

PERTH & KINROSS INTEGRATION JOINT BOARD

WEDNESDAY 23 MARCH 2016

**ISSUING OF DIRECTIONS
Report by Chief Officer**

PURPOSE OF REPORT

This report sets out the requirements in relation to the issuing of Directions to the Partners and asks the Board to approve the issuing of Directions to take effect from 1 April 2016.

1. BACKGROUND

- 1.1 With effect from 1 April 2016, the Board will be responsible for carrying out the functions set out in the Integration Scheme. These are the functions which are delegated to the Board by the Council and NHS. They are set out in the Scheme. As the Board does not employ staff, it will require either the Council or NHS to carry out those functions on its behalf.
- 1.2 The Board will achieve this by issuing written Directions to the Partners. Directions must be issued in relation to all of the Board's functions and will specify which functions the Board is requiring each Partner to carry out.

In terms of the 2014 Act, Directions must specify either the resources to be used by the Partner in relation to the function, or the method for determining what the Board will pay to the Partner for carrying out the function. Directions must also specify how that payment is to be used.

The Board also has wide discretion to regulate a number of other matters, for example by specifying how functions are to be carried out, what information the Partners are to provide to the Board and any other matter incidental to the carrying out of the function. The Board can also issue Directions requiring the Partners to carry out functions jointly.

Directions can also be adjusted as required to reflect any changes which the Board might wish to make to arrangements for carrying out of integrated functions.

- 1.3 Therefore, the Board will use Directions to implement the Strategic Plan, by setting out arrangements for the delivery and oversight of the integrated functions. Directions will also set out performance monitoring arrangements and the resources available to the Partners to deliver each of the functions.

2 CONCLUSION AND RECOMMENDATIONS

- 2.1 Draft Directions are attached to this report at Appendices 1 and 2.
- 2.2 It is recommended that the Board approves the Directions to be issued to the Partners and to take effect from 1 April 2016.

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PERTH AND KINROSS INTEGRATION JOINT BOARD (the “IJB”)**WRITTEN DIRECTIONS TO PERTH AND KINROSS COUNCIL**

This Direction will be for the period from 1 April 2016 to 31 March 2017. The IJB may vary this Direction and may issue further Directions to either replace or expand on this Direction.

This Direction is issued under sections 26 and 27 of the Public Bodies (Joint Working) (Scotland) Act 2014.

SECTION 1 – FUNCTIONS AND SERVICES TO BE DELIVERED BY PERTH AND KINROSS COUNCIL

The Council will carry out the functions specified in Appendix 1a.

The Council will deliver the services to which those functions relate. These services are specified in Appendix 1b.

SECTION 2 – DELIVERING THE FUNCTIONS AND SERVICES

The Council will carry out the functions and deliver services in a way which complies with:

- (a) The National Health and Wellbeing Outcomes;
- (b) The Integration Delivery Principles;
- (c) The Integration Scheme;
- (d) The Strategic Plan;
- (e) All other legal and regulatory requirements.

SECTION 3 – FINANCE

The payment which will be made to the Council for the period 1 April 2016 - 31 March 2017 will be £57,450,000. This will be in respect of the following:-

Core Allocation	£50,910,000
Social Care Funding	£6,540,000

This payment is made on an indicative basis. Discussions require to conclude on a revised budget offer from Perth & Kinross Council which takes into account the estimated £1.5m cost of additional Care Home Capacity which has emerged as a pressure since the Perth & Kinross Council Budget was approved in February and is therefore not currently reflected in the proposed budget to be devolved by Perth & Kinross Council to the IJB

This indicative payment is to be allocated in relation to the services as follows:

	£000
Older Peoples Services	37,149
Physical Disability	1,218
Learning Disabilities	16,205
Mental Health & Addictions	3,431
Other Support Services	(553)
Total	57,450

The Council will provide financial monitoring reports which meet the requirements of the Integration Scheme.

SECTION 4 – PERFORMANCE MONITORING

The Partners will report on performance of the functions and services according to the agreed Performance Monitoring Framework.

