

Health and Social Care Integration - A Guide for Housing Practitioners (Briefing no 2)

Health and Social Care Integration is not just about health and social care services

1. Some 'housing' functions will become part of the integration arrangements – with the lead responsibility shifting to health and social care.
2. Delivering the national health and wellbeing outcomes set out in the new Regulations will require people to be supported (eg aids and adaptations) so that they can live in their own home for longer.
3. The strategic planning process will expect to take into account the information contained within local housing strategies.

Introduction

The [Public Bodies \(Joint Working\) \(Scotland\) Act](#) establishes the legal framework for integrating health and social care in Scotland. The Act requires each Health Board and Local Authority to delegate some of its functions to the Integration Authority. One of the aims is to address challenges associated with the current health and social care system in Scotland, including the need to respond to an ageing population which will put increasing strain on demand led budgets and services. A key aim of integration is to shift the balance of care from acute to community-based settings, and to ensure services and resources can be used more flexibly to better meet need, including through earlier intervention to take future demand out of the system.

This briefing is one of a series being prepared by the JIT in collaboration with the Housing Coordinating Group to explain the implications of health and social care integration as it affect the housing sector. Mention will therefore be made in this briefing of Adaptations, Housing support, strategic planning; and other relevant aspects of this agenda that has implications for housing professionals and their customers.

What is the Public Bodies Act about?

1. Effective partnership working between the NHS and local authorities is widely recognised as a prerequisite for achieving good health and social care outcomes. The Act is intended to provide a framework to support

improvement in the quality and consistency of service outcomes through the integration of adult health and social care services.

2. Local partners can decide which of two different models they will use – a ‘lead agency’ arrangement where functions are delegated from one partner to another or to both partners, or a ‘body corporate’ where functions are delegated to a new partnership body whose voting membership will be drawn in equal proportion from the respective health board and local authority. Both models are referred to as an ‘Integration Authority’, and the ‘Integration Scheme’ sets out the local arrangements.
3. The Act sets out in a schedule a range of social care functions, including certain functions of local authorities under ‘housing’ legislation, which may be delegated to an Integrated Authority at their discretion. In addition, the Act establishes a power for Ministers to make Regulations requiring that certain of those functions ‘must’ be delegated arrangements.

What are the timescales for implementing the Act?

4. Following consultation on the Regulations over the summer, new updated regulations have now been laid in Parliament where they are subject to the affirmative scrutiny procedure, prior to commencement of integration. Integrated arrangements come into being from April 2015. New Integration Authorities have until April 2016 to meet their statutory requirement to produce a strategic plan. However, local partnerships are encouraged to have their integrated arrangements fully operational in advance of April 2016. Decisions about the scope of integration must be made as part of the Integration Scheme. Much work requires to be done over the next 6 months and into 2015/16.

What do the draft Regulations cover?

5. The Act requires each Health Board and Local Authority to delegate some of its functions to their Integration Authority. The regulations that underpin the Act set out which Health and Social Care/Housing functions and services that must be delegated. The contents of the Regulations are outlined below:

Draft Regulation laid before Parliament on October 3 2014

1. [Prescribed matters to be included in the Integration Scheme](#)
2. [Prescribed functions that must be delegated by Local Authorities](#)
3. [Prescribed functions that must and may be delegated by Health Boards](#)
4. [Prescribed National Health and Wellbeing Outcomes](#)

<http://www.scotland.gov.uk/topics/health/policy/adult-health-socialcare-integration>

Once approved by resolution of the Parliament, the Regulations will come into effect by December 2014.

What does it have to do with housing?

6. Certain functions often undertaken by Local Authority Housing Services are in the list of functions, which may be integrated. This recognises the importance of people's homes to their health and wellbeing and vital role played by Housing in improving people's health and wellbeing, and this was repeatedly highlighted in evidence on integration given to the Parliament both by the housing sector and health and social care groups during the passage of the Bill.
7. The Act sets out functions that '**may**' be delegated with regulations setting out the functions that '**must**' be delegated. Housing support services, including a number of related social work provisions, are included in the list of functions that 'may' be delegated. The consultation period over the summer of 2014 has resulted in some limitations to what **must** be delegated under the housing legislation.

Which housing functions "must" be delegated to the new integration authorities?

