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**NHS Chief Executives  
Local Authority Chief Executives  
Chief Officers of Integration Authorities**

Our ref: IAScheme-CA2016

17 November 2017

Dear Colleagues,

### **CARERS (SCOTLAND) ACT 2016 - IMPLEMENTATION**

As you know, the Carers (Scotland) Act 2016 (the Carers Act) comes into effect on 1 April 2018. Implementation of the Act has implications for Integration Authorities, Local Authorities and Health Boards, as new duties come into force and are delegated. This letter provides an update on timing for the changes coming into force and outlines changes that Health Boards and Local Authorities need to put in place in their Integration Schemes.

The Carers Act is designed to support carers' health and wellbeing and to help make caring more sustainable. All Integration Authorities are already responsible for support to adult carers as part of their responsibilities for adult social care. Where children's services are also delegated, responsibility for support to young carers also sits with the Integration Authority. In order to implement the Carers Act, the Scottish Government must incorporate provisions stemming from the Carers Act into those regulations that support the Public Bodies (Joint Working) (Scotland) Act 2014 that relate to functions for delegation. Once changes to the regulations have been made, Health Boards and Local Authorities, working with Integration Authorities, need to amend their Integration Schemes to take account of the new provisions.

To date we have made an amendment through the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017, which covers Section 21 of the Carers Act and places a duty on Integration Authorities to set local eligibility criteria for carer support in relation to adult services and where appropriate the delegated functions relating to children's services.

We have now laid two further statutory instruments with the Scottish Parliament to accommodate the remaining necessary changes. The instruments lie in Parliament for 40 days and, subject to parliamentary approval, will come into force on 18 December 2017, at which point you will be able to start work on amending your Integration Schemes. The two instruments are:

- The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment (No 2) Regulations 2017, which identifies a number of functions that *must* be delegated. In line with requirements on integration, the requirement to delegate these functions only extends to adult social care. Delegation of these functions with respect to children's social care remains a matter for local discretion.
- The Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Amendment Regulations 2017, which identifies functions that *may* be delegated.

For further details, see the regulations and the associated policy notes attached to the covering email to this letter.

In order to accommodate these changes, Health Boards and Local Authorities will need to amend their Integration Schemes to include the new duties put in place by the Carers Act for delegation to Integration Authorities. As per the process when Integration Schemes were originally written, Health Boards and Local Authorities will need to ensure that stakeholders identified within The Public Bodies (Joint Working) (Prescribed Consultees) (Scotland) Regulations 2014 are informed of the proposed changes. Following this process and appropriate approval by the Health Board and Local Authority, revised Integration Schemes should be submitted to Scottish Ministers via this division for their approval. We would ask that revised Integration Schemes are submitted to Scottish Government no later than 2 March 2018.

Once the process for reviewing Integration Schemes is completed, Integration Authorities will need to consider the implications of these new duties in the context of their overarching strategic commissioning plan. We anticipate that any changes to the strategic commissioning plan will be incorporated incrementally as part of the local, ongoing, planning process.

If you have any questions in relation to this process, I would be grateful if these could be directed to Brian Nisbet – [brian.nisbet@gov.scot](mailto:brian.nisbet@gov.scot),

Yours faithfully

*Alison Taylor*

**Alison Taylor**  
**Head of Integration Division**