



The following material is provided in relation to Section 4 of the Integration Scheme. Annex 1 Part 1 relates to Prescribed Health Board Functions as set out in The Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Regulations 2014

http://www.legislation.gov.uk/ssi/2014/344/pdfs/ssi_20140344_en.pdf

Annex 2 Part 1 relates to Prescribed Local Authority Functions as set out in The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Regulations 2014

http://www.legislation.gov.uk/ssi/2014/345/pdfs/ssi_20140345_en.pdf

ANNEX 1

PART 1

Functions delegated by the NHS Western Isles to the Integration Joint Board

1.1 Set out below is the list of functions that are to be delegated by NHS Western Isles to the Integration Joint Board in compliance with the Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Regulations 2014. These functions are delegated only to the extent that they are exercisable in relation to the services listed in Part 2 of Annex 1.

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(1) (Functions of Health Boards outside Scotland);
section 9 (local consultative

committees);
section 17A (NHS Contracts);
section 17C (personal medical or
dental services);
section 17I(2) (use of
accommodation);
section 17J (Health Boards' power to
enter into general medical services
contracts);
section 28A (remuneration for Part II
services);

1) Section 2CA was inserted by S.S.I. 2010/283, regulation 3(2) (as section 2CA) and re-numbered as section 2CB by S.S.I. 2013/292, regulation 8(2).

(2) Section 17I was inserted by the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2 and amended by the Primary Medical Services (Scotland) Act 2004 (asp 1), section 4. The functions of the Scottish Ministers under section 17I are conferred on Health Boards by virtue of S.I. 1991/570, as amended by S.S.I. 2006/132.

Section 48 (provision of residential and practice accommodation);
section 55⁽³⁾ (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⁽⁴⁾ (remission and repayment of charges and payment of travelling expenses);
section 75B⁽⁵⁾ (reimbursement of the cost of services provided in another EEA state);

section 75BA ⁽⁶⁾ (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⁽⁷⁾ use and administration of certain endowments and other property held by Health Boards);

section 83⁽⁸⁾ (power of Health Boards and local health councils to hold property on trust);
section 84A⁽⁹⁾ (power to raise money, etc., by appeals, collections etc.);

Section 55 was amended by the Health and Medicines Act 1988 (c.49), section 7(9) and Schedule 3 and the National Health Service and Community Care Act 1990 (c.19), Schedule 9. The functions of the Secretary of State under section 55 are conferred on Health Boards by virtue of S.I. 1991/570.

(4) Section 75A was inserted by the Social Security Act 1988 (c.7), section 14, and relevantly amended by S.S.I. 2010/283. The functions of the Scottish Ministers in respect of the payment of expenses under section 75A are conferred on Health Boards by S.S.I. 1991/570.

(5) Section 75B was inserted by S.S.I. 2010/283, regulation 3(3) and amended by S.S.I. 2013/177.

(6) Section 75BA was inserted by S.S.I. 2013/292, regulation 8(4).

(7) Section 82 was amended by the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 7) section 1(2) and the National Health Service Reform (Scotland) Act 2004 (asp 7), schedule 2.

(8) There are amendments to section 83 not relevant to the exercise of a Health Board's functions under that section.

(9) Section 84A was inserted by the Health Services Act 1980 (c.53), section 5(2). There are no amendments to section 84A which are relevant to the exercise of a Health Board's functions.

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 (10) (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 (11);
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

10) Section 98 was amended by the Health and Medicines Act 1988 (c.49), section 7. The functions of the Secretary of State under section 98 in respect of the making, recovering, determination and calculation of charges in accordance with regulations made under that section is conferred on Health Boards by virtue of S.S.I. 1991/570.

(11) S.I. 1989/364, as amended by S.I. 1992/411; S.I. 1994/1770; S.S.I. 2004/369; S.S.I. 2005/455; S.S.I. 2005/572 S.S.I. 2006/141; S.S.I. 2008/290; S.S.I. 2011/25 and S.S.I. 2013/177.

The National Health Service (Free Prescription and Charges for Drugs and Appliances) (Scotland) Regulations 2011/55⁽¹²⁾.

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)⁽¹³⁾;
section 38 (Duties on hospital managers: examination notification etc.)⁽¹⁴⁾;
section 46 (Hospital managers' duties: notification)⁽¹⁵⁾;
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

12) S.S.I. 2011/55, to which there are amendments not relevant to the exercise of a Health Board's functions.

