



Health and Social Care Integration

**North Lanarkshire Integration Scheme**

**14 March 2016**

## 1. INTRODUCTION

- 1.1 North Lanarkshire Council, NHS Lanarkshire and our service user/carer; Third and Independent Sector partners, have been working closely over many years to develop an integrated approach to the design and delivery of services and supports with a strong emphasis on improving personal outcomes for the people we work with. At the heart of this approach is the objective of improving health & well being; reducing inequalities; encouraging people to look after their own health & well being where possible; early intervention; support to self care and a strengths and assets based approach. This includes a focus on shifting the balance of care away from institutional care towards much greater opportunities for people to be cared for at home or in a homely setting reducing where possible the need for people to access acute care in an unplanned way and ensuring people are not unnecessarily delayed in hospital
- 1.2 As well as the individuals themselves, we also focus on those who have responsibilities as unpaid carers, recognising the crucial role that they play in supporting people to achieve these outcomes.
- 1.3 Looking back over the many years of partnership, it is possible to say that much has been achieved, even in increasingly difficult financial circumstances. Among the main achievements have been:
  - Advances such as Integrated Day Services – ensuring older people are supported to maintain their independence and continue to contribute to the life of their communities.
  - Continued development of our Integrated Addiction Services – reducing the impact of addictions on the individual, their families and communities.
  - Locality Planning Groups (LPGs) – making sure that all the relevant services are working together to achieve the best possible outcomes for individuals complex needs and their carers.
- 1.4 We have a number of joint and multiagency planning frameworks in place across health and social work. These include the;
  - North Lanarkshire Health and Care Partnership's Joint Priorities for Community Care;
  - Improving Children's Services Plan;
  - Lanarkshire Alcohol and Drug Partnership strategy
  - Lanarkshire Community Justice Authority Area Plan
- 1.5 We have a strong track record of working in partnership and achieving joint goals and our commitment looking forward is as strong as ever. Health & Social Care Integration provides us with an opportunity to further improve our partnership working and together, to tackle some of the challenges faced by

all partners such as financial limitations, increasing public expectations and the changing shape of our population.

1.6 We have robust, well established locality structures to ensure that our services and supports deliver the best possible outcomes for the individuals we support whilst at the same time being cost effective. We have spent the last 18 months working with staff and other stakeholders in each of our localities to begin to design what an effective model of integrated services at locality level will look like.

1.7 Through Integration, Health & Social Care outcomes for the population as a whole and for individuals must continue to be linked strongly to the Single Outcome Agreement. This recognises the need to maintain a focus amongst community planning partners on supporting the population of North Lanarkshire to improve and maintain its health and wellbeing if we are to balance need, supply and anticipated demand.

1.8 The vision set out in the Community Plan/Single Outcome Agreement is as follows;

By 2022, North Lanarkshire will be a place where people;

- Want to live because of the range, quality and affordability of the housing available, the safety of our communities, the quality and accessibility of the natural environment, and the quality of amenities and services in the area;
- Live well because the focus within the plan on improving health and reducing inequalities ensures their health, wellbeing, and life chances are as good as those elsewhere in Scotland;
- Choose to do business because support for new and existing businesses, business sites, the transport network; good transport connections and the quality of workforce are second to none in Scotland;
- Participate in learning at all ages and of life to achieve their full potential;
- Have a fair chance in life and where factors that currently exist to limit people's opportunities and prospects are overcome, and
- Particularly our children and young people are safe, nurtured, healthy, achieving, active, respected, responsible and included

1.9 All of these elements have the potential to impact positively on the population and on individuals and their carers by improving their personal and life outcomes. Meeting the shared vision will rely heavily on all of our community planning partners to continue to work together. Achieving this vision will also help to make all of the services more sustainable in the future.

1.10 The overarching aims of Health & Social Care Integration are

- to improve the health, wellbeing and personal outcomes of the population of North Lanarkshire;
- to build community capacity and capability and
- to offer a high standard of information, advice, support and care to people who need assistance or who use health and social care services, in

particular those whose needs are complex and who will benefit from a fully integrated approach.

- To shift the balance of care as detailed in 1.1

1.11 The North Lanarkshire Joint Integration Board will be designed to achieve all of the above aims and will demonstrate constant progress towards achievement of the 9 National Health & Wellbeing Outcomes which underpin integration.

- i. People are able to look after and improve their own health and wellbeing and live in good health for longer.*
- ii. People, including those with disabilities or long term conditions or who are frail are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community.*
- iii. People who use health and social care services have positive experiences of those services, and have their dignity respected.*
- iv. Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services.*
- v. Health and social care services contribute to reducing health inequalities.*
- vi. People who provide unpaid care are supported to look after their own health and wellbeing, including to reduce any negative impact of their caring role on their own health and wellbeing.*
- vii. People using health and social care services are safe from harm.*
- viii. People who work in health and social care services feel engaged with the work they do and are supported to continuously improve the information, support, care and treatment they provide.*
- ix. Resources are used effectively and efficiently in the provision of health and social care services.*

1.12 North Lanarkshire Council and NHS Lanarkshire have agreed that Children and Families Social Work and Criminal Justice Social Work should be included within the functions that are to be delegated to the North Lanarkshire Joint Integration Board.

1.13 This additional delegation of functions to the minimum prescribed in legislation will ensure that Social Work services remain integrated in North Lanarkshire. It will enable the Joint Integration Board to develop support and services across the whole life course and better manage the transition between children's and adult services.

1.14 In developing its strategic commissioning plan the Joint Integration Board will need to take into account specific national outcomes as detailed below for Children and Families and Criminal Justice.

1.15 The national outcomes for Children and Families are;

- Our children have the best start in life and are ready to succeed.
- Our young people are successful learners, confident learners, confident individuals, effective contributors and responsible citizens; and
- We have improved the life chances of children, young people and families at risk.

1.16 These are supported by the 8 wellbeing indicators: Safe, Healthy, Achieving, Nurtured, Active, Responsible, Respected, Included.

1.17 The national outcomes and standards for Social Work Services in the Criminal Justice system are;

- Community safety and public protection
- The reduction of re-offending;
- Social inclusion to support desistance from offending

# Health and Social Care Integration

## North Lanarkshire Integration Scheme

### The parties:

North Lanarkshire Council, established under the Local Government etc (Scotland) Act 1994 and having its principal offices at the Civic Centre, Windmillhill Street, Motherwell, North Lanarkshire

And

NHS Lanarkshire Health Board, established under section 2(1) of the National Health Service (Scotland) Act 1978 and having its principal offices at Kirklands Hospital, Fallside Road, Bothwell, Lanarkshire (together referred to as “the Parties”)

In implementation of their obligations under the Act, the Parties hereby agree as follows:

### Definitions and Interpretation

“The Act” means the Public Bodies (Joint Working) (Scotland) Act 2014.

“The Parties” means NHS Lanarkshire Board and North Lanarkshire Council.

“The Health Board” means NHS Lanarkshire Health Board.

“The Local Authority” means North Lanarkshire Council.

“The Scheme” means this Integration Scheme.

“Joint Integration Board” or “JIB” means the Integration Joint Board to be established by Order under section 9 of the Act.

“Members” means Members of the Joint Integration Board.

“Outcomes” means the Health and Wellbeing Outcomes prescribed by the Scottish Ministers in Regulations under section 5(1) of the Act.

“The Integration Scheme Regulations” means the Public Bodies (Joint Working) (Integration Scheme) (Scotland) Regulations 2014.

“Integration Board Order” means the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014.

“Strategic Plan” means the plan which the Joint Integration Board is required to prepare and implement in relation to the delegated provision of health and social care services in accordance with section 29 of the Act.

## **1 Date this scheme comes into effect**

- 1.1 This Scheme comes into effect on the date it receives approval from Scottish Ministers and replaces all previous integration schemes approved in respect of section 1(2) of the Act prior to March 2016.

## **2 Integration Model**

- 2.1 In accordance with section 2(3) of the Act, the Parties have agreed that the integration model set out in sections 1(4)(a) of the Act will be put in place for North Lanarkshire, namely the delegation of functions by the Parties to a body corporate that is to be established by Order under section 9 of the Act.