8. The proposed housing functions that 'must' be delegated to the Integration Authorities are detailed in the table below:

Oct '14 Regulations: Housing-related functions that "must" be delegated

Act	Section/s	Functions
Housing (Scotland) Act 2001	Section 92	(2)(a): Only in so far as it relates to an aid or adaptation. [NB: remainder of section relates to Local Authority strategic housing functions]
Housing (Scotland) Act 2006	Section 71	(2)(e)&(f): Only in so far as it relates to an aid or adaptation. [NB: remainder of section relates to wide range of Local Authority powers to promote and provide housing]

Local Government & Planning (Scotland) Act 1982	Section 24	Provision of gardening assistance for people with disabilities and to older people
---	----------------------------	--

Public Bodies Act: Housing-related functions that “may” be delegated

Act	Section/s	Functions
Housing (Scotland) Act 1987	Sections 4, 5 and 5A and Part II	Power of local authority to provide furniture, etc. Power of local authority to provide board and laundry facilities. Power of local authority to provide welfare services. Homelessness
Housing (Scotland) Act 2001	Sections 1, 2, 5, 6, 8 and 92	Homelessness strategies Advice on homelessness Duty of registered social landlord to provide accommodation Duty of registered social landlord: further provision Common housing registers Assistance for housing purposes
Social Work (Scotland) Act 1968	Section 12A	Community care services assessment

Other Legislation of Relevance/Interest

Social Work (Scotland) Act 1968	Section 12	[NB: The following function is particularly relevant to housing support] Assessment of need and provision of social welfare services including, residential care, personal care and housing support. (<i>Housing Support is a ‘must’ be delegated function only in so far as it is provided in conjunction with personal care).</i>
---------------------------------	----------------------------	--

Community Care & Health (Scotland) Act 2002	Section 4	Provision of accommodation under the Social Work (Scotland) Act 1968, including residential care
---	---------------------------	--

Strategic Planning Arrangements and Housing Involvement

9. Integration authorities are obliged to establish a strategic planning group for each local authority area, for the purposes of preparing the strategic plan for that area. Depending on the model of integration chosen, the group must involve members nominated by the local authority or the Health Board, or both. In effect, this provides for the partners who prepared the integration scheme, and are party to the integrated arrangements to be involved in the development of the strategic plan.
10. In addition, the Integration Authority is required to involve a range of relevant stakeholders. These groups must include representatives of groups prescribed by the Scottish Ministers by regulations as having an interest. This includes “non-commercial providers of social housing” eg RSL’s.
11. The strategic plan should ensure correlation with other local policy directions as outlined in, for instance, Single Outcome Agreements, NHS Local Delivery Plans, Housing Strategies, NHS Clinical Strategies, community plans and other local corporate plans.

Will housing be consulted on the draft Strategic Plans?

12. The integration authority established through the integration scheme will then be required to develop a strategic plan setting out how it will deliver improved health and social care outcomes, including through locality planning that will involve professionals, communities, service-users, carers and the third sector. This plan must be widely consulted on. It will then be the responsibility of the integration authority to ensure the delegated functions; services and budgets support the delivery of the agreed priorities.
13. Local Authorities will be represented on the strategic planning group: it will be a local matter as to whether this will include the local **housing** authority. In addition, Local Authorities and their Integration Authority

will be responsible for developing strategic plans that align and consider plans relating to housing. National Guidance on Preparing a Strategic (Commissioning) Plan will be issued in December 2014.

14. The Scottish Government has recently issued updated Local Housing Strategy guidance which has a specific section (9 – Specialist Provision and Independent Living Context) on health and social care integration:

<http://www.scotland.gov.uk/Publications/2014/08/3070>

Housing Authorities should engage with their health & social care partners on their legislative requirement to assess housing needs and conditions and the link with Joint Strategic Needs Assessment.

What about Housing Contribution Statements?

15. Housing Contribution Statements have been in place since 2013. They provide an initial formal link between the strategic planning process in housing at a local level and that of health & social care. The HCS was essentially to form part of the wider Joint Strategic Commissioning Plan (JSC) for Older People. Most LAs will have used their current LHS to form the basis of their first HCS and will have presented key housing actions and outcomes in relation to older people. It is important to note in this context that the new arrangements focus on all adult groups although can be wider if partners choose to include children's services and/or criminal justice social work) in terms of the integration proposals. This therefore widens the scope to include wider community care groups such as those with disabilities, mental health and addictions. The new LHS Guidance intimates that LAs will need to revise their HCS (potentially in April 2015). However it is anticipated that guidance on any new HCS will have to be developed in line with the suite of guidance (yet to be finalised and published) associated with the new integrated health and social care arrangements. For example the current draft of the Guidance on Strategic Commissioning refers to part of the strategic plan process being to "...complete the HCS and consider the options for housing solutions".

What is Locality Planning and how will housing be involved?

16. The development of locality planning arrangements is seen as an essential part of the integration reform agenda. By virtue of section 23(3), all strategic plans prepared under the Act require to make provision about localities. All Integration Authorities are expected to

have at least two localities as part of their local arrangements for planning and delivering services.

As noted earlier, the regulations stipulate that ‘non commercial providers of social housing’ will be one of the groups consulted in relation to decisions affecting localities.

