



# Orkney Integration Scheme

Between

Orkney Islands Council

And

NHS Orkney

<b>Date</b>	<b>Issue</b>	<b>Sections revised</b>	<b>Status</b>	<b>Distribution</b>
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29.09.15.	V10.		Version with amendments received from Govt colleagues.	CC (to be agreed by OIC delegated to Convener and CEO and to be agreed by NHS Orkney).
13.10.15.	V11.		Updated.	CC (to be agreed by OIC delegated to Convener and CEO and to be agreed by NHS Orkney).
19.10.15.	V12.		Updated.	CC and GM (agreed by both OIC and NHS Orkney).
12.01.18.	V13.	Annex 1 and Annex 2.	Updated.	CEO NHS Orkney and CEO OIC.

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## Annex 1. (Part 1). Functions that are to be delegated by the Health Board (NHS Orkney) to the Integration Joint Board

<b>The National Health Service (Scotland) Act 1978(a)</b>	
<p>All functions of Health Boards conferred by, virtue of, the National Health Service (Scotland) Act 1978,</p>	<p>Except functions conferred by or by virtue of— by</p> <ul style="list-style-type: none"> <li>section 2(7) (Health Boards).</li> <li>section 9(b) (local consultative committees).</li> <li>section 17A(c) (NHS contracts).</li> <li>section 17C(d) (personal medical or dental services).</li> <li>section 17J(e) (Health Boards' power to enter into general medical services contracts).</li> <li>section 28A(f) (remuneration for Part II services).</li> <li>section 48(g) (residential and practice accommodation).</li> <li>section 57(h) (accommodation and services for private patients).</li> <li>section 64(i) (permission for use of facilities in private practice).</li> <li>section 79(j) (purchase of land and moveable property).</li> <li>section 86(a) (accounts of Health Boards and the Agency).</li> <li>section 88(b) (payment of allowances and remuneration to members of certain bodies connected with the health services).</li> <li>paragraphs 4, 5, 11A and 13 of Schedule 1(c) (Health Boards).</li> <li>and functions conferred by — The National Health Service (Clinical Negligence and Other Risks Indemnity Scheme) (Scotland) Regulations 2000(d).</li> <li>The Health Boards (Membership and Procedure) (Scotland) Regulations 2001(e).</li> <li>The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004(f).</li> <li>The National Health Service (Primary</li> </ul>

	<p>Medical Services Section 17C Agreements) (Scotland) Regulations 2004 (g).</p> <p>The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006(h).</p> <p>The National Health Service (Discipline Committees) (Scotland) Regulations 2006(i).</p> <p>The National Health Service (Appointment of Consultants) (Scotland) Regulations 2009(j).</p> <p>The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009(k). and</p> <p>The National Health Service (General Dental Services) (Scotland) Regulations 2010(l).</p>
<p><b>Disabled Persons (Services, Consultation and Representation) Act 1986(a)</b> Section 7 (persons discharged from hospital).</p>	
<p><b>Community Care and Health (Scotland) Act 2002(b)</b> All functions of Health Boards conferred by, or by virtue of, the Community Care and Health (Scotland) Act 2002.</p>	
<p><b>Mental Health (Care and Treatment) (Scotland) Act 2003(c)</b> All functions of Health Boards conferred by, or by virtue Except functions conferred by section 22 (approved of, the Mental Health (Care and Treatment) (Scotland) medical practitioners) Act 2003.</p>	
<p><b>Education (Additional Support for Learning) (Scotland) Act 2004(d)</b> Section 23 (other agencies etc. to help in exercise of functions under this Act).</p>	
<p><b>Public Health, etc. (Scotland) Act 2008(e)</b> Section 2 (duty of Health Boards to protect public health); Section 7 (joint public health protection plans).</p>	
<p><b>Public Services Reform (Scotland) Act 2010(f)</b> 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).</p>	
<p><b>Patient Rights (Scotland) Act 2011(g)</b> All functions of Health Boards conferred by, or by virtue of, the Patient Rights (Scotland) Act 2011.</p>	

**Carers (Scotland) Act 2016**

Section 12 (Duty to prepare young carer statement); Section 31 (Duty to prepare local carer strategy).