## **3. Local Governance Arrangements**

- 3.1 The Joint Integration Board will be responsible for the strategic planning of the functions delegated to it and for ensuring the delivery of its functions through the locally agreed operational arrangements set out within this integration scheme.
- 3.2 The regulation of the Joint Integration Board's procedures, business and meetings will follow the JIB's own standing orders which may include additional matters to those set out within the Integration Board Order.
- 3.3 The Joint Integration Board and the Parties will collaborate and interact in order to contribute to the outcomes however the Joint Integration Board, when established, will have distinct legal personality and the consequent autonomy to manage itself.
- 3.4 There will be eight voting members on the Joint Integration Board comprising four elected members from North Lanarkshire Council and 4 members from NHS Lanarkshire Health Board.
- 3.5 The non-voting membership prescribed in the Integration Board Order is as follows;
- a) The Chief Officer of the Joint Integration Board;
  - b) The Chief Social Work Officer of the Council appointed by it in terms of Section 3 of the Social Work (Scotland) Act 1968;
  - c) The proper officer of the Joint Integration Board appointed under section 95 of the Local Government (Scotland) Act 1973(a) i.e. the Chief Finance Officer;
  - d) A registered Primary Care medical practitioner;
  - e) A registered Nurse who is employed by the Health Board;

- f) A registered medical practitioner employed by the Health Board who does not provide primary medical services.
- 3.6 The Health Board has responsibility to appoint those members set out in 3.5 d), e) and f) above at what they consider to be an appropriate level of seniority.
- 3.7 Once the Joint Integration Board is established it must appoint, in addition, at least one member in respect of each of the following groups:-
- a) Staff engaged in the provision of services provided under integration functions;
  - b) Third Sector bodies carrying out activities related to health or social care in North Lanarkshire;
  - c) Service users residing in North Lanarkshire;
  - d) Persons providing unpaid care in North Lanarkshire.
- 3.8 The Joint Integration Board may appoint such additional members as it sees fit.
- 3.9 The Parties have agreed that the first chair of the Joint Integration Board will be drawn from the members nominated by North Lanarkshire Council and the Vice Chair will be drawn from the members nominated by the Health Board. The term of office for the Chair and Vice Chair will be 3 years. The role of Chair and Vice Chair will alternate between the constituent authorities on this 3 year cycle.
- 3.10 Subject to 3.10, the term of office of a member of the Joint Integration Board is a maximum of three years. The Joint Integration Board voting members appointed by the Parties will cease to be members of the Joint Integration Board in the event that they cease to be a Non Executive or Executive member of NHS Lanarkshire or an elected member of North Lanarkshire Council. At the end of a term of office a member may be reappointed for a further term of office.
- 3.11 The Chief Social Work Officer, Chief Officer and Chief Finance Officer remain members of the Board for as long as they hold the office in respect of which they are appointed.
- 3.12 Whilst serving on the Joint Integration Board its members carry out their functions under the Act on behalf of the Joint Integration Board itself, and not as delegates of their respective Health Board or Local Authority.
- 3.13 In accordance with good practice, it is expected that the Joint Integration Board will establish an audit committee to support the overall governance and scrutiny arrangements. The Parties recognise that the establishment of any committees by the JIB are a matter to be determined by the JIB.



- 3.14 Detailed protocols and reporting arrangements will be established to ensure the Parties and the Joint Integration Board have free access to all relevant information for the purposes of planning and decision making.

#### **4. Delegation of functions**

- 4.1 The functions that are to be delegated by the Health Board to The Joint Integration Board are set out in Part 1 of Annex 1. These functions are delegated only to the extent that they relate to the listed services. The services to which these functions relate, which are currently provided by the Health Board and which are to be integrated, are set out in Part 2 of Annex 1. Broadly these are as follows;

##### **Hospital Services**

- 4.2 The functions in relation to the hospital services noted below will be delegated in respect of adults and children.

4.2.1 Accident and emergency services provided in a hospital;

4.2.2 Inpatient hospital services relating to the following branches of medicine:

- a) General medicine;
- b) Geriatric medicine;
- c) Rehabilitation medicine;
- d) Respiratory medicine;
- e) Palliative care services provided in a hospital;
- f) Paediatrics;
- g) Psychiatry of learning disability;
- h) Inpatient hospital services provided by general medical practitioners;
- i) Services provided in a hospital in relation to an addiction or dependence on any substance;
- j) Mental health services provided in a hospital except regionally or nationally organised forensic mental health services.

4.2.3 Arrangements for the operational management of these services are expanded in section 5.

##### **Community Health Services**

- 4.3 The functions in relation to the community health services noted below will be delegated in respect of adults and children.

- a) District nursing services;
- b) Health Visiting;
- c) Allied health professionals in an outpatient department, clinic, or outwith a hospital;
- d) Public dental services;
- e) Primary medical services;

- f) General dental services;
- g) Ophthalmic services;
- h) Pharmaceutical services;
- i) Primary care out-of-hours;
- j) Geriatric medicine;
- k) Palliative care;
- l) Community learning disability services;
- m) Kidney dialysis services;
- n) Services provided by health professionals that aim to promote public health;

4.4 The functions in relation to the following services, which are currently planned and delivered on a pan Lanarkshire basis, will also be delegated and the Health Board recommends that they are hosted in North Lanarkshire;

- a) Care Home Liaison;
- b) Community Children's Services;
- c) Dietetics;
- d) Psychology;
- e) Sexual and Reproductive health and Blood Borne Viruses;
- f) Speech and Language Therapy;
- g) Prisoner Health Care;
- h) Podiatry;
- i) Mental Health and Learning Disability services;
- j) Community Paediatrics;
- k) Continence Services;
- l) Addiction Services.

4.5 The functions in relation to the following services, which are currently planned and delivered on a pan Lanarkshire basis will also be delegated, and the Health Board recommends that they are hosted in South Lanarkshire;

- a) Community Dental Services;
- b) Diabetes Services;
- c) Health & Homelessness;
- d) Primary Care Administration;
- e) Palliative Care;
- f) Physiotherapy;
- g) GP Out of Hours;
- h) Traumatic Brain injury;
- i) Occupational Therapy.

4.6 The functions that are to be delegated by the Local Authority to the Joint Integration Board are set out in Part 1 of Annex 2. The services to which these functions relate, which are currently provided by the Local Authority and which are to be integrated, are set out in Part 2 of Annex 2 and are listed below for ease of reference;

**Social work services for adults and older people**

4.7 The functions in relation to social work services for adults and older people noted below will be delegated.

- a) Services and support for all adults with disabilities and long term conditions;
- b) Mental health services;
- c) Addiction services;
- d) Adult protection;
- e) Carers' services;
- f) Community care assessment and planning services;
- g) Support services provided by contracted services;
- h) Care home services;
- i) Intermediate Care Services;
- j) Health and wellbeing improvement services;
- k) Aspects of housing support, including provision of equipment and adaptations to people's homes;
- l) Day opportunities and day services;
- m) Homecare Services;
- n) Supported Living Services;
- o) Respite Support;
- p) Occupational therapy services;
- q) Re-ablement services;
- r) Smart technology, equipment and telecare.

#### **Social work services for children and young people**

4.8 The functions in relation to children and young people social work services noted below will be delegated.

- a) Assessment and planning for children and young people including the provision of reports to the Children's Reporter;
- b) Support and provision for looked after children, including those looked after at home, in kinship and looked after and accommodated away from home;
- c) Child Protection;
- d) Adoption and Fostering Services;
- e) Support for children with a disability / additional support needs;
- f) Early intervention and Family Support for Children in Need;
- g) Continuing Care and Aftercare;
- h) Support to address and prevent youth offending;
- i) Contracted support services;
- j) Aspects of Housing support including provision of equipment and adaptations for children with disability.

#### **Social work Criminal Justice Services**

4.9 The functions in relation to social work criminal justice services noted below will be delegated.

- a) Services to Courts and Parole Board;
- b) Assessment of Offenders;
- c) Diversions from Prosecution and Fiscal Work Orders;
- d) Supervision of offenders subject to a community based order;
- e) Provision of unpaid work placements and group work for offenders subject to statutory orders;
- f) Drug Treatment and Testing Orders;
- g) Through care;
- h) Multi Agency Public Protection Arrangements.

### **Other Social Work Services**

4.10 The functions in relation to social work services for all people noted below will be delegated.

- a) Out of hours Social Work Services.

## **5 LOCAL OPERATIONAL DELIVERY ARRANGEMENTS**

The local operational arrangements agreed by the Parties are:

5.1 The Joint Integration Board will provide operational oversight of integrated services as set out in Annexes 1 and 2. It will do this directly for all services except for those noted in 5.2. The operational role of the Chief Officer is set out within section 6.

5.2 NHS Lanarkshire will retain direct operational oversight of the acute services as set out in 4.2.1 and 4.2.2 a) to e) and will provide information on a regular basis to the Joint Integration Board about the delivery of these services.

5.3 For the avoidance of doubt, direct operational oversight of those acute services set out in 4.2.2 f) to j) will be by the Joint Integration Board.

5.4 From a performance management perspective, the Joint Integration Board will receive regular reports from the chief officer and other responsible officers of the parties on the delivery of integrated services and will issue directions in response to those reports to ensure improved performance. These reports will include, but are not limited to, the following;

a) Finance Reports including:

- Regular accounts;
- Annual budget setting recommendations;
- Transitional funding reports.

b) Performance Reports including:

- Performance against the National Health and Wellbeing Outcomes;
- Regulation and scrutiny activity;

- Inspection Outcomes.
- c) Support, Care & Clinical Governance reports to be assured of the delivery of safe and effective services.
  - d) Public Protection reports.
  - e) Engagement and community co-production reports from each of the Locality Management teams.
  - f) Annual staff governance and workforce planning report.
  - g) Improvement plans and reports.
  - h) Risk reports/management plan.
- 5.5 The Act requires the Joint Integration Board to publish an Annual Performance Report by August 2017.

