

PRESCRIBED GROUPS WHICH MUST BE CONSULTED WHEN PREPARING OR REVISING INTEGRATION SCHEMES; PREPARING DRAFT STRATEGIC PLANS; AND WHEN MAKING DECISIONS AFFECTING LOCALITIES RELATING TO THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

CONSULTATION QUESTIONS

1. Do these draft Regulations include the right groups of people?

Yes

No

2. If no, what other groups should be included within the draft Regulations?

The Council's general comments on these Regulations are that the Prescribed Consultees are very widely defined - for instance in Regulation 2, the third sector includes "representative groups, interest groups, social enterprises and community organisations". The standard consultees also means the groups set out in the Schedule. These include "health professionals, carers or users of health care, commercial providers, non-commercial providers, social care professionals, non-commercial providers of social care and non-commercial providers of social housing". The Council has concerns about how these are to be interpreted and what steps a local authority and a Health Board would have to take to identify whether they have consulted with all the relevant parties? Would it be enough to ask for or set up a sample group? If not, would a public advert be enough? The consultees could potentially be every adult in the locality as every adult at some point uses healthcare if not social care. If the consultees are to remain as currently drafted the Council's view is that the Government should set out acceptable parameters as to how the consultation has to be carried out in practice with, for instance, sample groups following an advert to join such a group.

3. Are there any further comments you would like to offer on these draft Regulations?

No

ANNEX 2(D)

MEMBERSHIP, POWERS AND PROCEEDINGS OF INTEGRATION JOINT BOARDS ESTABLISHED UNDER THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

CONSULTATION QUESTIONS

1. Are there any additional non-voting members who should be included in the Integration Joint Board?

Yes

No

2. If you answered 'yes', please list those you feel should be included:

Yes, in article 3(1)(d) the Council considers that there needs to be more specificity regarding the registered health professional to be appointed – should it not be both the Medical Director and Director of Nursing and Allied Health Professionals?

3. Are there any other areas related to the operation of the Integration Joint Board that should also covered by this draft Order?

Yes

No

- With reference to article 8 (*Term of office of members*), the Council is content with sub-paragraph 1. In sub-paragraph 2 the Council would suggest that membership for as long as the individual holds office is acceptable but for clarity it should state that this is subject, if the individual leaves office, to the replacement of him or her with a suitable alternative from the same category;
- With reference to article 8(3) (*ceasing to be Council member*), the Council would recommend that this should be deleted. We do not think it will be acceptable to **any** local authority that if a councillor is no longer a councillor for that local authority they should continue as a member of the Joint Board with voting rights. The Council considers it preferable to provide that any member who is no longer a councillor, for whatever reason, should automatically cease to be a member of the Joint Board. The constituent authority should be advised immediately and a replacement appointed.
- With reference to article 9 (*voting*), the Council would suggest that an additional sub-paragraph is inserted to allow for a quorum to apply. It is noted that this is already included in the Schedule but the Council considers that it would be

helpful to specify in the Regulations that a quorum will apply as set out in the Schedule attached. The Council would also suggest that if any councillor or member of the Health Board who has voting rights cannot attend the meeting that substitute councillors/health board members are identified in advance for each term of appointment, who would have the right to vote as a substitute member at each meeting. Again this is suggested in article 18 relating to Standing Orders but the Council would suggest something slightly more formal in the manner of pre-identified substitutes;

- With regard to article 10 (*temporary vacancies in voters*). The Council's only comment on sub-paragraph (1) is that if there was a temporary vacancy in the voting membership of the Integrated Joint Board then if substitutes were available it would be unlikely that there would be any need for the vote of a vacant member to be used by the other members. However the Council is content for this to remain in the Regulations in case such an event should occur where neither the ordinary member nor the substitute member are available.
- In relation to article 12 (*disqualification*), the Council would suggest that there should be one more category of disqualification which is based on Section 31 of the Local Government (Scotland) Act 1973 - namely that a councillor member of the joint board should be disqualified from sitting on the Joint Board if he or she is disqualified from being elected or from being a member of the local authority.
- With respect to article 13(3) and the resignation of members the Council would suggest that this should apply to all members of the Joint Board and not just the voting members. The Council would suggest that the local authority, at least, would wish the opportunity to appoint substitute members who are non-voting members should the existing members resign, leave or be removed for whatever reason;
- With regard to article 14(1) (*removal of members*), the Council does not see why the removal of a member once decided should not take effect immediately. The same is the case with regard to 14(4) should a member be disqualified. Both should happen with immediate effect.
- With reference to article 14(2) which refers to non-attendance for three consecutive meetings, the Council would suggest that this is replaced with the words "throughout a period of six consecutive months" as this mirrors the provisions of the Local Government (Scotland) Act 1973. Similarly paragraphs 1 to 4 should apply to the non-voting as well as the voting members of the Joint Board.
- With reference to article 15 (*expenses*) the Council's view is that there should be some comparison with expenses relating to those which elected members would currently receive for their posts in a local authority.
- With regard to article 19 and the power of the Joint Board to enter into contracts, the Council would comment that this would require the Joint Board to have draft Standing Orders for contracts. The Council would also question whether this power would imply that the Board then cannot use the existing powers and facilities of the constituent authorities?