## **Annex 1 (Part 2). Services currently provided by Health Board which are to be integrated**

- Accident and emergency services provided in the Balfour Hospital for planning and operational oversight purposes with the Chief Officer working closely with Board staff responsible for operational management of hospital services.
- Inpatient hospital services/budgets provided within the Balfour Hospital and capacity in the delegated specialties used in other hospitals located in other Health Boards will form the set aside portion of the hospital budget.
- Macmillan palliative care services provided in the Balfour Hospital also includes cancer chemotherapy. It is proposed that the service is not split into hospital palliative and cancer care, however it is proposed to allocate a number of bed days (corresponding budget).
- Mental health services provided in a hospital – transfer bed budget to the IJB.
- Community mental health teams/service
- Clinical Psychology Service.
- Substance misuse services (ADP budget).
- District nursing services.
- Health visiting.
- School nursing.
- 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.
- General dental services provided under arrangements made in pursuance of section 25 of the National Health (Scotland) Act 1978.
- Public Dental Services.
- Ophthalmic services provided under arrangements made in pursuance of section 17AA or section 26 of the National Health Service (Scotland) Act 1978.
- 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.
- Services providing primary medical services to patients during the out-of-hours period.
- Palliative care services provided outwith a hospital.
- Community learning disability services.
- Continence services.
- Services provided by health professionals that aim to promote public health.
- Community Physiotherapy, speech and language, dietetic and OT services.
- Intermediate Care services.
- Family Health Service Prescribing.
- Resource Transfer, including Voluntary services.
- Sexual and Reproductive Health services excluding hospital obstetrics/gynaecology services.

## Annex 2 (Part 1). Functions delegated by Orkney Islands Council to the Board

Set out below is the list of functions that must be delegated by the local authority to the Board, as set out in the Public Bodies (Joint Working) (Prescribed Local Authority Functions, etc.) (Scotland) Regulations 2014. Following this, a second list of additional local authority functions is set out which are to be delegated by choice. These fall within the relevant sections of the Acts set out in the Schedule to the Public Bodies (Joint Working) (Scotland) Act 2014.

### Part 1

Functions prescribed for the purposes of section 1(7) of the Public Bodies (Joint Working) (Scotland) Act 2014.

Enactment conferring function	Limitation
<b>National Assistance Act 1948</b>	
Section 48 (Duty of councils to provide temporary protection for property of persons admitted to hospitals etc).	
<b>The Disabled Persons (Employment) Act 1958</b>	
Section 3 (Provision of sheltered employment by local authorities).	
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 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.
<b>The Local Government and Planning (Scotland) Act 1982</b>	
Section 24(1) (The provision of gardening assistance for the disabled and the elderly).	
<b>Disabled Persons (Services, Consultation and Representation) Act 1986(5)</b>	
Section 2 (Rights of authorised representatives of disabled persons).	
Section 3 (Assessment by local authorities of needs of disabled persons).	
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.
<b>The Adults with Incapacity (Scotland) Act 2000</b>	
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.
Section 39 (Matters which may be managed).	Only in relation to residents of establishments which are managed under integration functions.
Section 41 (Duties and functions of managers of authorised establishment).	Only in relation to residents of establishments which are managed under integration functions.
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.
(6) 2000 asp 4; section 12 was amended by the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), schedule 5(1). Section 37 was amended by S.S.I. 2005/465. Section 39 was amended by the Adult Support and Protection (Scotland) Act 2007 (asp 10), schedule 1 and by S.S.I. 2013/137. Section 41 was amended by S.S.I. 2005/465; the Adult Support and Protection (Scotland) Act 2007 (asp 10), schedule 1 and S.S.I. 2013/137. Section 45 was amended by the Regulation of Care (Scotland) Act 2001 (asp 8), Schedule 3.	
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 for housing purposes).	Only in so far as it relates to an aid or adaptation.
The Community Care and Health (Scotland) Act 2002.	
Section 5 (Local authority arrangements for of residential accommodation outwith Scotland).	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.
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>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>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 11 (Assessment Orders).	
Section 14 (Removal orders).	
Section 18 (Protection of moved person's property).	
Section 22 (Right to apply for a banning order).	
Section 40 (Urgent cases).	
Section 42 (Adult Protection Committees).	
Section 43 (Membership).	
<b>Social Care (Self-directed Support) (Scotland) Act 2013</b>	
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 9 (Provision of information about self-directed support).	
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).	
<b>Carers (Scotland) Act 2016</b>	
Section 21 (Duty to set local eligibility criteria).	

