

Public Bodies (Joint Working) (Scotland) Bill

2nd Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 53

Long Title

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

Section 24

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.>

After section 24

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,
 - (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.>

Section 25

Alex Neil

97 In section 25, page 11, line 1, leave out from <must> to end of line 3 and insert <are provided in pursuance of functions which are delegated under an integration scheme is to improve the wellbeing of service-users,>

Malcolm Chisholm

97A As an amendment to amendment 97, line 3, after <wellbeing> insert <and independent living>

Rhoda Grant

223 In section 25, page 11, line 5, after <provided> insert <or commissioned>

Alex Neil

98 In section 25, page 11, line 5, leave out <the> and insert <a>

Alex Neil

99 In section 25, page 11, line 6, leave out <recipients> and insert <service-users>

Malcolm Chisholm

224 In section 25, page 11, line 7, after <the> insert <rights and>

Nanette Milne

225 In section 25, page 11, line 7, after <needs> insert <, aspirations, abilities, characteristics and circumstances>

Alex Neil

- 100 In section 25, page 11, line 7, leave out <recipients> and insert <service-users>

Malcolm Chisholm

- 226 In section 25, page 11, line 8, after first <the> insert <rights and>

Alex Neil

- 101 In section 25, page 11, line 8, leave out <recipients> and insert <service-users>

Alex Neil

- 102 In section 25, page 11, line 9, at end insert—
- <() takes account of the dignity of service-users,
 - () takes account of the participation by service-users in the community in which service-users live,
 - () protects and improves the safety of service-users,
 - () improves the quality of the service,>

Rhoda Grant

- 227 In section 25, page 11, line 9, at end insert—
- <() takes account of the particular needs of service-users moving into the area of the local authority from the area of another local authority,>

Rhoda Grant

- 228 In section 25, page 11, line 9, at end insert—
- <() improves the quality of the service to service-users in the community, particularly in relation to the amount of time afforded to those service-users,>

Malcolm Chisholm

- 229 In section 25, page 11, line 9, at end insert—
- <() is based on recognised guidance and adherence to established quality standards and promotes continuous improvement in the standard and quality of care,>

Malcolm Chisholm

Supported by: Nanette Milne

- 230 In section 25, page 11, line 9, 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,>

Alex Neil

- 103 In section 25, page 11, line 11, leave out <and local professionals> and insert <(including in particular service-users, those who look after service-users and those who are involved in the provision of health or social care)>

Rhoda Grant

231 In section 25, page 11, line 12, at end insert—

<() supports and rewards people who deliver those services in the provision of high quality care to service-users, and>

Alex Neil

104 In section 25, page 11, line 14, leave out <“recipients”> and insert <“service-users”>

Section 26

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

109 In section 26, page 11, line 23, leave out <plan> and insert <scheme>

Alex Neil

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

Alex Neil

111 In section 26, page 11, line 26, leave out <plan> and insert <scheme>

Bob Doris

232 In section 26, page 11, line 32, after <are> insert—

<() persons working as a member of a relevant profession,
()>

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—
- (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—
 - (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.>

Section 27

Alex Neil

116 In section 27, page 11, line 38, leave out from beginning to <local> in line 39 and insert <This section applies where an integration authority in relation to the area of a local authority is preparing a strategic plan.

(1A) The integration>

Alex Neil

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

Alex Neil

118 In section 27, page 12, line 2, leave out <(1)(b)> and insert <(1A)(b)>

Alex Neil

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

Alex Neil

120 In section 27, page 12, line 15, leave out from second <the> to end of line 17 and insert <each constituent authority,>

Alex Neil

121 In section 27, page 12, line 19, leave out <plan> and insert <scheme>

Alex Neil

122 In section 27, page 12, line 22, leave out <plan> and insert <scheme>

Bob Doris

- 235 In section 27, page 12, line 26, after <are> insert—
<() persons working as a member of a relevant profession,
()>

After section 27

Alex Neil

- 123 After section 27, insert—
<**Provision of information for purpose of preparing strategic plan**
(1) 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 strategic plan.
(2) The person mentioned in subsection (3) 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 strategic plan.
(3) 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.>

Section 28

Nanette Milne

- 236 In section 28, page 12, line 41, 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.>

Alex Neil

- 124 Leave out section 28

Section 29

Alex Neil

- 125 In section 29, page 13, line 4, leave out <occurrence of the event mentioned in subsection (2)> and insert <finalisation of the plan under section 27>

Alex Neil

- 126 In section 29, page 13, line 6, leave out subsection (2)

Section 30

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.>

After section 30

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—
 - (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—
 - (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).>

Alex Neil

131 After section 30, insert—

<Strategic plan: annual financial statement

- (1) Each integration authority must publish an annual financial statement—
 - (a) when it publishes its first strategic plan, and
 - (b) each year after that.
- (2) An annual financial statement must set out in relation to the strategic plan to which it relates the amount that the integration authority intends to spend in implementation of the plan.>

Section 32

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.>

Section 33

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—

(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)>

After section 33

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.
- (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).>

Before section 34

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.
- (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.>

Section 34

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

- 148 In section 34, page 14, line 19, leave out <plan> and insert <scheme>

Alex Neil

- 149 In section 34, page 14, line 21, leave out <plan> and insert <scheme>

Alex Neil

- 150 In section 34, page 14, line 22, leave out <plan> and insert <scheme>

Alex Neil

- 151 In section 34, page 14, line 23, leave out <plan> and insert <scheme>

Alex Neil

- 152 In section 34, page 14, line 24, leave out <plan> and insert <scheme>

Alex Neil

- 153 In section 34, page 14, line 26, leave out <plan> and insert <scheme>

Alex Neil

- 154 In section 34, page 14, line 28, leave out <plan> and insert <scheme>

Alex Neil

- 155 In section 34, page 14, line 31, leave out <plan> and insert <scheme>

Alex Neil

- 156 In section 34, page 14, line 33, at end insert—

<() change the method of determining amounts to be made available as mentioned in section 1(3)(ca),>