13) There are amendments to section 34 not relevant to the exercise of a Health Board's functions under that section.

14) Section 329(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 provides a definition of "managers" relevant to the functions of Health Boards under that Act.

15) Section 46 is amended by S.S.I. 2005/465.

section 264 (Detention in conditions of excessive security: state hospitals);
section 267 (Orders under sections 264 to 266: recall);
section 281⁽¹⁶⁾ (Correspondence of certain persons detained in hospital);
and functions conferred by—
The Mental Health (Safety and Security) (Scotland) Regulations 2005⁽¹⁷⁾;
The Mental Health (Cross Border transfer: patients subject to detention requirement or otherwise in hospital) (Scotland) Regulations 2005⁽¹⁸⁾;
The Mental Health (Use of Telephones) (Scotland) Regulations 2005⁽¹⁹⁾; 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

16) Section 281 is amended by S.S.I. 2011/211.

(17) S.S.I. 2005/464, to which there are amendments not relevant to the exercise of the functions of a Health Board. Section 329(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 provides a definition of “managers” relevant to the functions of Health Boards.

(18) S.S.I. 2005/467. Section 329(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 provides a definition of “managers” relevant to the functions of Health Boards.

(19) S.S.I. 2005/468. Section 329(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 provides a definition of “managers” relevant to the functions of Health Boards.

(20) S.S.I. 2008/356. Section 329(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 provides a definition of “managers” relevant to the functions of Health Boards.

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⁽²¹⁾.

But in each case, subject to the restrictions set out in article 3(3) of the Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Regulations 2014 so far as they extend to the services detailed in Part 2 of Annex 1 of this Scheme.

⁽²¹⁾ S.S.I. 2012/36. Section 5(2) of the Patient Rights (Scotland) Act 2011 (asp 5) provides a definition of “relevant NHS body” relevant to the exercise of a Health Board’s functions.

PART 2

Services currently provided by NHS Western Isles which are to be delegated

Interpretation of this Part 2 of Annex 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(22); and

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

The functions listed in Part 1 of Annex 1 are delegated to the extent that they are exercisable in the provision of the following services:

Part 2A

Provision for people over the age of 18

The functions listed in Part 1 of Annex 1 are delegated to the extent that:

- a) the function is exercisable in relation to the persons of at least 18 years of age;
- b) the function is exercisable in relation to care or treatment provided by health professionals for the purpose of health care services listed at numbers 1 to 6 below; and
- c) the function is exercisable in relation to the following health services:

1. Accident and Emergency services provided in a hospital.

2. Inpatient hospital services relating to the following branches of medicine –

(22) S.S.I. 2004/115.

- (a) general medicine;
- (b) geriatric medicine;
- (c) rehabilitation medicine;
- (d) respiratory medicine; and

(e) psychiatry of learning disability.

3. Palliative care services provided in a hospital.
 4. Inpatient hospital services provided by General Medical Practitioners.
 5. Services provided in a hospital in relation to an addiction or dependence on any substance.
 6. Mental health services provided in a hospital, except secure forensic mental health services.
 7. District nursing services.
 8. Services provided outwith a hospital in relation to an addiction or dependence on any substance.
 9. Services provided by allied health professionals in an outpatient department, clinic, or outwith a hospital.
 10. The public dental service.
 11. 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(23).
 12. General dental services provided under arrangements made in pursuance of section 25 of the National Health (Scotland) Act 1978(24).
 13. Ophthalmic services provided under arrangements made in pursuance of section 17AA or section 26 of the National Health Service (Scotland) Act 1978(25).
 14. 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(26).
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- (23) Section 2C was inserted by the Primary Medical Services (Scotland) Act 2004 (asp 1), section 1(2) and relevantly amended by the National Health Service Reform (Scotland) Act 2004 (asp 7), schedule 1, and the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3), section 37.
- (24) Section 25 was relevantly amended by the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), section 15.
- (25) Section 17AA was inserted by the National Health Service (Primary Care) Act 1997 (c.46), section 31(2) and relevantly amended by the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), section 25. Section 26 was relevantly amended by the Health and Social Security Act 1984 (c.48), Schedule 1, and the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) section 13.
- (26) Section 27 was relevantly amended by the Health Services Act 1990 (c.53), section 20; the National Health Service and Community Care Act 1990 (c.19), Schedule 9; the Medicinal Products:
15. Services providing primary medical services to patients during the out-of-hours period.
 16. Services provided outwith a hospital in relation to geriatric medicine.
 17. Palliative care services provided outwith a hospital.
 18. Community learning disability services.
 19. Mental health services provided outwith a hospital.

