

## ANNEX 1(D)

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### **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?

Please see comments in box 3 below.

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

The following is the response made by Officers of the Council, and is subject to any comments that Elected Members may make:

The draft Regulations specify a very wide group of people and accordingly it will be a significant challenge to make consultation meaningful rather than tokenistic. The Regulations as currently drafted do not assist in promoting meaningful consultation. Other ways of promoting consultation such as the role of elected members are absent from the draft Regulations.

## ANNEX 2(D)

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### 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:

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

Yes, please see comments in box 4 below.

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

The following is the response made by Officers of the Council, and is subject to any comments that Elected Members may make:

In relation to the Membership of the IJB, the Council would welcome clarity and more direction as to who the third sector representative should be. In relation to the provisions on carer representative and service user representative, the current provisions are tokenistic. Both groups include huge numbers of people, and it is impossible to identify a representative who can genuinely represent such diverse groups at Board level. The Regulations should specify better proposals that would genuinely achieve engagement with these important groups. In relation to the registered Health

Professional, the Council would wish to see Regulations specify that this person should be working and employed within the Council/Partnership area.

Article 16 - The IJB may establish committees of its members for the purposes of carrying out such of its functions as the board may determine. This would allow a considerable amount of delegation from the IJB. In theory it could delegate all of its functions/responsibilities to committees.

Article 19 - The general powers of the IJB as presently drafted are simplistic. They only include the power to enter into a contract in relation to the provision to the IJB of goods and services for the purposes of carrying out functions conferred on it by the Act. This suggests the IJB is simply a commissioning body.

Schedule to Article 19 – there is no requirement for a public notice for meetings of the IJB, unlike the requirements for Council meetings. Neither is there a requirement for a public record of IJB meetings.

The Council also endorses the responses made by the Aberdeenshire Health and Social Care Partnership and the Society of Local Authority Lawyers & Administrators in Scotland (SOLAR) (see Appendix 1 at page 23 below).

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## ANNEX 3(D)

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### 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:

No comment on these Regulations as they are not relevant to the proposed arrangements for the Aberdeenshire area.

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

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

**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?

The following is the response made by Officers of the Council, and is subject to any comments that Elected Members may make:

The list provided in the Schedule to the Regulations comprises a very large group of people. While such a large group is an essential reference point in terms of engaging at events, etc. it does not make sense to have such a large number of people as part of a formal Committee/Group. The formal Committee/Group instead needs to be an executive group drawn from the wider interested parties, and the Regulations should be amended accordingly.

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

No further comment.

**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:

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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:

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?

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

No further comments.

## **Appendix 1 - SOLAR response to Draft Regulations Set 2**

The group considered set 2 of the Draft Regulations and a SOLAR response was agreed as follows:

### Draft Public Bodies (Joint Working) (Prescribed Consultees) (Scotland) Regulations 2014

- In relation to the inclusion of “commercial/non-commercial providers of social housing”, there is a need for clarity about what is meant by these phrases, particularly around what is meant by “social housing”.

### Public Bodies (Joint Working) (Proceedings, Membership and General Powers of Integration Joint Boards) (Scotland) Order 2014

- General comment – is there a need to include a provision which gives the Board power to delegate any of its functions to the Chief Officer? There is a power to delegate to Committees, but there may be a need to delegate to officers as well to ensure the smooth running of the IJB.
- Article 1 – there is an error in the definition of “voting member”. The reference to 5(1)(a) should read 5(2)(a)
- Article 3(1) – should the Financial Officer (if separately appointed) also be designated as a mandatory member of the Board?
- In relation to Article 3 and the appointment of non-voting members, the proposal does mean that the membership of the Board, and the role of Board members will differ from the norm in terms of how local authorities manage meetings. It is unusual to have voting and non-voting members. There does therefore need to be clarity about the role of non-voting members, to ensure they can usefully and effectively participate in the business of the Board.
- Article 3(7)(a) – “appropriate person” is defined as excluding a person who is both a member of the Health Board and a Councillor. This means that such a member would be excluded, even if they are a Councillor for a different local authority. This could be relevant in areas where the Health Board serves more than one local authority area. Could this be amended for example by adding “of the member local authority” to the end, which would clarify that the exclusion only applies where the Health Board member is a Councillor for the local authority which is a constituent authority of the IJB?
- Article 8 –



- The proposed term of office is different to the term of office for Councillors. The ideal would be to allow for discretion in the appointment period so that the term of office could be the same.
- In relation to article 8(3) if a member is a Councillor appointed by the local authority, then that membership should automatically end when the Councillor ceases to hold office. The purpose in allowing a former Councillor to retain membership on the Board is not clear. The assumption would be that they are no longer a voting member, as they are no longer a Council appointment, but what then is their status? They have not been appointed by the Board as a non-voting member. Unless there is a clear purpose behind this provision, perhaps it should be removed.
- Articles 12 and 14 deal with disqualification and the power to remove members. There is no reference in Article 12 to the provisions which may lead to the disqualification of a Councillor. Therefore, in the event that a Councillor is disqualified, the local authority would appear to have to rely on the provisions of Article 14 to remove the Councillor from the Board as a nominated member. This requires one month's notice. In the event of a Councillor becoming disqualified as a Councillor, removal should be automatic and immediate. In that case, it may be advisable to include reference to this in Article 12.
- Schedule Article 1 – would the Chairperson be able to call the first meeting? Is he/she in post before the first meeting is called? Should the responsibility for calling the first meeting rest with the constituent authorities?
- Schedule Article 3 – the proposed quorum is high compared to existing legal requirements, for example under the Local Government (Scotland) Act 1973. Given the small numbers of voting members who can be appointed by each constituent authority, would it be easier to fix the quorum by reference to numbers rather than a percentage? Alternatively, the percentage required should be lower. Should there also be a requirement that there should be at least one member from each constituent authority present for there to be a quorum. This reflects current arrangements within some CHCPs.
- Schedule Article 5 and Article 10 of the main Regulations deals with deputies and temporary vacancies. Should the ability of other members of the constituent authority to exercise the vote of the member who has vacated office be extended, so that this power could be used where it is not possible for the constituent authority to appoint a suitable depute?

It was agreed that there were no other comments on the other draft Regulations so no response would be made in respect of these.