### **Performance targets and measures**

- 5.6 The Parties will establish a working group to consider and develop a list of targets, measures and arrangements that will transfer in full or in part to the Joint Integration Board and relate to the functions that have been delegated and the respective service provision.
- 5.7 This working group will also consider and develop a list of targets, measures and arrangements that relate to the functions of the Parties that are not delegated which the JIB must take account of when it is preparing the strategic plan.
- 5.8 The work in respect of 5.6 and 5.7 will be completed before functions and resources are delegated and no later than March 2016
- 5.9 This work will take into account at least the;
- The national Health & Wellbeing Outcomes;
  - The national outcomes for Children and Families;
  - The national outcomes and standards for Social Work Services in the Criminal Justice System;
  - Delegated performance targets related to the commissioning and delivery accountabilities of NHS Lanarkshire or North Lanarkshire Council;
  - Delayed discharge;
  - Recovery activity;
  - Locally agreed outcomes and targets identified from the Single Outcome Agreement, the Improving Children's Services Plan and the Community Justice Area Plan attributable to Health and Social Work Outcomes and targets, including Health Improvement, for each of the

localities identified and agreed in line with the local needs determined for each population; and

- The Nationally prescribed core suite of integration indicators.

5.10 The Joint Integration Board will be asked to consider and approve these lists before functions are delegated to it.

### **Corporate Service Support**

5.11 The Parties will support the work of the Joint Integration Board by supplying all relevant information, data and corporate support services such as financial, legal, human resources, IT, planning, risk management, audit, administrative etc. for the Joint Integration Board to carry out its functions. This will include information on cross boundary flow into and out with NHS Lanarkshire.

5.12 The current arrangements for providing corporate support services in respect of delegated functions and the associated service provision will be reviewed by the Chief Officer and the responsible officers of the Parties to provide a 2015/16 baseline for support.

5.13 These officers will consider this baseline during the development of the strategic plan and if a revised corporate service support plan is agreed this should be presented to the Parties and the Joint Integration Board.

### **Supporting Strategic Planning**

5.14 The Parties will ensure that where collective gain and positive impact can be achieved against the Strategic Plan, there will be an accord developed in conjunction with South Lanarkshire Partnership, other neighbouring partnerships as well as NHS Forth Valley and in particular, NHS Greater Glasgow and Clyde where there is significant cross boundary flow. This accord will identify any specific service delivery and strategic objectives and risks that the JIB will wish to consider during the development of the strategic plan.

5.15 NHS Lanarkshire will develop a healthcare strategy for Primary Care and Acute services that will be a consolidation of the strategic plans from North and South Lanarkshire and plans for non integrated acute health services. This will ensure coherence across health and social care planning and delivery.

5.16 NHS Lanarkshire will provide the necessary activity and financial data for services, facilities or resources that relate to the planned use of services provided by other Health Boards by people who live within North Lanarkshire.

5.17 The Council will provide the necessary activity and financial data for services, facilities or resources that relate to the planned use of services within other local authority areas by people who live within North Lanarkshire.

- 5.18 A Pan Lanarkshire collaborative will be established which will include the NHS Lanarkshire Acute Hospital Director and the Chief Officers of the Joint Integration Boards whose populations use the hospital services (including those with a material level of cross boundary flow).
- 5.19 The Parties commit to early dialogue and planning with the Joint Integration Board where they intend to change service provision of non-integrated services that will have a resultant impact on the strategic plan.

## **6. Support, Care and Clinical Governance**

- 6.1 The Parties and the Joint Integration Board are accountable for ensuring appropriate support, care and clinical governance arrangements are in place for their duties under the Act.
- 6.2 The Parties remain responsible for the support, care, clinical and professional accountability of the services which the Joint Integration Board has directed the Parties to deliver and for the services delivered in respect of functions that are not delegated to the Joint Integration Board.
- 6.3 The Parties remain individually responsible for the assurance of the quality and safety of services commissioned from the third and independent sectors in line with the requirements set out within the strategic plan and any directions issued by the Joint Integration Board that relate to or have an impact on, integrated and non-integrated service provision.
- 6.4 The Joint Integration Board will have regard to the support, care and clinical framework that is set out in Section 6.6 when developing and agreeing its strategic plan and corresponding directions to the Parties.
- 6.5 As set out in Section 5.4 (c) the Joint Integration Board will receive regular reports from professional leadership members for medical; nursing, AHPs; and Social Work to assure itself that support, care and clinical governance requirements are being met through these existing arrangements and that safe, effective person centred care is being consistently delivered.

### **Clinical and Professional Governance framework**

- 6.6 The Parties have in place support, care and clinical governance arrangements to provide assurance that the services that are delivered are safe, effective, person centred and focussed on personal outcomes.
- 6.7 The Parties recognise that the establishment and continuous review of the arrangements for support, care and clinical Governance and Professional Governance are essential in delivering their obligations and quality ambitions.
- 6.8 In the Health Board this is overseen by the Healthcare Quality Assurance and Improvement Committee, a committee of the Health Board which supports the Health Board in its responsibilities, with regards to issues of clinical risk,

control and governance and associated assurance in the area of quality assurance and improvement through a process of constructive challenge.

- 6.9 The Healthcare Quality Assurance and Improvement Committee is responsible for the development of a strategic approach to quality assurance and improvement across the Health Board, ensuring that quality standards are being set, met and continuously improved for clinical activity. It ensures that effective arrangements for supporting, monitoring and reporting on quality assurance and improvement are in place and working, demonstrating compliance with statutory requirements in relation to clinical governance and authorising an accurate and honest annual clinical governance statement.
- 6.10 In North Lanarkshire Council the Chief Social Work Officer holds professional accountability for social work and social care services. The Chief Social Work Officer reports directly to the Chief Executive and elected members of North Lanarkshire Council in respect of professional social work matters. He/she is responsible for ensuring that social work and social care services are delivered in accordance with relevant legislation and that staff delivering such services do so in accordance with the requirements of the Scottish Social Services Council.
- 6.11 The Parties are committed to developing a shared support, care and clinical governance framework for integrated services. The professional leadership of the Parties, as set out in 6.18 to 6.25, will work together to develop and agree this support, care and clinical governance framework. In the first instance this will be based on a self assessment exercise to help identify areas of common practice, provide opportunities to learn from one another and streamline processes.
- 6.12 The existing process, procedures and reporting structures for support, care and clinical governance of integrated services will be reviewed in light of the agreed support, care and clinical framework. The framework will encompass the following:
- Professional regulation, workload and workforce development;
  - Information assurance;
  - Service user experience and safety and quality of integrated service delivery and personal outcomes;
  - Person Centred Care;
  - Management of clinical risks; and
  - Learning from adverse events.
- 6.13 Each of these domains will be underpinned by mechanisms to measure quality, clinical and service effectiveness and sustainability. They will be compliant with statutory, legal and policy obligations strongly underpinned by human rights values and social justice. Service delivery will be evidence-based, underpinned by robust mechanisms to integrate professional education, research and development.



- 6.14 The Parties and the Joint Integration Board will be asked to approve the framework and will then be responsible for ensuring that it is embedded within service planning, delivery and performance reporting mechanisms. The Joint Integration Board will be responsible for ensuring effective mechanisms for service user and carer feedback and for complaints handling as laid out in sections 11 and 13 of this Scheme.
- 6.15 The Area Clinical Forum, Managed Clinical Networks, GP Sub Committee, Area Medical Committee; Medical Staff Committee and any other appropriate professional groups, and the Adult and Child Protection Committees will provide advice directly to the Joint Integration Board or through its professional members.
- 6.16 The Healthcare Quality Assurance and Improvement Committee and the Chief Social Work Officer (or his/her delegates) will provide advice, oversight and guidance to the North Lanarkshire Strategic Planning Group in respect of support, care, clinical and professional governance, for the delivery of health and social care services and to the localities identified in the strategic plan.

### **Chief Officer**

- 6.17 The Chief Officer will have access to professional advice from the Chief Social Work Officer of the local authority and the Medical Director and the Nursing Director of the Health Board in both their operational role as a senior officer of the parties and as the accountable officer to the Joint Integration Board.

### **Professional Leadership**

- 6.18 Explicit lines of professional and operational accountability are essential to assure the Joint Integration Board and the Parties of the robustness of governance arrangements for their duties under the Act. They underpin delivery of safe, effective and person centred care in all care settings delivered by employees of NHS Lanarkshire and North Lanarkshire Council and of the third and independent sectors.
- 6.19 NHS Lanarkshire Board is accountable for Clinical Governance. Professional governance responsibilities are carried out by the professional leads through to the health professional regulatory bodies and Scottish Ministers.
- 6.20 The Chief Social Work Officer in North Lanarkshire holds professional accountability for social work and social care services. The Chief Social Work Officer reports directly to the Chief Executive and elected members of North Lanarkshire Council in respect of professional social work matters. He/she is responsible for ensuring that social work and social care services are delivered in accordance with relevant legislation and that staff delivering such services do so in accordance with the requirements of the Scottish Social Services Council.
- 6.21 The Medical Director and/or the Director of Nursing, Midwifery and Allied Health Professions, through delegated authority, hold professional

accountability for the delivery of safe and effective clinical services within NHS Lanarkshire and report regularly on these matters to the Health Board.