Column A Enactment conferring function	Column B Limitation
National Assistance Act 1948	
Section 48 (duty of councils to provide temporary protection for property of persons admitted to hospitals etc.)	
The Disabled Persons (Employment) Act 1958	
Section 3 (Provision of sheltered employment by local authorities)	
The Social Work (Scotland) Act 1968	
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 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.)	

Column A Enactment conferring function	Column B Limitation
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.
The Local Government and Planning (Scotland) Act 1982	
Section 24(1) (The provision of gardening assistance for the disabled and the elderly.)	
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.)	
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 are integration functions.
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.

Column A Enactment conferring function	Column B Limitation
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.
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
Section 45 (appeal, revocation etc.)	Only in relation to residents of establishments which are managed under integration functions
The Housing (Scotland) Act 2001	
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.)	
The Mental Health (Care and Treatment) (Scotland) Act 2003	
Section 17 (duties of Scottish Ministers, local authorities and others as respects Commission.)	

Column A Enactment conferring function	Column B Limitation
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.)	
The Housing (Scotland) Act 2006	
Section 71(1)(b) (assistance for housing purposes.)	Only in so far as it relates to an aid or adaptation.
The Adult Support and Protection (Scotland) Act 2007	
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 persons property.)	
Section 22 (right to apply for a banning order.)	
Section 40 (urgent cases.)	

Column A Enactment conferring function	Column B Limitation
Section 42 (adult protection committees.)	
Section 43 (membership.)	
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 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.)	

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

Column A Enactment conferring function	Column B Limitation
The Community Care and Health (Scotland) Act 2002	
Section 4(a) The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulations 2002	

Function	Services
Social work services for adults with physical disability and older people.	<ul style="list-style-type: none"> • Residential care homes – Local Authority • Placement budget – Commissioned residential / nursing care home placements • Home Care – Internal and External services • Locality Fieldwork Teams • Hospital Discharge Team • Occupational Therapy including Aids / Adaptations, JELS and Telecare/Community Alarm • Reviewing Officers • Day Opportunities – Internal and External • Reablement • Rapid Response Service • Immediate Discharge Service • Frozen Meals Service • Adult Care Respite Budget • Sensory Impairment – Commissioned
Assessment Services	<ul style="list-style-type: none"> • Fieldwork Teams • Access Team • Occupational Therapy • Home Care
Intake Services	<ul style="list-style-type: none"> • Access Team
Services and support for adults with learning disabilities.	<ul style="list-style-type: none"> • Learning Disability Fieldwork Team • Local Authority Day Opportunities • Supported Living Team • Employability Team • Learning Disability Commissioned Services • Learning Disability Respite Budget
Mental Health Services	<ul style="list-style-type: none"> • Community Mental Health Teams – Social Work • Choose Life Budget • Mental Health Respite Budget • Mental Health Commissioned Services • Wellbeing Support Team
Drug and Alcohol Services	<ul style="list-style-type: none"> • Drug and Alcohol Fieldwork Team • ADP Commissioned Services
Adult Protection and Domestic Abuse	<ul style="list-style-type: none"> • Domestic Abuse Commissioned Services • Inter-Agency Adult Protection co-ordination and support
Carers Support Services	<ul style="list-style-type: none"> • Carer Strategy Development • Carer Support Commissioned Services
Health Improvement Services	<ul style="list-style-type: none"> • Health Improvement Strategic support
Housing Support	<ul style="list-style-type: none"> • those areas of housing support that involve an indistinguishable overlap between personal care and housing support • Aids and adaptations

PERTH AND KINROSS INTEGRATION JOINT BOARD**WRITTEN DIRECTIONS TO NHS TAYSIDE**

This Direction will be for the period from 1 April 2016 to 31 March 2017. The IJB may vary this Direction and may issue further Directions to either replace or expand on this Direction.

This Direction is issued under sections 26 and 27 of the Public Bodies (Joint Working) (Scotland) Act 2014.

SECTION 1 – FUNCTIONS AND SERVICES TO BE DELIVERED BY NHS TAYSIDE

NHS Tayside will carry out the functions specified in Appendix 2a in so far as they relate to the Services listed in Appendix 2b.

