

HSCI

Public Bodies(Joint Working) Scotland Regulation 2014, Prescribed Health Functions

Easy Read Version

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POLICY NOTE

THE PUBLIC BODIES (JOINT WORKING) (PRESCRIBED HEALTH BOARD FUNCTIONS) (SCOTLAND) REGULATIONS 2014

1. The above instrument was made in exercise of the powers conferred by sections 1(6), 1(8) and 69(1) of the Public Bodies (Joint Working) (Scotland) Act 2014.

Policy Objectives

2. The Public Bodies (Joint Working) (Scotland) Act requires Health Boards and Local Authorities to agree arrangements for joint working in their area. On July 2nd 2014, the Health Board and the Shetland Islands Council took the decision to move forward with the integration model of Body Corporate. These joint working arrangements will involve the delegation of functions by the local authority, and by the Health Board. The policy objectives are:

- To create a single system for local joint strategic commissioning of health and social care services, which is built around the needs of customers and which supports whole system redesign in favour of preventative and anticipatory care in communities.
- To ensure that integrated arrangements include, at least, adult social care, adult primary and community health care, and aspects of adult hospital care that offer the best opportunities for service redesign and better outcomes.

3. This instrument sets out which health functions and services must, may and may not be included in the integrated arrangement.

4. The Health Board functions that **must** be delegated as set out in these instruments are;

All functions of Health Boards conferred by, or by virtue of, the **National Health Service (Scotland) Act 1978**

The following exceptions to this are as follows;

- A Health Board may at any time, and if directed by the Secretary of State shall, within such period as he may specify, submit a new scheme for the exercise of their functions, and regulations making the provision mentioned in subsection (6) shall, with any necessary modifications, apply to any such scheme.
- Functions of health boards outside of Scotland – NOTE: has been repealed however currently under amendment
- Local Consultative committees
- NHS Contracts
- Personal Medical or dental services
- Use of accommodation in relation to personal medical or dental services
- HB powers to enter into GM services contracts
- Remuneration for Part II services
- Care for mothers and young children

- Breastfeeding
- Medical and Dental Inspection, Supervision and treatment of pupils and young persons
- Residential and practice accommodation);
- Hospital accommodation on part payment);
- Accommodation and services for private patients
- Permission for use of facilities in private practice)
- Remission and repayment of charges and payment of travelling expenses);
- Reimbursement of the cost of services provided in another EEA
- Purchase of land and moveable property;
- use and administration of certain endowments and other property held by Health Boards
- Power of Health Boards and local health councils to hold property on trust)
- Power to raise money, etc., by appeals, collections etc.
- Accounts of Health Boards and the Agency
- Payment of allowances and remuneration to members of certain bodies connected with the health services);
- Charges in respect of non-residents;
- Health Board Constitution
- Supplementary Provisions
- Travel and other allowances for Special boards
- The National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989
- The National Health Service (Discipline Committees) (Scotland) Regulations 2006;
- The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009;
- The National Health Service (General Dental Services) (Scotland) Regulations 2010;
- The National Health Service (Free Prescription and Charges for Drugs and Appliances) (Scotland) Regulations 2011

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

- Representation and Assessment – 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

The 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
 - Approved Medical Practitioners
 - Cooperation with LA with regard to mental health inquiries
 - Emergency Detention – Duties on Hospital Managers
 - Short term Detention – Duties on Hospital Managers
 - Transfer to another hospital authorised by a compulsory treatment order

- Assessment of needs
- Appointment of patient responsible medical officer
- Provision of information to patient – take all reasonable steps to ensure that the patient understands the relevant matters to them and to ensure that they are made aware of Independent advocacy services available locally.
- Detention in conditions of excessive security; State hospitals including orders of recall.
- Correspondence for persons detained in state hospitals
- The mental health (safety and security)(Scotland) Regulations 2005
- The Mental Health (Cross border transfer: patients subject to detention requirements or otherwise in hospital)(Scotland) Regulations 2005
- The Mental Health(Use of Telephones)(Scotland) Regulations 2005
- The Mental Health (English and Wales Cross border transfer: patients subject to requirements other than detention)(Scotland) Regulations 2005

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

- Agencies, other than the Local Authority to help in exercising of this function.

Public Services Reform Scotland Act 2010

All functions of the Health Board conferred by, or by virtue of, the public services reform (Scotland) act 2010, with the **except**,

- Duty to provide information on certain expenditure
- Duty to provide information on exercise of functions

Patients Rights (Scotland) Act 2011

All functions of the Health Board conferred by, or by virtue of, the Public Rights (Scotland) Act 2011 **except** functions conferred by The Patients Rights (complaints procedure and consequential provisions) (Scotland) Regulations 2012