- 6.22 The Joint Integration Board will have three health professional advisors, as set out in section 3.5. These members of the Joint Integration Board will be professionally accountable to the Medical Director and the Nurse Director as appropriate.
- 6.23 This arrangement does not limit the ability of the Medical Director and/or the Nurse Director to provide advice directly to the Joint Integration Board. Where this advice is offered, the Joint Integration Board must respond in writing and notify the Parties. The Chief Social Work Officer can provide advice directly through their membership of the Joint Integration Board
- 6.24 The Chief Social Work Officer, through delegated authority holds professional accountability for the delivery of safe and effective social work and social care services within the Council. An annual report on these matters will continue to be provided to the relevant Council committee and will also be made available to the Joint Integration Board.
- 6.25 The Chief Social Work Officer will provide professional advice to the Joint Integration Board in respect of the delivery of social work and social care services by Council staff and commissioned care providers in North Lanarkshire.

## **7. Chief Officer**

- 7.1 The Joint Integration Board will appoint a Chief Officer in accordance with section 10 of the Act.
- 7.2 The arrangements in relation to the Chief Officer agreed by the Parties are:
- 7.3 The Chief Officer will be accountable directly to the Joint Integration Board for the preparation, implementation and reporting on the Strategic Plan.
- 7.4 The Chief Officer will be operationally responsible with regards to the delivery of the delegated services (as set out in Annex 1 & 2) that do not relate to the acute medicine and Accident and Emergency services provided for within NHS Lanarkshire Hospitals set out in 4.2.1 and 3.2.2 a) to e). These services will continue to be operationally managed by NHS Lanarkshire, through the Director of Acute Services, in line with the Joint Integration Board's Strategic Plan to ensure coherence across integrated and non integrated hospital service provision.
- 7.5 The Acute Director will be a single point of managerial responsibility for NHS Lanarkshire hospitals. The Acute Director will provide updates to the Chief Officer on the operational delivery of integrated functions delivered within the acute hospital and the set aside budget on a regular basis.

- 7.6 The Chief Officer may also have responsibility for managing services that are hosted by the Joint Integration Board across North and South Lanarkshire. These arrangements will be determined by the Joint Integration Board and the South Lanarkshire Integration Joint Board through the strategic planning process.
- 7.7 The Chief Officer will be a member of the Corporate Management Teams of the Health Board and Local Authority.
- 7.8 The Chief Officer will be jointly line managed by the Chief Executives of North Lanarkshire Council and NHS Lanarkshire, to ensure accountability to both Parties.
- 7.9 The Chief Officer will establish a senior management team to oversee day to day operation of the integrated services.
- 7.10 The structure to support the Chief Officer and its fit within the wider structure of the Parties will be described following discussions with staff.
- 7.11 The Chief Officer's objectives will be set annually. This will form the basis of the Chief Officer's performance appraisal with the Council's Chief Executive and the Chief Executive of the Health Board.
- 7.12 A Depute Chief Officer will be identified who will be a member of the senior management team as established in 6.9 and an employee of one of the Parties. At the request of the Joint Integration Board this Depute Chief Officer will carry out the functions of the Chief Officer if/when the Chief Officer is absent or otherwise unable to carry out their functions.

## **8. Workforce**

- 8.1 Human resource services and workforce planning information will continue to be provided by the appropriate corporate human resource functions within the Council and NHS Lanarkshire.
- 8.2 The Parties, with the involvement of the Chief Officer, will identify appropriate officers to develop a joint Workforce Development and Support Plan. In doing so the officers will be required to consider professional views and previous workforce modelling etc. however, there may be opportunities to adapt these plans when considering an integrated workforce. This will also have to build in consideration around 3<sup>rd</sup> Sector and Independent Sector capacity. The Workforce Development and Support plan will be completed before functions and resources are delegated and no later than March 2016
- 8.3 An Organisational Development strategy is under development in relation to teams who will deliver integrated services. Through an intense focus on locality modelling, locality based focus groups and action learning sets, we have identified significant potential for harnessing the positivity and enthusiasm of frontline staff to achieve better outcomes for the public, the

organisation and the staff. We intend to continue this process combined with other aspects of our plan which focuses on;

- Joint Integration Board Development
- Key Leaders Development Programme
- Integrated Locality Team Development
- Wider Stakeholder Development
- In all cases, we will endeavour where appropriate, to carry out development work which is inclusive of all partners.

8.4 Considerable progress has been made to develop an OD strategy, but it will need to be reviewed and revised over time. The Joint Integration Board will be given the opportunity to provide comment on the draft strategy upon its establishment. The strategy will be updated over the period of the strategic planning process and will be developed by and implemented before functions and resources are delegated and no later than March 2016.

8.5 Joint HR/OD processes have been agreed by the Parties over a number of years and many joint policies already exist which will assist in the process of integration. This integration scheme has no effect on these joint policies so, for example, any joint appointments will continue to report to one line manager, except for the Chief Officer where different provision is made within this scheme.

## **9 Finance**

9.1 Contributions from the Parties for delegated functions to the Joint Integration Board will be overseen by the Chief Officer and the Joint Integration Board Chief Financial Officer. They will develop a resource plan and budget based on available resources. The Joint Integration Board Chief Financial Officer will be responsible for the preparation of the annual financial statements as required by section 39 of the Act.

9.2 The resources in the first year of the Joint Integration Board will be based on the due diligence process carried out during the shadow year. The due diligence process will be based on the existing financial plans (including planned efficiencies, savings and uplifts) and performance of the Parties during the shadow period and financial performance in recent years.

9.3 In subsequent years, the Chief Officer and Chief Financial Officer will develop a case for the integrated budget based on the Strategic Plan and present it to the parties for consideration as part of both of their annual budget setting processes. The Parties will evaluate the case for the Integrated Budget against their other priorities and will agree their respective contributions accordingly. The outcome of this work will be presented to the Joint Integration Board. Following on from the budget process, the Chief Officer and the Joint Integration Board Chief Financial Officer will prepare a financial plan supporting the Strategic Plan.

- 9.4 The budget will be evidenced based with transparency of assumptions including, but not limited to Pay Award, Contractual Uplift, Savings Requirements etc.
- 9.5 The method for determining the amount set aside for hospital services will follow guidance issued by the Integrated Resources Advisory Group and be based initially on the notional direct costs of the relevant populations use of in scope hospital services as provided by Information Services Division (ISD) Scotland. The NHS Director of Finance and Joint Integration Board Chief Financial Officer will keep under review developments in national data sets or local systems that might allow more timely or more locally responsive information, and if enhancements can be made, propose this to the Integration Joint Board. If the Strategic Plan sets out a change in hospital capacity, the resource consequences will be determined through a bottom up process based on:
- Planned changes in activity and case mix due to interventions in the Strategic Plan;
  - Projected activity and case mix changes due to changes in population need;
  - Analysis of the impact on the affected hospital budget, taking into account cost-behaviour i.e. fixed, semi fixed and variable costs and timing difference i.e. the lag between reduction in capacity and the release of resources.
- 9.6 Each partner will agree the formal budget setting timelines and reporting periods as defined in the Financial Regulations.
- 9.7 A schedule of notional payments will be provided by the Parties to the Joint Integration Board following the approval of the Strategic Plan and the Financial Plan.
- 9.8 It will remain the duty of the Local Authority Section 95 Officer and the NHS Board Accountable Officer to monitor and regulate the financial performance of their respective share of the resources available to the Joint Integration Board during each reporting period, throughout the financial year.
- 9.9 It will be the responsibility of the Local Authority Section 95 Officer and the NHS Board Accountable Officer to comply with the agreed reporting timetable and to make available to the Joint Integration Board Chief Financial Officer the relevant financial information, including the sum set aside in line with 9.14.5 below, required for timely financial reporting to the Joint Integration Board. This will include such details as may be required to inform financial planning of revenue expenditure.
- 9.10 The frequency of reporting is set out in the Financial Regulations and will be at least on a quarterly basis. In advance of each financial year a timetable for financial reporting will be submitted to the Joint Integration Board for approval.

- 9.11 Regular management reports will be prepared in line with the financial regulations which will be agreed by the Joint Integration Board, and will include actual and projected outturns. The existing budgetary control frameworks adopted by each of the Parties will form the basis of generating the required information.
- 9.12 The Joint Integration Board Chief Financial Officer will manage the respective financial plan so as to deliver the agreed outcomes within the Strategic Plan viewed as a whole.
- 9.13 The Parties do not expect that there will be a schedule of cash payments, but rather annual accounting entries for the agreed budgets. There may be a requirement for an actual cash transfer to be made between the Parties to reflect the difference between the payment being made and the resources delegated to the party by the Joint Integration Board. Any cash transfer will take place at least annually. Any change to frequency will be jointly agreed by the Joint Integration Board and the Parties.
- 9.14 The process for managing any in-year financial variations will be detailed within the Financial Regulations and are summarised below:
- 9.14.1 If the Joint Integration Board's Chief Financial Officer is advised that a significant change is likely to the Joint Integration Board's overall financial position and the deviation involves a change of policy of the Joint Integration Board or results in revenue implications for future years, a report will be provided for the Joint Integration Board in good time detailing the financial consequences to enable appropriate action to be taken timeously.
- 9.14.2 If an overspend is forecast on either partner's in scope budget, the Chief Officer and the Joint Integration Board's Chief Financial Officer will aim to agree a recovery plan with the relevant partner to balance the overspending budget and determine the actions required to be taken to deliver the recovery plan. If the overspend arises from assumptions in the Joint Integration Board's strategic plan on the impact of service changes that are not realised as anticipated this should be subject to a report and corrective action. This corrective action may include a recovery plan which should consider revisions to the commissioning of services and / or financial plans to account for the changed circumstances, and the use of any available reserves.
- 9.14.3 If the recovery plan is unsuccessful then the parties have the option to:
- a) the relevant partner provides additional resources to the Joint Integration Board which is then recovered in future years from subsequent underspends in that partner's contribution, (subject to scrutiny of the reasons for the overspend and assurance that there is a plan in place to address this) or;
  - b) the relevant partner makes additional one-off adjustment to the resources that it is making available to the Joint Integration Board.