A number of those Services are to be delivered across the Perth and Kinross, Dundee and Angus IJBs on a hosted basis. This has been agreed by all 3 IJBs. The lead IJB for each of the hosted services is set out at Appendix 2c.

The IJB may choose to issue further Directions in relation to the hosted services for which it is the lead IJB.

SECTION 2 – DELIVERING THE FUNCTIONS AND SERVICES

NHS Tayside will carry out the functions and deliver services in a way which complies with:

- (f) The National Health and Wellbeing Outcomes;
- (g) The Integration Delivery Principles;
- (h) The Integration Scheme;
- (i) The Strategic Plan;
- (j) All other legal and regulatory requirements.

SECTION 3 – FINANCE

3.1 The payment (excluding set aside budgets) which will be made to NHS Tayside for the period 1 April 2016 - 31 March 2017 will be £112,634,000.

This is an indicative payment and NHS Tayside should note that:-

- Further work is required to finalise the IJB's share of NHS Tayside Hosted Services. The basis for this split is still indicative and the memorandum of understanding in relation to principles underpinning the NHS Tayside Hosting Arrangements has not yet been agreed. As indicated in section 2, further Directions in relation to this will be issued in due course.
- A number of budget allocation issues still require to be finalised in respect of core services (defined in 3.2 below).
- The efficiency savings target which has been set is very significant and no detailed savings plan has yet been developed which can confirm the overall adequacy of the budget at this stage. In addition a significant reduction in supplementary staffing costs will be required to deliver in year financial balance. Further work is required by the NHS Tayside Executive Team and their officers, in partnership with the Chief Officer and Chief Finance Officer, to develop a robust financial recovery plan by the end of June 2016 that can give reassurance that the budget proposed is adequate. This will

require to include direct support from those leading each of the NHS Tayside efficiency and productivity work streams to identify robust savings plans that will support delivery of the IJB's savings target. It will also specifically require significant direct support from the Director of Pharmacy and their team to identify and support delivery of the significant GP Prescribing savings target.

- Partnership funding has not been included in the payment at this stage whilst discussions conclude around appropriate accounting treatment.
- If it is determined that the indicative budget figure does not meet the requirements of the Scheme, then NHS Tayside require to enter into discussions with the IJB around an appropriate revised budget figure.

3.2 The indicative payment is to be allocated in relation to the services as follows:

Core Services	£000
Older Peoples Services	16,989
Mental Health& Substance Mis-use	20,981
Community Services	21,126
Learning Disabilities	8,168
GP Prescribing	26,040
Other	1,278
Family Health Services	34,736
Sub-total	129,318
Less: Services hosted on behalf of other IJB's	-16,684
Total	112,634

3.3 The indicative amount set aside by NHS Tayside in respect of functions and services delivered in hospitals as defined in section 1(4) of the Act, is £17,672,000. Financial Assurance has not been completed in respect of this amount. A further Direction will be issued in due course in this respect.

SECTION 4 – FINANCIAL AND PERFORMANCE MONITORING

The Partners will report on performance of the functions and services according to the agreed Performance Monitoring Framework. This will include financial monitoring reports which meet the requirements of the Integration Scheme.

Column A	Column B
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	Except functions conferred by or by virtue of—
	section 2(7) (Health Boards);
	section 2CB (functions of Health Boards outside Scotland);
	section 9 (local consultative committees);
	section 17A (NHS contracts);
	section 17C (personal medical or dental services);
	section 17 I (use of accommodation)
	section 17J (Health Boards' power to enter into general medical services contracts);
	section 28A (remuneration for Part II services);
	section 38 (care of mothers and young children);
	section 38A (breastfeeding);
	section 39 (medical and dental inspection supervision and treatment of pupils and young persons);
	section 48 (residential and practice accommodation);
	section 55 (hospital accommodation on part payment);
	section 57 (accommodation and services for private patients);
	section 64 (permission for use of facilities in private practice);
	section 75A (remission and repayment of charges and payment of travelling expenses);
	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.);