20. Continence services provided outwith a hospital.
21. Kidney dialysis services provided outwith a hospital.
22. Services provided by health professionals that aim to promote public health.

Part 2B

NHS Western Isles has also chosen to delegate the functions listed in Part 1 of Annex in relation to the following services:

Provision for people under the age of 18

The functions listed in Part 1 of Annex 1 are also delegated to the extent that:

- a) the function is exercisable in relation to persons of less than 18 years of age; and
- b) the function is exercisable in relation to the following health services:

1. Primary Medical Services and General Medical Services (including GP Pharmaceutical services)
2. General Dental Services, Public Dental Services.
3. General Ophthalmic Services
4. General Pharmaceutical Services
5. Out of Hours Primary Medical Services
6. Learning Disabilities
7. Health Visiting
8. School Nursing

Prescription by Nurses etc. Act 1992 (c.28), section 3; the National Health Service and Community Care Act 1997 (c.46), Schedule 2 and the Health and Social Care Act

Annex 2Part 1

Functions delegated by the Local Authority to the Integration Joint Board

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

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

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
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 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 Adults with Incapacity (Scotland) Act 2000	

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
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 to a registered 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.)	
Section 25 (Care and support services etc.)	Except in so far as it is exercisable in relation to the provision of housing support services.

<i>Column A Enactment conferring function</i>	<i>Column B Limitation</i>
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.)	
Section 42 (Adult Protection Committees.)	
Section 43 (Membership.)	
Social Care (Self-directed Support) (Scotland) Act 2013	

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

<i>Column A Enactment conferring function</i>	<i>Column B Limitation</i>
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The Community Care and Health (Scotland) Act 2002

Section 4
The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulations 2002

Criminal Procedure (Scotland) Act 1995(to be formatted)

S203 – Local Authority reports pre sentencing.

S209 – report prepared for consideration of supervised release orders,
S210A and S210AA– report for consideration of extended sentence.

S227, from 227B in respect of the imposition and supervision of Community Payback Orders.

S228 (Probation Orders)

S235 ((Supervised Attendance Orders)

S238-(Community Service Orders)

S234B – Report and evidence from Local Authority officer re Drug Treatment and Testing Order.

S245A – Report by Local Authority officer re Restriction of Liberty Orders.

S51 (1) (aa)and (b) and Section 51 (5)
(Remand and committal of children
and young persons in to care of LA.)-see explanatory note below.

Management of Offenders etc. (Scotland) Act 2005

S10 – Arrangements for assessing and managing risks posed by certain offenders.

S11 – review of arrangements.

Social Work (Scotland) Act 1968

S27 – supervision and care of persons put on probation or released from prison.

S27ZA – advice, guidance and assistance to persons arrested or on whom sentence is deferred.”

Explanatory note re section 55 of 1995 Act-not part of Scheme.

S51 of the Criminal Procedure (S) Act 1995, S51(1)(aa) applies, S(1)(b) applies and S51(5) – basically once a young person reaches the age of 16. If the young person is on supervision and is 16 then he can be remanded into a secure place as opposed to prison – but this is also by the agreement of the Parole division. In this situation, Children’s Services would continue to have responsibility via the supervision order – however, criminal justice would begin their involvement in terms of their fulfilment of S203, preparation of reports.

In addition, CJ functions would relate to the fulfilment of S209 – report prepared for consideration of supervised release orders, S210A and S210AA– report for consideration of extended sentence. This may be covered of course by S203 but are specific in relation to offenders who receive a custodial sentence. All of S227, really from 227B in respect of the imposition and supervision of Community Payback Orders.

S228, S235 and S238 may be imposed by the Courts in respect of historical offences – but these are now few and far between and usually relate to historical sexual offences which have been significant to take to Court – and likely result in custodial sentences. CPOs is current business for offences dealt with over the last three years.

Annex 2

Part 2

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

- 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
- Health improvement 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

Local Additions

- Criminal Justice Social Work Services