- 9.14.4 Unplanned underspends that arise due to material differences between assumptions used in setting the budget and actual events effectively represent an overfunding by the Parties with respect to planned outcomes. The circumstances surrounding the action required to address unplanned underspends is set out in the Financial Regulations and Reserves Policy, which will be subject to agreement by the Parties and the Joint Integration Board. The options will include the underspend either being returned to the relevant party in year through an adjustment to their respective contributions, or maintained by the Joint Integration Board to be carried through the General Fund balance.
- 9.14.5 The Parties do not expect to reduce their in year payment to the Joint Integration Board without the consent of the Joint Integration Board and the other Party outwith the following circumstances:
- a) Unplanned underspends as defined in 10.14.4 above and the Financial Regulations and Reserves Policy;
  - b) Where the budget assumed a specific allocation from the Scottish Government which did not materialise in year to the extent anticipated. (The converse of this also applies in that should a specific allocation pertaining to a delegated function exceed the anticipated level, an additional payment to the Joint Integration Board may be agreed).
- 9.14.6 Monitoring arrangements will include the impact of activity on set aside budgets.
- 9.15 The Accounting Standards as adapted for the public sector will apply to the Joint Integration Board. The Code of Practice on Local Authority Accounting in the UK will be the applicable guidance for their interpretation.
- 9.16 The financial statements of the Joint Integration Board will be completed to meet the audit and publication timetable specified in regulations (Regulations under section 105 of the Local Government (Scotland) Act 1973).
- 9.17 Initially, recording of financial information in respect of the Integration Joint Board will be processed via the Local Authority ledger. The means for recording financial information will be reviewed by the Chief Financial Officer to ensure this method remains appropriate giving due regard to the needs of the Joint Integration Board. Should an amendment to this method be required the Chief Financial Officer will consult with both parties and present recommendations to the Joint Integration Board for approval.
- 9.18 The financial ledger transactions relating to the Joint Integration Board will be carried out prior to the end of the financial year with post year-end adjustments for material information only. Year-end balances and transactions will be agreed timeously in order to allow completion of the Accounts in line with required timescales. This date will be agreed annually by the Joint Integration Board and the Parties.

- 9.19 From an asset management and capital planning perspective, in the short term, the Joint Integration Board will not be empowered to own capital assets and the regimes of the Parties will apply to capital assets used to provide the delegated services. Ownership of assets and associated liabilities will remain with the Parties.
- 9.20 The Chief Officer will consider all of the resources which are required to deliver the integration outcomes including the relevant non-current assets owned by the Parties. The Chief Officer will consult with the Parties to make best use of existing resources.
- 9.21 Should the Joint Integration Board believe there is a requirement to develop assets in order to facilitate the delivery of the Strategic Plan's outcomes, then the Chief Officer must present a business case to the Parties for consideration. This should be submitted as part of the partner's capital planning process. Partnership discussion would be required at an early stage for jointly funded projects
- 9.22 Detailed Financial Regulations governing the Joint Integration Board will be agreed between the Parties and approved by the Joint Integration Board before functions and resources are delegated and no later than March 2016.

## **10 Participation and Engagement**

- 10.1 The stakeholders who were consulted in the development of this scheme were:
- Health & Social Care Professionals;
  - Service Users & Carers;
  - Non Commercial Providers of Health & Social Care;
  - Non Commercial Providers of Housing;
  - Independent Sector;
  - Third Sector;
  - Staff likely to be affected by the integration;
  - Other Local Authorities operating within the area of the Health Board.
- 10.2 The consultation was carried out in a number of ways including:
- Publication of the draft Scheme on Parties' web sites;
  - Mailing to key stakeholders for comments;
  - Dissemination to staff in all partner organisations;
  - Meetings with the Public Partnership Forum and service user and carer organisations;
  - Sharing and discussion with neighbouring partnerships where there may be co-dependencies.
- 10.3 The Parties have well-established local arrangements for involving and engaging with service users, carers, patients and communities. These have become embedded within North Lanarkshire and include the Public



Partnership Forum and a network of service user and carer groups under the umbrella of “Partnership for Change”.

- 10.4 This public engagement activity will adhere to national standards for community engagement and participation.
- 10.5 The Parties agree that they will provide support to the Joint Integration Board to develop a participation and engagement plan before functions and resources are delegated and no later than March 2016. This will include access to the corporate/directorate communication teams of both parties and a dedicated communications officer and support from staff who work directly in the field of community engagement/public involvement. A communications plan has been implemented to assist this process.
- 10.6 In preparing its strategic plan, the Joint Integration Board will establish and seek the views of a strategic planning group in accordance with the requirements of the Act.

## **11. Information-Sharing and Data Handling**

- 11.1 The Parties agree to continue to operate under the existing Lanarkshire Information Sharing Protocol and the agreed procedures for sharing information, which is governed by the Lanarkshire Data Sharing Partnership (LDSP), until such time as any necessary changes are made by the process outlined below.
- 11.2 The protocol and procedures for sharing information will be reviewed and updated to reflect the new governance arrangements that pertain to health and social care by the Lanarkshire Data Sharing Partnership. The Chief Officer of the Joint Integration Board will be asked to join the LDSP and the revised protocol will be provided to the Parties and the Joint Integration Board for agreement before functions and resources are delegated and no later than March 2016.
- 11.3 The Lanarkshire Information Sharing Protocol is reviewed regularly by the LDSP. In the future, if the Parties or the Joint Integration Board have concerns about the Lanarkshire Information Sharing Protocol or agreement, or the processes for sharing information, they may request a review. Any such changes or amendments must be agreed by the Joint Integration Board and the Parties.

## **12 Complaints**

- 12.1 The Parties agree the following arrangements in respect of complaints by service users and those complaining on behalf of service users.
- 12.2 The Parties agree that feedback, comments, concerns and complaints should be viewed with a positive attitude and valued as feedback on service performance leading to a culture of learning from complaints.

- 12.3 The Parties agree the principle of frontline resolution to complaints wherever possible and have existing mechanisms in place to achieve this.
- 12.4 The Parties agree that irrespective of the point of contact the Parties will show a willingness to appropriately direct complaints to ensure an appropriate response.
- 12.5 Due to different legislative requirements the Parties agree that no immediate change will be made to the way in which complaints are dealt with in each of the Parties and complaints will continue to be dealt with according to the procedures and policies in place for the Local Authority and the Health Board.
- 12.6 Where complaints cross the boundaries of health and social care the Parties will work together to achieve, where possible, a joint response to a complaint.
- 12.7 The Parties agree that complaints by patients, service users or carers will be managed and responded to by the lead organisation responsible for the delivery of the service to which the complaint refers in accordance with the procedures and policies in place for that Party, completed within the timescales for the relevant procedure and monitored by the Chief Officer.
- 12.8 There are two established processes a complaint will follow depending on the lead organisation.
- a) Statutory Social Work Complaints process;
  - b) The Health Board's complaints process.
- 12.9 These processes, together with the timescales for acknowledgement and response, are widely publicised by the respective organisations. Complaints to North Lanarkshire Council can be made through their website<sup>1</sup> using the online form or by telephoning the Council. The arrangements for making complaints to NHS Lanarkshire Health Board are set out on their website<sup>2</sup> or can be made by telephoning NHS Lanarkshire Health Board.
- 12.10 External service providers are required to have a complaints procedure in place. Where complaints are received that relate to a service provided by an external service provider the lead organisation will either arrange for investigation or refer the complainant to the external service provider for resolution of their complaint.
- 12.11 All complaints will be investigated and responded to according to the lead organisation's procedure, completed within the timescales for the relevant procedure and monitored by the Chief Officer.
- 12.12 The Chief Officer will have an overview of complaints related to integrated functions and will provide a commitment to joint working, wherever

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<sup>1</sup> North Lanarkshire Complaints - <http://www.northlanarkshire.gov.uk/index.aspx?articleid=15520>

<sup>2</sup> NHS Lanarkshire Complaints - <http://www.nhslanarkshire.org.uk/CONTACTUS/FEEDBACK/Pages/make-complaint.aspx>

necessary, between the Parties when dealing with complaints about integrated services.

