to which the service is complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,
    - (b) reviewing and evaluating the extent to which the co-ordination of services provided under the health service and social services is complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,
    - (c) reviewing and evaluating the effectiveness of a strategic plan prepared under section 23 of the 2014 Act in complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,
    - (d) encouraging improvement in the extent to which implementation of a strategic plan prepared under section 23 of the 2014 Act complies with the integration delivery principles and contributes to achieving the national health and wellbeing outcomes, and
    - (e) enabling consideration as to the need for any recommendations to be prepared as to any such improvement to be included in the report prepared under section 10N.”, and

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- (b) after subsection (2), insert—
  - “(3) In this section—
    - “integration delivery principles” has the meaning given by section 25 of the 2014 Act;
    - “social services” has the meaning given by section 46 of the Public Services Reform (Scotland) Act 2010.”.
- (3) In section 10J (inspections of independent health care services)—
  - (a) in subsection (1), after paragraph (b), add—
    - “(c) where services provided by an independent health care service and social services are provided in pursuance of an integration scheme approved under section 7 of the Public Bodies (Joint Working) (Scotland) Act 2014 (“the 2014 Act”), the co-ordination of those services.”,
  - (b) in subsection (2), after paragraph (e), add—
    - “(f) where the inspection is carried out under subsection (1)(c)—
      - (i) reviewing and evaluating the extent to which the independent health care service is complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,
      - (ii) reviewing and evaluating the extent to which the co-ordination of services provided by an independent health care service and social services is complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,
      - (iii) reviewing and evaluating the effectiveness of a strategic plan prepared under section 23 of the 2014 Act in complying with the integration delivery principles and contributing to achieving the national health and wellbeing outcomes,
      - (iv) encouraging improvement in the extent to which implementation of a strategic plan prepared under section 23 of the 2014 Act complies with the integration delivery principles and contributes to achieving the national health and wellbeing outcomes, and
      - (v) enabling consideration as to the need for any recommendations to be prepared as to any such improvement to be included in the report prepared under section 10N.”, and
  - (c) after subsection (7), add—
    - “(8) In this section—
      - “integration delivery principles” has the meaning given by section 25 of the Public Bodies (Joint Working) (Scotland) Act 2014;
      - “social services” has the meaning given by section 46 of the Public Services Reform (Scotland) Act 2010.”.>



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Alex Neil

260\* After section 41, insert—

### <Joint inspections of health services and social services

- (1) The Public Services Reform (Scotland) Act 2010 is amended as follows.
- (2) In section 115(11) (meaning of “confidential information”), for “section”, where it second occurs, substitute “sections 116A(4) and”.
- (3) After section 116, insert—

### “116A Joint inspections of social services and health services

- (1) Social Care and Social Work Improvement Scotland (“SCSWIS”) and Healthcare Improvement Scotland (“HIS”) may jointly conduct an inspection in relation to—
  - (a) any social services, services provided under the health service or services provided by an independent health care service which are provided in pursuance of an integration scheme approved under section 7 of the Public Bodies (Joint Working) (Scotland) Act 2014 (“the 2014 Act”), or
  - (b) a local authority, Health Board or integration joint board (as defined in section 1(4)(a) of the 2014 Act) which is required by section 23 of the 2014 Act to prepare a strategic plan.
- (2) The purposes of an inspection under this section may be any of those mentioned in section 10I(1) or (1B) or 10J(2) of the National Health Service (Scotland) Act 1978 or section 53(2) of this Act.
- (3) In conducting an inspection under this section, SCSWIS and HIS must have regard to any code of practice or practice note issued by the Scottish Ministers for the purpose of—
  - (a) giving practical and general guidance on matters relating to such an inspection (including, without prejudice to that generality, such matters as access to confidential information and the holding, sharing and destruction of such information),
  - (b) promoting what appear to them to be desirable practices with regard to such matters.
- (4) After conducting an inspection under this section, SCSWIS and HIS must—
  - (a) prepare a report, and
  - (b) give any person to whom the report relates an opportunity to comment on the report.
- (5) SCSWIS and HIS must—
  - (a) give the report to the Scottish Ministers,
  - (b) give copies of the report to any person to whom the report relates, and
  - (c) make copies of the report available at their offices for inspection by any person at any reasonable time.
- (6) In this section—

“independent health care service” has the meaning given by section 10F of the National Health Service (Scotland) Act 1978;

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“social services” has the meaning given by section 46.”.