17. Draft guidance published on preparing a strategic (commissioning) plan highlights that the housing sector already makes a very significant contribution to national Outcomes on health and social wellbeing by:

- Providing information and advice on housing options
- Facilitating, or directly providing ‘fit for purpose’ housing that gives people choice and a suitable home environment
- Providing low level, preventative services which can obviate the need for more expensive interventions at a later stage
- Building capacity in local communities
- Undertaking effective strategic housing planning

How are homelessness related provisions affected?

18. A number of homelessness functions are listed in the Act that ‘may’ be delegated to an Integrated Authority:

- [Housing \(Scotland\) Act 1987](#), part II
- [Housing \(Scotland\) Act 2001](#), section 1, 2, 5 & 92 [NB: Section 92 is the only function included in the Regulations that ‘must’ be delegated by a Local Authority]

19. The proposed housing related functions that ‘may’ be delegated cover a wide range of services including, but not limited to, housing adaptations, housing support and services related to homelessness. It will be at the discretion of each Integrated Authority as to whether the duty to assess and provide for the housing support needs of homeless people falls within their scope.

How is Housing Support defined within the delegated functions listed?

20. Housing support is re-defined for the purposes of the Act along the lines set out in the Regulation of Care (Scotland) Act 2001 but makes it clear that services which involve personal care will not be counted as housing support. The schedule setting out the “must be” delegated

functions appears to take out housing support from the type of welfare assistance envisaged through the Social Work 1968 Act.

How will delegated functions be managed under the new Integration Authorities?

- 21.** Local authorities and health boards will be required to develop an Integration Scheme setting out which integration model they intend to use (lead agency or body corporate), and which functions, services and budgets they intend to delegate to it. The integration scheme effectively 'creates' the integration authority and must be agreed by both bodies and the Cabinet Secretary for Health and Wellbeing. Integration schemes must be submitted for approval by 1 April 2015. Implementation of the duties set out in the Act will take place during 2015/16.
- 22.** Further management comes in the form of nine national health and wellbeing outcomes, which are listed the draft Regulations now laid before parliament. These outcomes are intended to provide a framework for Integrated Authorities when planning and carrying out their duties.

<http://www.legislation.gov.uk/sdsi/2014/9780111024522>

What are the next steps for housing?

- 23.** The Scottish Government has listened to stakeholder's views including the Housing Coordinating Group (ALACHO, SFHA, GWSF, HSEU and Care and Repair Scotland). This has resulted in a number of changes to the draft Regulations over the summer. They have also been able to secure some modest funding to allow the Joint Improvement Team (JIT) to appoint some housing expertise in the short term to provide expert support to the housing sector to agree their contribution and relationship with the new health and social care partnerships, building on the joint commissioning and housing contribution statements.
- 24.** Of course it will be for housing services locally to try to help shape and influence the Strategic Plans in a way that takes full cognisance of the importance of housing in helping achieve some of the nine national outcomes. Housing practitioners can do this by:

- a. Ensuring the Chief Housing Officer in each Local Authority is both aware of and engaged in current and future discussions on health and social care integration and in particular the governance and strategic planning arrangements being proposed;
- b. At the earliest opportunity LAs should ensure that RSLs operating in their area are informed and aware of the health and social care integration agenda, proposals being discussed and potential implications;
- c. Reviewing their own partnership structures governing the LHS (and associated strategies) and considering how these may be improved to foster direct linkages with new structures for health & social care;
- d. Getting involved in discussions over establishing arrangements for Locality Planning within their area.

Is there any support available to housing practitioners?

25. Experienced housing professionals have been appointed to the Joint Improvement Team (JIT) on a short-term basis to: -
- Build understanding amongst housing organisations of health and social care integration, its implications and opportunities.
 - Support the sector at local level to contribute to discussions with the new health and social care partnerships, particularly in relation to scope as it affects housing functions and arrangements for strategic planning.
 - Increase and mobilise the capacity across the whole sector at local level to articulate its 'offer' and to realise its potential in supporting improvements in health and wellbeing.
 - Support the sector at local level to put in place arrangements so that it presents a shared voice and points of contact for the new integration authorities on key home and neighbourhood issues.

Contact details below:

Kenny Simpson (kennysimpson66@hotmail.com) and Tony Donohoe (info@tonyconsulting.co.uk) are the main contact persons for local authorities, while Simon Carr (simoncarr54@gmail.com) and Margaret Moore (margaret.moore@wheatley-group.com) are the main contacts for RSL's. Amanda Britain can be contacted at (a.britain@craigforth.co.uk).

26. The Joint Improvement Team (JIT) is a uniquely positioned strategic improvement partnership between the Scottish Government, NHS



Scotland, COSLA (Convention of Scottish Local Authorities) and the Third, Independent and Housing Sectors.

<http://www.jitScotland.org.uk/>

Note: This paper updates an earlier FAQ document produced by the Housing Coordination Group earlier this year.