- 12.13 If a complaint remains unresolved through the defined complaints-handling procedure, complainants will be informed of their right to go either to the Scottish Public Services Ombudsman for services provided by the Health Board, or to the Social Work Complaints Review Committee following which, if their complaints remains unresolved, they have the right to go to the Scottish Public Services Ombudsman for services provided by the Local Authority.
- 12.14 This arrangement will respect the statutory complaints-handling processes currently in place for health and social care services. This arrangement will benefit service users and carers by making use of existing complaints procedures and will not create an additional complaint handling process.
- 12.15 Data sharing requirements relating to any complaint will follow the Information and Data sharing protocol set In the Information and Data Handling section of the this Scheme.
- 12.16 Relevant performance information and lessons learned from complaints will be collected and reported in line with the Support, Care and Clinical Governance section of this Scheme.
- 12.17 A joint performance report will be produced annually for consideration by the Joint Integration Board.

### **13 Claims Handling, Liability and Indemnity**

- 13.1 The Parties agree the following arrangements in respect of claims handling, liability and indemnity
- 13.2 The Parties and the Joint Integration Board recognise that they could receive a claim arising from or which relates to the work undertaken on behalf of the Joint Integration Board.
- 13.3 The Parties agree to ensure that any such claims are progressed quickly and in a manner which is equitable between them.
- 13.4 So far as reasonably practicable the normal common law and statutory rules relating to liability will apply, however it is also noted that decisions relating to claims and liabilities will also be subject to any requirements, obligations or conditions of any relevant insurance policies held by the Parties.
- 13.5 In the event of any claim against the Joint Integration Board in respect of which it is not clear which Party should assume responsibility, the Chief Officer (or his/her representatives) will liaise with the Chief Executives of the Parties (or their representatives) to determine which Party should assume responsibility for progressing the claim.

- 13.6 Where a claim has been settled by one of the Parties, and it thereafter transpires that liability (in whole or in part) should have rested with the other Party, then that Party shall indemnify the Party that settled the claim.
- 13.7 Claims regarding policy and/or strategic decisions made by the Joint Integration Board shall be the responsibility of the Joint Integration Board. For such claims, the Joint Integration Board will require to assess the need for, and if appropriate, obtain appropriate insurance cover. It may also require to engage independent legal advice.
- 13.8 If a claim has a “cross boundary” element whereby it relates to another Integration authority area, the Chief Officers of the Integration authorities concerned shall liaise with each other until an agreement is reached as to how the claim should be progressed and determined.
- 13.9 Each Party will ensure that appropriate risk financing arrangements are put in place and maintained, to meet the cost of claims and other associated costs.
- 13.10 Claims which pre-date the establishment of the Joint Integration Board will be dealt with by the Parties through the procedures that were in place prior to Integration.

#### **14. Risk Management**

- 14.1 The Parties and the Joint Integration Board will establish a working group to develop a shared risk management strategy and methodology in relation to Health & Social Care Integration which will require to be formally approved by the Joint Integration Board before functions and resources are delegated and no later than March 2016. The shared strategy and methodology will ensure:
- Identification, assessment, prioritisation and pro-active management of risk related to the delivery of services, particularly those which are likely to affect the Joint Integration Board's delivery of the strategic plan;
  - Identification and description of processes for mitigating these risks;
  - Agreed reporting standards.
- 14.2 The risk management strategy and methodology will set out:
- Roles and Responsibilities for managing risk;
  - How the Parties and the Joint Integration Board will prepare risk registers, and arrangements to amend and update such registers;
  - Risks that should be reported from the date of delegation of functions and Resources;
  - An agreed risk monitoring framework;
  - An agreed risk reporting framework to senior management and those charged with governance;
  - The process for agreeing changes with the Joint Integration Board;
  - Protocols for communication and sharing risk information between the Parties.

14.3 The Parties and the Joint Integration Board will work collectively to create a shared risk register, identifying relevant risks from each of their own risk registers, and identifying new risks relevant to the integrated arrangement. The risk register will be produced within three months of the risk management strategy being approved and no later than March 2016. The Parties and the Joint Integration Board will update the risk register in line with the arrangements set out in risk management strategy.

## **15. Dispute Resolution Mechanism**

15.1 In the event of a failure by the Parties to reach agreement between themselves in relation to any aspect of this Scheme or any of the duties or powers placed on them by the Act then they will follow the process laid out below:

15.2 Either Party can invoke this Dispute Resolution Mechanism by serving written notice of their intention to do so on the other Party. Such notice will be deemed to be received on the day following the issuing of the notice. The date following the issuing of the notice is herein referred to as “the relevant date”.

15.3 The Chief Executives of the Health Board and the Local Authority will meet, within 7 days of the relevant date, to attempt to resolve the issue.

15.4 If unresolved, and within 21 days of the relevant date, the Parties will each prepare a written note of their position on the issue and exchange it with the each other.

15.5 In the event that the issue remains unresolved, representatives of the Parties will proceed to mediation with a view to resolving the issue.

15.6 Within 28 days of the relevant date, duly authorised representatives of the Parties will meet with a view to appointing a suitable independent person to act as a mediator. If agreement cannot be reached then a referral will be made to the President of the Law Society of Scotland inviting the President to appoint a person to act as mediator. The mediation process shall be determined by the mediator appointed and shall take place within 28 days of the mediator accepting appointment.

15.7 Where the issue remains unresolved after following the processes outlined in 15.2 to 15.5 above, the Parties agree that they will notify Scottish Ministers that agreement cannot be reached.

15.8 The notification will explain the nature of the dispute and the actions taken to try to resolve the dispute including any written opinion or recommendations issued by the mediator.

15.9 The Parties agree to be bound by this determination of this dispute resolution mechanism.

## Part 1

## Functions delegated by the Health Board to The Joint Integration Board

Set out below is the list of functions that will be delegated by NHS Lanarkshire to the Joint Integration Board

Functions prescribed for the purposes of section 1(8) of the Act

<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i>	<i>Limitation</i>

**The National Health Service (Scotland) Act 1978**

All functions of Health Boards conferred by, or by virtue of, the National Health Service (Scotland) Act 1978	<p>Except functions conferred by or by virtue of—</p> <ul style="list-style-type: none"> <li>section 2(7) (Health Boards);</li> <li>section 2CB( (Functions of Health Boards outside Scotland);</li> <li>section 9 (local consultative committees);</li> <li>section 17A (NHS Contracts);</li> <li>section 17C (personal medical or dental services);</li> <li>section 17I (use of accommodation);</li> <li>section 17J (Health Boards' power to enter into general medical services contracts);</li> <li>section 28A (remuneration for Part II services);</li> <li>section 38 (care of mothers and young children);</li> <li>section 38A (breastfeeding);</li> <li>section 39 (medical and dental inspection, supervision and treatment of pupils and young persons);</li> <li>section 48 (provision of residential and practice accommodation);</li> <li>section 55 (hospital accommodation on part payment);</li> <li>section 57 (accommodation and services for private patients);</li> <li>section 64 (permission for use of facilities in private practice);</li> <li>section 75A (remission and repayment of charges and payment of travelling expenses);</li> </ul>
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section 75B (reimbursement of the cost of services provided in another EEA state);

section 75BA (reimbursement of the cost of services provided in another EEA state where expenditure is incurred on or after 25 October 2013);

section 79 (purchase of land and moveable property);

section 82 use and administration of certain endowments and other property held by Health Boards);

section 83 (power of Health Boards and local health councils to hold property on trust);

section 84A (power to raise money, etc., by appeals, collections etc.);

section 86 (accounts of Health Boards and the Agency);

section 88 (payment of allowances and remuneration to members of certain bodies connected with the health services);

section 98 (charges in respect of non-residents); and

paragraphs 4, 5, 11A and 13 of Schedule 1 to the Act (Health Boards);

and functions conferred by—

The National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989 ;

The Health Boards (Membership and Procedure) (Scotland) Regulations 2001/302;  
The National Health Service (Clinical Negligence and Other Risks Indemnity Scheme) (Scotland) Regulations 2000/54;

The National Health Services (Primary Medical Services Performers Lists) (Scotland) Regulations 2004/114;

The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004;

The National Health Service (Discipline Committees) Regulations 2006/330;

The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006/135;

The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009/183;

The National Health Service (General Dental Services) (Scotland) Regulations 2010/205; and

The National Health Service (Free Prescription and Charges for Drugs and Appliances) (Scotland) Regulations 2011/55.

### **Disabled Persons (Services, Consultation and Representation) Act 1986**

Section 7

(Persons discharged from hospital)

### **Community Care and Health (Scotland) Act 2002**

All functions of Health Boards conferred by, or by virtue of, the Community Care and Health (Scotland) Act 2002.

### **Mental Health (Care and Treatment) (Scotland) Act 2003**

All functions of Health Boards conferred by, or by virtue of, the Mental Health (Care and Treatment) (Scotland) Act 2003.

Except functions conferred by—

section 22 (Approved medical practitioners);

section 34 (Inquiries under section 33: co-operation);

section 38 (Duties on hospital managers: examination notification etc.);

section 46 (Hospital managers' duties: notification);

section 124 (Transfer to other hospital);

section 228 (Request for assessment of needs: duty on local authorities and Health Boards);

section 230 (Appointment of a patient's responsible medical officer);

section 260 (Provision of information to patients);

section 264 (Detention in conditions of excessive security: state hospitals);

section 267 (Orders under sections 264 to 266: recall);



section 281 (Correspondence of certain persons detained in hospital);

and functions conferred by—

The Mental Health (Safety and Security) (Scotland) Regulations 2005;

The Mental Health (Cross Border transfer: patients subject to detention requirement or otherwise in hospital) (Scotland) Regulations 2005;

The Mental Health (Use of Telephones) (Scotland) Regulations 2005; and

The Mental Health (England and Wales Cross border transfer: patients subject to detention requirement or otherwise in hospital) (Scotland) Regulations 2008.