- (4) In section 117 (regulations relating to joint inspections), after subsection 5, add—
- “(6) In this section, “joint inspection” means an inspection conducted under section 115 or 116A.”.>

### **Discharge of local authority functions**

**Alex Neil**

- 261** After section 41, insert—

#### **<Amendments of section 56 of Local Government (Scotland) Act 1973**

In section 56 of the Local Government (Scotland) Act 1973 (arrangements for discharge of functions by local authorities)—

- (a) after subsection (7), insert—

“(7A) A local authority is not to make arrangements under this section for the discharge of any of its functions under the Public Bodies (Joint Working) (Scotland) Act 2014 by any other local authority.”, and

- (b) after subsection (15), add—

“(16) In this section, “Act” includes an Act of the Scottish Parliament.”.>

### **Shared services**

**Alex Neil**

- 262** In section 44, page 18, line 22, at end insert—

<( ) any body corporate formed by a Health Board or by the Agency, or in the formation of which a Health Board or the Agency participated, by virtue of a delegation of the power in section 84B(1) of the National Health Service (Scotland) Act 1978 (joint ventures).>

**Alex Neil**

- 263** In section 44, page 18, line 26, at end insert—

<( ) other professional services,  
( ) accommodation services.>

**Alex Neil**

- 264** In section 44, page 18, line 28, at end insert—

<(4A) The Scottish Ministers may by order amend subsection (2) so as to add or remove a person, or a description of a person, for the time being mentioned in or falling within that subsection.>

**Alex Neil**

- 265** In section 44, page 18, line 32, leave out <, and “Scottish public authority” have the meanings> and insert <has the meaning>

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### Alex Neil

- 266 In section 44, page 18, line 35, at end insert—
- <“Scottish public authority” has the meaning given by section 126(1) of that Act except that it does not include—
- (a) a Health Board,
  - (b) a Special Health Board (constituted under section 2(1)(b) of the National Health Service (Scotland) Act 1978), or
  - (c) Healthcare Improvement Scotland.>

### Alex Neil

- 267 In section 44, page 18, line 36, leave out from <is> to end of line 38 and insert <means persons, bodies and office-holders (other than the Agency) listed in schedule 5 to the Public Services Reform (Scotland) Act 2010 (improvement of public functions: listed bodies) under the heading “*Scottish public authorities with mixed functions or no reserved functions*”.>

### Alex Neil

- 268 After section 44, insert—
- <**Section 44: consequential provision**
- (1) The National Health Service (Scotland) Act 1978 is amended in accordance with subsections (2) and (3).
  - (2) In section 10 (Common Services Agency)—
    - (a) in subsection (1), the words from “which” to the end are repealed, and
    - (b) after that subsection, insert—

“(1A) The Agency has the functions conferred on it by—

      - (a) this Act, and
      - (b) section 44 of the Public Bodies (Joint Working) (Scotland) Act 2014.”
  - (3) In section 15 (supply of goods and services to local authorities etc.)—
    - (a) in subsection (1)—
      - (i) for “, a Health Board or the Agency”, in the first two places where it occurs, substitute “or a Health Board”, and
      - (ii) in paragraph (e), the words “or the Agency” are repealed,
    - (b) after that subsection, insert—

“(1ZA) Paragraph (a) of subsection (1) applies to the Agency as it applies to a Health Board.”,
    - (c) in subsection (2), after “including” insert “paragraph (a) as applied by subsection (1ZA) and”, and
    - (d) subsections (2A) to (2D) are repealed.
  - (4) In section 17(2) of the Patient Rights (Scotland) Act 2011, for “that Act” substitute “the 1978 Act”.>

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**Alex Neil**

**269** After section 44, insert—

<**Common Services Agency for the Scottish Health Service: residual liabilities**

In section 2(1) of the National Health Service (Residual Liabilities) Act 1996 (certain Scottish health bodies: duty to transfer residual liabilities on ceasing to exist), for “or a Special Health Board” substitute “, a Special Health Board or the Common Services Agency for the Scottish Health Service”.>

**Alex Neil**

**271** In section 49, page 21, line 11, at end insert—

<( ) An order under section 44(4A) is subject to the affirmative procedure.>

**Alex Neil**

**273** In section 51, page 21, line 33, at end insert—

<( ) Section 17(1) of the Patient Rights (Scotland) Act 2011 is repealed.>

**Alex Neil**

**274** In section 51, page 21, line 36, at end insert—

<( ) The Public Services Reform (Functions of the Common Services Agency for the Scottish Health Service) (Scotland) Order 2013 (S.S.I. 2013/220) is revoked.>

### **Subordinate legislation**

**Alex Neil**

**270** In section 49, page 21, line 8, at end insert—

<( ) make different provision for different cases or classes of case,>

### **Repeal**

**Alex Neil**

**272** In section 51, page 21, line 25, at end insert—

<( ) Section 5A of the Social Work (Scotland) Act 1968 (which makes provision about local authority plans for community care services) is repealed.>

### **Commencement**

**Alex Neil**

**275** In section 52, page 21, line 38, leave out from beginning to <comes> and insert <Sections 1(3) to (7), 5, 37 and 41 and this Part (other than section 51) come>