Alex Neil

- 157 In section 34, page 14, line 34, leave out <calculating> and insert <determining>

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

158 In section 34, page 14, line 35, leave out <plan> and insert <scheme>

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

159 In section 34, page 14, line 37, leave out <plan> and insert <scheme>

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.>

Section 35

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

160 In section 35, page 15, line 2, leave out <plan> and insert <scheme>

Alex Neil

161 In section 35, page 15, line 5, leave out <plan> and insert <scheme>

Alex Neil

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

Alex Neil

162 In section 35, page 15, line 7, leave out <plan> and insert <scheme>

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).>

Section 36

Alex Neil

163 In section 36, page 15, line 10, leave out <plan> and insert <scheme>

Alex Neil

164 In section 36, page 15, line 12, leave out <plan by a new integration plan> and insert <scheme by a new integration scheme>

Alex Neil

165 In section 36, page 15, line 15, leave out <plan by a new integration plan> and insert <scheme by a new integration scheme>

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.>

Section 37

Alex Neil

166 In section 37, page 15, line 21, leave out <plan> and insert <scheme>

Alex Neil

167 In section 37, page 15, line 23, leave out <plan> and insert <scheme>

Alex Neil

168 In section 37, page 15, line 25, leave out <plan> and insert <scheme>

Alex Neil

- 169 In section 37, page 15, line 26, leave out <plan> and insert <scheme>

Alex Neil

- 170 In section 37, page 15, line 35, leave out <plan> and insert <scheme>

Section 39

Alex Neil

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

Alex Neil

- 171 In section 39, page 16, line 10, leave out <plan> and insert <scheme>

Section 40

Alex Neil

- 172 In section 40, page 16, line 27, leave out <plan> and insert <scheme>

Alex Neil

- 173 In section 40, page 16, line 28, leave out <plan> and insert <scheme>

Alex Neil

- 174 In section 40, page 16, line 33, leave out <plan> and insert <scheme>

Alex Neil

- 175 In section 40, page 16, line 34, leave out <plan> and insert <scheme>

Alex Neil

- 176 In section 40, page 16, line 39, leave out <plan> and insert <scheme>

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*).>

Section 41

Alex Neil

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

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.>

After section 41

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,
 - (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
 - (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.”.>

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;

“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.”.>

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.”.>

Section 42

Alex Neil

177 In section 42, page 17, line 13, leave out <plan> and insert <scheme>

Alex Neil

178 In section 42, page 17, line 15, leave out <plan> and insert <scheme>

Alex Neil

179 In section 42, page 17, line 16, leave out <plan> and insert <scheme>

Alex Neil

180 In section 42, page 17, line 19, leave out <plan> and insert <scheme>

Alex Neil

181 In section 42, page 17, line 22, leave out <plan> and insert <scheme>

Section 43

Alex Neil

182 In section 43, page 17, line 29, leave out <plan> and insert <scheme>

Alex Neil

183 In section 43, page 17, line 31, leave out <plan> and insert <scheme>

Alex Neil

184 In section 43, page 17, line 32, leave out <plan> and insert <scheme>

Alex Neil

185 In section 43, page 17, line 34, leave out <plan> and insert <scheme>

Alex Neil

186 In section 43, page 17, line 36, leave out <plan> and insert <scheme>

Alex Neil

187 In section 43, page 17, line 38, leave out <plan> and insert <scheme>

Alex Neil

188 In section 43, page 18, line 1, leave out <plan> and insert <scheme>

Alex Neil

189 In section 43, page 18, line 4, leave out <plan> and insert <scheme>

Alex Neil

190 In section 43, page 18, line 7, leave out <plan> and insert <scheme>

After section 43

Alex Neil

191 After section 43, insert—

<Meaning of “constituent authority”

For the purposes of this Part, each local authority and the Health Board which prepared the integration scheme in pursuance of which an integration joint board was, or is to be, established is a “constituent authority” in relation to that board.>

Section 44

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>

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*”.>

After section 44

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”.>

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”.>

Section 45

Alex Neil

192 In section 45, page 19, line 22, leave out <plan> and insert <scheme>

Alex Neil

193 In section 45, page 19, line 25, leave out <plan> and insert <scheme>

Section 48

Alex Neil

194 In section 48, page 20, line 23, leave out <plan> and insert <scheme>

Bob Doris

238 In section 48, page 20, line 24, at end insert—

<“relevant profession” has the same meaning as in the Health Professions Order 2001,>

Alex Neil

195 In section 48, page 20, line 35, leave out <and 37(1)> and insert <, 37(1) and (*Meaning of “constituent authority”*)>

Alex Neil

196 In section 48, page 20, line 36, leave out <plan> and insert <scheme>

Alex Neil

197 In section 48, page 20, line 38, leave out <plan> and insert <scheme>

Alex Neil

198 In section 48, page 21, line 1, leave out <plan> and insert <scheme>

Alex Neil

199 In section 48, page 21, line 3, leave out <plan> and insert <scheme>

Section 49

Alex Neil

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

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

Alex Neil

200 In section 49, page 21, line 11, leave out <section> and insert <sections 1(4H) and>

Malcolm Chisholm

201 In section 49, page 21, line 11, after <5(1)> insert <and 23(3ZA)>

Malcolm Chisholm

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

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.>

Section 51

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.>

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.>

Section 52

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>

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