Additional Functions delegated by the Council to Orkney's Integration Joint Board

<b>Enactment conferring function</b>	<b>Limitation</b>
<b>National Assistance Act 1948</b>	
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 Social Work (Scotland) Act 1968</b>	
Section 5 (Powers of Secretary of State).	
Section 6B (Local authority inquiries into matters affecting children.) .	
Section 27 (Supervision and care of persons put on probation or released from prisons, etc.).	
Section 27ZA (Advice, guidance and assistance to persons arrested or on whom sentence deferred).	
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).	
<b>The Children Act 1975</b>	
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).	
<b>Health and Social Services and Social Security Adjudications Act 1983</b>	
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).	
<b>Foster Children (Scotland) Act 1984</b>	
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).	
<b>The Children (Scotland) Act 1995.</b>	
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 (Day care for pre-school and other children).	
Section 29 (Aftercare).	
Section 30 (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).	
<b>Criminal Procedure (Scotland) Act 1995.</b>	
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).	
<b>The Adults with Incapacity (Scotland) Act 2000</b>	
Section 40 (Supervisory bodies).	

<b>The Community Care and Health (Scotland) Act 2002.</b>	
Section 4 (Accommodation more expensive than usually provided).	
Section 6 (Deferred payment of accommodation costs).	
<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>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).	
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 7 (Visits).	
Section 8 (Interviews).	
Section 9 (Medical examinations).	
Section 10 (Examination of records, etc.).	
Section 16 (Right to remove adult at risk)	
<b>Children's Hearings (Scotland) Act 2011</b>	
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 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 (Secure accommodation: regulations).	

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).	
<b>Social Care (Self-directed Support) (Scotland) Act 2013</b>	
Section 8 (Choice of options; children and family members).	
Section 10 (Provision of information; children under 16).	
<b>Carers (Scotland) Act 2016. Note: with effect from 1 April 2018.</b>	
Section 6 (duty to prepare adult carer support plan).	
Section 12 (Duty to prepare a young carer statement).	
Section 24 (Duty to provide support).	
Section 25 (Provisions of support to carers: breaks from caring).	
Section 31 (Duty to prepare local carer strategy).	
Section 34 (Information and advice services for carers).	
Section 35 (Short breaks services statements).	

## Part 2

Functions, conferred by virtue of enactments, prescribed for the purposes of section 1(7) of the Public Bodies (Joint Working) (Scotland) Act 2014.

Enactment conferring function	Limitation
<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.	

## **Annex 2 (Part 2). Services currently provided by Orkney Islands Council which are to be integrated**

The functions listed in part 1 of this annex relate to the following services:

- Social work services for adults and older people.
- Services and support for adults with physical disabilities and learning disabilities.
- Mental health services.
- Drug and alcohol services.
- Adult protection and domestic abuse.
- Carers support services.
- Community care assessment teams.
- Support services.
- Care home services.
- Adult placement services.
- Aspects of housing support, including aids and adaptations.
- Day services.
- Local area co-ordination.
- Respite provision.
- Occupational therapy services.
- Re-ablement services, equipment and telecare.

Additional services, delegated by choice:

- Social work services for children and young people.
- Child Care Assessment and Care Management.
- Looked After and accommodated Children.
- Child Protection.
- Adoption and Fostering.
- Special Needs/Additional Support.
- Early Intervention.
- Through-care Services.
- Youth Justice Services.
- Social Work Criminal Justice Services.
- Services to Courts and Parole Board.
- Assessment of offenders.
- Diversions from Prosecution and Fiscal Work Orders.
- Supervision of offenders subject to a community based order.
- Through care and supervision of released prisoners.
- Multi Agency Public Protection Arrangements.