#### **Education (Additional Support for Learning) (Scotland) Act 2004**

Section 23

(other agencies etc. to help in exercise of functions under this Act)

#### **Public Services Reform (Scotland) Act 2010**

All functions of Health Boards conferred by, or by virtue of, the Public Services Reform (Scotland) Act 2010

Except functions conferred by—

section 31(Public functions: duties to provide information on certain expenditure etc.); and

section 32 (Public functions: duty to provide information on exercise of functions).

#### **Patient Rights (Scotland) Act 2011**

All functions of Health Boards conferred by, or by virtue of, the Patient Rights (Scotland) Act 2011

Except functions conferred by The Patient Rights (Complaints Procedure and Consequential Provisions) (Scotland) Regulations 2012/36.

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## **Part 2**

### **Services currently provided by the Health Board which are to be integrated**

The functions that are set out in Part 1 are delegated in relation to the services as set out below and relate to both adults and children.

### **Interpretation**

**1. In this part—**

“Allied Health Professional” means a person registered as an allied health professional with the Health Professions Council;

“general medical practitioner” means a medical practitioner whose name is included in the General Practitioner Register kept by the General Medical Council;

“general medical services contract” means a contract under section 17J of the National Health Service (Scotland) Act 1978;

“hospital” has the meaning given by section 108(1) of the National Health Service (Scotland) Act 1978;

“inpatient hospital services” means any health care service provided to a patient who has been admitted to a hospital and is required to remain in that hospital overnight, but does not include any secure forensic mental health services;

“out of hours period” has the same meaning as in regulation 2 of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004; and

“the public dental service” means services provided by dentists and dental staff employed by a health board under the public dental service contract.

### **Services**

- 2. Accident and Emergency services provided in a hospital.**
- 3. Inpatient hospital services relating to the following branches of medicine—**
  - (a) general medicine;
  - (b) geriatric medicine;
  - (c) rehabilitation medicine;
  - (d) respiratory medicine; and
  - (e) psychiatry of learning disability.
- 4. Palliative care services provided in a hospital.**
- 5. Inpatient hospital services provided by General Medical Practitioners.**
- 6. Services provided in a hospital in relation to an addiction or dependence on any substance.**
- 7. Mental health services provided in a hospital except regionally or nationally organised forensic mental health services**
- 8. District nursing services.**
- 9. Services provided outwith a hospital in relation to an addiction or dependence on any substance.**

- 10.** Services provided by allied health professionals in an outpatient department, clinic, or outwith a hospital.
- 11.** The public dental service.
- 12.** Primary medical services provided under a general medical services contract, and arrangements for the provision of services made under section 17C of the National Health Service (Scotland) Act 1978, or an arrangement made in pursuance of section 2C(2) of the National Health Service (Scotland) Act 1978.
- 13.** General dental services provided under arrangements made in pursuance of section 25 of the National Health (Scotland) Act 1978.
- 14.** Ophthalmic services provided under arrangements made in pursuance of section 17AA or section 26 of the National Health Service (Scotland) Act 1978.
- 15.** Pharmaceutical services and additional pharmaceutical services provided under arrangements made in pursuance of sections 27 and 27A of the National Health Service (Scotland) Act 1978.
- 16.** Services providing primary medical services to patients during the out-of-hours period.
- 17.** Services provided outwith a hospital in relation to geriatric medicine.
- 18.** Palliative care services provided outwith a hospital.
- 19.** Community learning disability services.
- 20.** Mental health services provided outwith a hospital.
- 21.** Continence services provided outwith a hospital.
- 22.** Kidney dialysis services provided outwith a hospital.
- 23.** Services provided by health professionals that aim to promote public health.

## **Annex 2**

### **Part 1**

#### **Functions delegated by the Local Authority to the Joint Integration Board**

Set out below is the list of functions that will be delegated by North Lanarkshire Council to the Joint Integration Board.

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
<b>National Assistance Act 1948</b>	
Section 48 (Duty of councils to provide temporary protection for property of persons admitted to hospitals etc.)	
Section 45 (Recovery in cases of misrepresentation or non-disclosure.)	
<b>Matrimonial Proceedings (Children) Act 1958</b>	
Section 11 (Reports as to arrangements for future care and upbringing of children.)	
<b>The Disabled Persons (Employment) Act 1958</b>	
Section 3 (Provision of sheltered employment by local authorities)	
<b>The Social Work (Scotland) Act 1968</b>	
Section 1 (Local authorities for the administration of the Act.)	So far as it is exercisable in relation to another integration function.
Section 4 (Provisions relating to performance of functions by local authorities.)	So far as it is exercisable in relation to another integration function.
Section 5 (Powers of Secretary of State.)	
Section 6B (Local authority inquiries into matters affecting	

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
children.)	
Section 8 (Research.)	So far as it is exercisable in relation to another integration function.
Section 10 (Financial and other assistance to voluntary organisations etc. for social work.)	So far as it is exercisable in relation to another integration function.
Section 12 (General social welfare services of local authorities.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 12A (Duty of local authorities to assess needs.)	So far as it is exercisable in relation to another integration function.
Section 12AZA (Assessments under section 12A - assistance)	So far as it is exercisable in relation to another integration function.
Section 12AA (Assessment of ability to provide care.)	
Section 12AB (Duty of local authority to provide information to carer.)	
Section 13 (Power of local authorities to assist persons in need in disposal of produce of their work.)	
Section 13ZA (Provision of services to incapable adults.)	So far as it is exercisable in relation to another integration function.
Section 13A (Residential accommodation with nursing.)	
Section 13B (Provision of care or aftercare.)	
Section 14 (Home help and laundry facilities.)	
Section 27 (Supervision and care of persons put on probation or released from prisons etc.)	
Section 27ZA	

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
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(Advice, guidance and assistance to persons arrested or on whom sentence deferred.)

Section 28  
(Burial or cremation of the dead.)

So far as it is exercisable in relation to persons cared for or assisted under another integration function.

Section 29  
(Power of local authority to defray expenses of parent, etc., visiting persons or attending funerals.)

Section 59  
(Provision of residential and other establishments by local authorities and maximum period for repayment of sums borrowed for such provision.)

So far as it is exercisable in relation to another integration function.

Section 78A  
(Recovery of contributions)

Section 80  
(Enforcement of duty to make contributions.)

Section 81  
(Provisions as to decrees for ailment.)

Section 83  
(Variation of trusts.)

Section 86  
(Adjustment between authority providing accommodation etc., and authority of area of residence.)

### **The Children Act 1975**

Section 34  
(Access and maintenance.)

Section 39  
(Reports by local authorities and probation officers.)

Section 40  
(Notice of application to be given to local authority.)

Section 50  
(Payments towards maintenance of children.)

### **The Local Government and Planning (Scotland) Act 1982**

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*Column A*  
*Enactment conferring function*

*Column B*  
*Limitation*

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Section 24(1)  
(The provision of gardening assistance for the disabled and the elderly.)

**Health and Social Services and Social Security Adjudications Act 1983**

Section 21  
(recovery of sums due to local authority where persons in residential accommodation have disposed of assets.)

Section 22  
(Arrears of contributions charged on interest in land in England and Wales)

Section 23  
(Arrears of contributions secured over interest in land in Scotland)

**Foster Children (Scotland) Act 1984**

Section 3  
(local authorities to ensure well-being of and to visit foster children.)

Section 5  
(Notification by persons maintaining or proposing to maintain foster children.)

Section 6  
Notification by persons ceasing to maintain foster children.)

Section 8  
(Power to inspect premises.)

Section 9  
(Power to impose requirements as to the keeping of foster children.)

Section 10  
(Power to prohibit the keeping of foster children.)

**Disabled Persons (Services, Consultation and Representation) Act 1986**

Section 2  
(Rights of authorised representatives of disabled persons.)

Section 3  
(Assessment by local authorities of needs of disabled persons.)

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
Section 7 (Persons discharged from hospital.)	In respect of the assessment of need for any services provided under functions contained in welfare enactments within the meaning of section 16 and which have been delegated.
Section 8 (Duty of local authority to take into account abilities of carer.)	In respect of the assessment of need for any services provided under functions contained in welfare enactments (within the meaning set out in section 16 of that Act) which are integration functions.

### **The Children (Scotland) Act 1995**

Section 17  
(Duty of local authority to child looked after by them.)

Section 19  
(Local authority plans for services for children)

Section 20  
(Publication of information about services for children)

Section 21  
(Co-operation between authorities)

Section 22  
(Promotion of welfare of children in need)

Section 23  
(Children affected by disability)

Section 24  
(Assessment of ability of carers to provide care for disabled children)

Section 24A  
(Duty of local authority to provide information to carer of disabled child)

Section 25  
(Provision of accommodation for children etc.)