Turning now to the Schedule of the draft Regulations, the Council would comment on these as follows:-

- with regard to paragraph 3 (*quorum*). The Council notes that this provides for at least two-thirds of the voting members nominated by the Health Board and two-thirds of the voting members nominated by the local authority. This could be difficult to implement for example if there were only four members on each side. Further clarity may need to be given where there are small numbers of members and it may be appropriate to round up the two-thirds calculation to the nearest full number.
- Paragraph 6 (*conflict of interest*). The Council would suggest that at the end of 6(1) the following words are added “and must leave the room until the item has been decided upon”. The Council would also suggest another sub-paragraph e is added at the end that “in respect of local authority nominated members of the Joint Board, they must comply with the standard set out in the Public Life – Code of Conduct for Members of Devolved Public Bodies and the Councillors Code of Conduct and Guidance”.

4. Are there any further comments you would like to offer on this draft Order?

Yes

No

In article 15 (*payment of expenses*), there is no guidance as to who should make payments and fund the payment of expenses. There is also no guidance on what would be reasonable – this is considered to be essential in relation to the payment of expenses.

ANNEX 3(D)

ESTABLISHMENT, MEMBERSHIP AND PROCEEDINGS OF INTEGRATION JOINT MONITORING COMMITTEES ESTABLISHED UNDER THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

Consultation Questions

1. Do you agree with the proposed minimum membership of the integration joint monitoring committee, as set out in the draft Order?

Yes

No

2. If you answered 'no', please list those you feel should be included:

The Council has responded no, as this point is not applicable to the Body Corporate model

3. Are there any other areas related to the operation of the integration joint monitoring committee that should also covered by the draft Order?

The Council has responded no, as this point is not applicable to the Body Corporate model

4. Are there any further comments you would like to offer on this draft Order?

No

**PRESCRIBED MEMBERSHIP OF STRATEGIC PLANNING GROUPS
ESTABLISHED UNDER THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND)
ACT 2014**

CONSULTATION QUESTIONS

- 1. The draft Regulations prescribe the groups of people that should be represented on the strategic planning group. Do you think the groups of people listed are the right set of people that need to be represented on the strategic planning group?**

Yes

No

- 2. If no, what changes would you propose?**

However, it needs to be recognised that in order for these forums to function, representation must be kept to a workable number

- 3. Are there any further comments you would like to offer on these draft Regulations?**

No

**PRESCRIBED FORM AND CONTENT OF PERFORMANCE REPORTS
RELATING TO THE PUBLIC BODIES (JOINT WORKING)
(SCOTLAND) ACT 2014**

CONSULTATION QUESTIONS

- 1. Do you agree with the prescribed matters to be included in the performance report?**

Yes

No

- 2. If no, please explain why:**

This section is light on detail and further confirmation is required on 1) the key national indicators to underpin the outcomes i.e. the layering of performance measures 2) the reporting arrangements/ accountability to Scottish Government 3) the fit with the wider Community Planning/ Single Outcome Agreement agenda 4) The need to reflect the key statutory areas for health and social care as a basis on which to build the strategic plan 5) the financial information prescribed in the regulations may not be easily collectable or relevant in all situations and the requirement for 5 years should not be prescribed. The inclusion of financial information should be decided by the Board.

- 3. Are there any additional matters you think should be prescribed in the performance report?**

Yes

No

- 4. If yes, please tell us which additional matters should be prescribed and why:**

As above

- 5. Should Scottish Ministers prescribe the form that annual performance reports should take?**

Yes

No

6. If you answered yes, what form should Scottish Ministers prescribe?

This will help with a degree of comparability/ benchmarking and shared learning. The main aspects that the government should prescribe are the minimum areas that the performance report should cover i.e. progress against the delivery of statutory duties, progress with the implementation of all key aspects of the Act, how partnership are delivering against the national outcomes and associated measures etc. In doing so, this will still allow for local flexibility for partnerships to include more detailed information relevant to their locality

7. Are there any further comments you would like to offer on these draft Regulations?

No