Column A	Column B
	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 (payment of allowances and remuneration to members of certain bodies connected with the health services);
	paragraphs 4, 5, 11A and 13 of Schedule 1(c) 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;
	The National Health Services (Primary Medical Services Performers Lists) (Scotland) Regulations 2004;
	The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004;
	The National Health Service (Discipline Committees)(Scotland) Regulations 2006;
	The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006;
	The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009and
	The National Health Service (General Dental Services) (Scotland) Regulations 2010; and
	The National Health Service(Free Prescriptions and Charges for Drugs and Appliances)(Scotland) Regulations 2011
Disabled Persons (Services, Consultation and Representation) Act 1986	
Section 7 (Persons discharged from hospital)	

Column A	Column B
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, or by virtue of, the Mental Health (Care and Treatment) (Scotland) Act 2003.	<p>Except functions conferred by—</p> <p>section 22 (Approved medical practitioners);</p> <p>section 34 (inquiries under section 33:co-operation);</p> <p>section 38(duties on hospital managers: examination, notification etc.);</p> <p>section 46 (hospital managers' duties: notifications);</p> <p>section 124 (transfer to other hospital);</p> <p>section 228 (request for assessment of needs: duty on local authorities and Health Boards);</p> <p>section 230 (appointment of patient's responsible medical officer);</p> <p>section 260 (provision of information to patient);</p> <p>section 264 (detention in conditions of excessive security: state hospitals);</p> <p>section 267 (orders under sections 264 to 266:recall)</p> <p>section 281 (correspondence of certain persons detained in hospital);</p> <p>and functions conferred by-</p> <p>The Mental Health (Safety and Security) (Scotland) Regulations 2005</p> <p>The Mental Health (Cross border transfer: patients subject to detention requirement or otherwise in hospital) (Scotland) Regulations 2005;</p> <p>The Mental Health (Use of Telephones) (Scotland) Regulations 2005; and</p> <p>The Mental Health (England and Wales Cross border transfer: patients subject to requirements other than detention) (Scotland) Regulations 2008.</p>

Column A	Column B
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.

- Accident and emergency services provided in a hospital
- Inpatient hospital services relating to the following branches of medicine:
 - General medicine
 - Geriatric medicine;
 - Rehabilitation medicine;
 - Respiratory medicine;
 - Psychiatry of learning disability.
- Palliative care services provided in a hospital
- Inpatient hospital services provided by general medical practitioners
- Services provided in a hospital in relation to an addiction or dependence on any substance
- Mental health services provided in a hospital, except secure forensic mental health services.
- District nursing services
- Services provided outwith a hospital in relation to an addiction or dependence on any substance
- Service provided by allied health professionals in an outpatient department, clinic, or outwith a hospital
- Public dental services
- 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
- 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
- Primary medical services out-of-hours
- Geriatric medicine outwith a hospital
- Palliative care outwith a hospital
- Community learning disability services
- Mental health services provided outwith a hospital.
- Home renal services
- Continence services provided outwith a hospital.
- Services provided by health professionals that aim to promote public health

The following services from will also be integrated in respect of people under the age of 18:

- Accident and Emergency services provided in a hospital
- public dental services
- 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
- 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
- Primary medical services out-of-hours
- Community learning disability services
- Home renal services
- Services provided by health professionals that aim to promote public health

These services are hosted by **Perth and Kinross Integration Joint Board** on behalf of the other Tayside Integration Joint Boards;

- Learning Disability inpatient services
- Substance misuse inpatient services
- Public Dental Services/Community Dental Services
- General Adult Psychiatry (GAP) Inpatient services
- Prisoner Healthcare
- Podiatry

These services are hosted by **Dundee Integration Joint Board** on behalf of the other Tayside Integration Joint Boards;

- Psychology
- Sexual and Reproductive Health services
- Homeopathy
- Specialist Palliative Care
- The Centre for Brain Injury Rehabilitation (CBIRU)
- Eating disorders
- Dietetics
- Medical Advisory
- Tayside Health Arts Trust
- Keep Well
- Psychotherapy

These services are hosted by **Angus Integration Joint Board** on behalf of the other Tayside Integration Joint Boards;

- Locality Pharmacy
- GP Out of Hours
- Forensic Medicine and Custody Nursing
- Continence
- Speech and Language Therapy