Section 26  
(Manner of provision of accommodation to child looked after by local authority)

Section 26A  
(Provision of continuing care: looked after children)

Section 27  
(Daycare for pre-school and other children)

Section 29  
(Aftercare)

Section 30



<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i>	<i>Limitation</i>

(Financial assistance towards expenses of education or training and removal of power to guarantee indentures etc.)

Section 31  
Review of case of child looked after by local authority)

Section 32  
(Removal of child from residential establishment)

Section 36  
(Welfare of certain children in hospitals and nursing homes etc.)

Section 38  
(Short term refuges for children at risk of harm.)

Section 76  
(Exclusion orders.)

### **Criminal Procedure (Scotland) Act 1995**

Section 51  
(Remand and committal of children and young persons.)

Section 203  
Reports.)

Section 234B  
(Drug treatment and testing order.)

Section 245A  
(Restriction of liberty orders.)

### **The Adults with Incapacity (Scotland) Act 2000**

Section 10  
(Functions of local authorities.)

Section 12  
(Investigations.)

Section 37 (Residents whose affairs may be managed.)	Only in relation to residents of establishments which are managed under integration functions.
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Section 39 (Matters which may be managed.)	Only in relation to residents of establishments which are managed under integration functions.
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Section 40  
(Supervisory bodies.)

Section 41 (Duties and functions of managers of authorised establishment.)	Only in relation to residents of establishments which are managed under integration functions
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<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
Section 42 (Authorisation of named manager to withdraw from resident's account.)	Only in relation to residents of establishments which are managed under integration functions
Section 43 (Statement of resident's affairs.)	Only in relation to residents of establishments which are managed under integration functions
Section 44 (Resident ceasing to be resident of authorised establishment.)	Only in relation to residents of establishments which are managed under integration functions
Section 45 (Appeal, revocation etc.)	Only in relation to residents of establishments which are managed under integration functions
<b>The Housing (Scotland) Act 2001</b>	
Section 92 (Assistance to a registered for housing purposes.)	Only in so far as it relates to an aid or adaptation.
<b>The Community Care and Health (Scotland) Act 2002</b>	
Section 4 The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulations 2002	
Section 5 (Local authority arrangements for of residential accommodation outwith Scotland.)	
Section 6 Deferred payment of accommodation costs.)	
Section 14 (Payments by local authorities towards expenditure by NHS bodies on prescribed functions.)	
<b>The Mental Health (Care and Treatment) (Scotland) Act 2003</b>	
Section 17 (Duties of Scottish Ministers, local authorities and others as respects Commission.)	
Section 25 (Care and support services etc.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 26 (Services designed to promote well-being and social development.)	Except in so far as it is exercisable in relation to the provision of housing support services.

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
Section 27 (Assistance with travel.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 33 (Duty to inquire.)	
Section 34 (Inquiries under section 33: Co-operation.)	
Section 228 (Request for assessment of needs: duty on local authorities and Health Boards.)	
Section 259 (Advocacy.)	
<b>Management of Offenders etc (Scotland) Act 2005</b>	
Sections 10 (Arrangements for assessing and managing risks posed by certain offenders)	
Section 11 (Review of arrangements)	
<b>The Housing (Scotland) Act 2006</b>	
Section 71(1)(b) (Assistance for housing purposes.)	Only in so far as it relates to an aid or adaptation.
<b>Adoption and Children (Scotland) Act 2007</b>	
Section 1 (Duty of local authority to provide adoption service.)	
Section 4 (Local authority plan)	
Section 5 (Guidance)	
Section 6 (Assistance in carrying out functions under sections 1 and 4)	
Section 9 (Assessment of needs for adoption support services)	
Section 10 (Provision of services)	
Section 11 (Urgent provision)	
Section 12 (Power to provide payment to person entitled to adoption support service)	

<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i>	<i>Limitation</i>
Section 19 (Notice under Section 18 local authorities duties)	
Section 26 (looked after children - adoption is not proceeding.)	
Section 45 (Adoption support plans.)	
Section 47 (Family member's right to require review of plan)	
Section 48 (Other cases where authority under duty to review plan)	
Section 49 (Re-assessment of needs for adoption support services)	
Section 51 (Guidance)	
Section 71 (Adoption allowance schemes.)	
Section 80 (Permanence Orders.)	
Section 90 (Precedence of certain other orders)	
Section 99 (Duty of local authority to apply for variation or revocation.)	
Section 101 (local authority to give notice of certain matters.)	
Section 105 (Notification of proposed application for order)	
<b>The Adult Support and Protection (Scotland) Act 2007</b>	
Section 4 (Council's duty to make inquiries.)	
Section 5 (Co-operation.)	
Section 6 (Duty to consider importance of providing advocacy and other.)	
Section 7 (Visits)	
Section 8	

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*Column A*  
*Enactment conferring function*

*Column B*  
*Limitation*

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(Interviews)

Section 9  
(Medical examinations)

Section 10  
(Examination of records etc.)

Section 11  
(Assessment Orders.)

Section 14  
(Removal orders.)

Section 16  
(Right to remove adult at risk)

Section 18  
(Protection of moved persons property.)

Section 22  
(Right to apply for a banning order.)

Section 40  
(Urgent cases.)

Section 42  
(Adult Protection Committees.)

Section 43  
(Membership.)

### **Children's Hearings (Scotland) Act 2011**

Section 35  
(Child assessment orders.)

Section 37  
(Child protection orders.)

Section 42  
(Parental responsibilities and rights directions.)

Section 44  
(Obligations of local authority.)

Section 48  
(Application for variation or termination)

Section 49  
(Notice of an application for variation or termination.)

Section 60  
(local authorities duty to provide information to Principal

<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i>	<i>Limitation</i>

Reporter.)

Section 131  
(Duty of implementation authority to require review.)

Section 144  
(Implementation of a compulsory supervision order; general duties of implementation authority.)

Section 145  
(Duty where order requires child to reside in a certain place.)

Section 153  
The functions conferred by virtue of this section including the Secure Accommodation (Scotland) Regulations 2013/20 and the Implementation of Secure Accommodation Authorisation (Scotland) Regulations 2013/212.

Section 166  
(Review of requirement imposed on local authority)

Section 167  
(Appeal to Sheriff Principal: section 166)

Section 180  
(Sharing of information: panel members.)

Section 183  
(Mutual Assistance)

Section 184  
(Enforcement of obligations of health board under section 183)

**Social Care (Self-directed Support) (Scotland) Act 2013**

Section 3  
(Support for adult carers.)

Only in relation to assessments carried out under integration functions.

Section 5  
(Choice of options: adults.)

Section 6  
(Choice of options under section 5: assistances.)

Section 7  
(Choice of options: adult carers.)

Section 8  
(Choice of options; children and family members.)

Section 9

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<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i>	<i>Limitation</i>
(Provision of information about self-directed support.)	
Section 10 (Provision of information; children under 16.)	
Section 11 (Local authority functions.)	
Section 12 (Eligibility for direct payment: review.)	
Section 13 (Further choice of options on material change of circumstances.)	Only in relation to a choice under section 5 or 7 of the Social Care (Self-directed Support) (Scotland) Act 2013 .
Section 16 (Misuse of direct payment: recovery.)	
Section 19 (Promotion of options for self-directed support.)	

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## **Part 2**

### **Services currently provided by the Local Authority which are to be integrated**

The services that pertain to the functions in Part 1 and will be delegated are set out below.

#### **Social work services for adults and older people**

The functions in relation to social work services for adults and older people noted below will be delegated.

- a) Services and support for all adults with disabilities and long term conditions;
- b) Mental health services;
- c) Addiction services;
- d) Adult protection;
- e) Carers' services;
- f) Community care assessment and planning services;
- g) Support services provided by contracted services;
- h) Care home services;
- i) Intermediate Care Services;
- j) Health and wellbeing improvement services;
- k) Aspects of housing support, including provision of equipment and adaptations to people's homes;
- l) Day opportunities and day services;
- m) Homecare Services;
- n) Supported Living Services;
- o) Respite Support;
- p) Occupational therapy services;
- q) Re-ablement services;
- r) Smart technology, equipment and telecare.

#### **Social work services for children and young people**

The functions in relation to children and young people social work services noted below will be delegated.

- a) Assessment and planning for children and young people including the provision of reports to the Children's Reporter;
- b) Support and provision for looked after children, including those looked after at home, in kinship and looked after and accommodated away from home;
- c) Child Protection;
- d) Adoption and Fostering Services;
- e) Support for children with a disability / additional support needs;
- f) Early intervention and Family Support for Children in Need;
- g) Continuing Care and Aftercare;
- h) Support to address and prevent youth offending;
- i) Contracted support services;



- j) Aspects of Housing support including provision of equipment and adaptations for children with disability.

### **Social work Criminal Justice Services**

The functions in relation to social work criminal justice services noted below will be delegated.

- a) Services to Courts and Parole Board;
- b) Assessment of Offenders;
- c) Diversions from Prosecution and Fiscal Work Orders;
- d) Supervision of offenders subject to a community based order;
- e) Provision of unpaid work placements and groupwork for offenders subject to statutory orders;
- f) Drug Treatment and Testing Orders;
- g) Through care;
- h) Multi Agency Public Protection Arrangements.

### **Other Social Work Services**

The functions in relation to social work services for all people noted below will be delegated.

- a) Out of hours Social Work Services.