

ANNEX 1(D)

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?

Aberdeen City Council welcomes the opportunity to respond to this consultation on the draft regulations (Set 2) of the Public Bodies Act 2014.

We acknowledge that in addition to the prescribed list of consultees, integration authorities are able to undertake additional consultation with other individuals/groups depending on the nature of the consultation (Integration Scheme, Strategic Plans, Locality Plans) being undertaken.

We welcome the recognition of the importance of the housing role within the Consultation and the inclusion of a representative from “non-commercial providers of social housing” within the standard consultees. We feel that there are many areas of good practice locally but that nationally the involvement of housing in the health and care integration agenda has been variable. We feel that in order to achieve a more consistent approach throughout, the statutory housing authority should be represented as a prescribed group.

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

Allowing for our answer to Q2 above, we are comfortable with the inclusion of the other individuals/groups on the standard list of consultees.

Given that the draft regulations offer Integration Authorities the opportunity to consult with others as they see fit, we would wish to ensure that our consultations reached out to our communities and localities through the activities of our Community Planning Partnership, Community Councils (where they exist) and other appropriate groups and fora. We recognise the importance of ensuring that our residents and communities are fully aware of the changes that are going to take place and to feel that they have been offered meaningful opportunities to shape our aspirations and priorities.

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:

We recognise the challenge of ensuring genuine representation on the Integration Joint Board.

We strongly support the involvement of users and carers in the Integration Joint Board. However, we believe that the Board must be mindful of the possibility that the service user and carer representatives are not as experienced in participating in complex and lengthy business meetings as other Board colleagues.

Given this, we think it would be appropriate for them to have shared advocacy support if they so desire so that their involvement can be as meaningful as possible. In addition, we would support local discretion by the Board that enabled 2-3 users and carers to support one another and between them fulfil the responsibilities of this role.

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

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

With respect to the consultation paper (2(A)) we would make the following general comments:

- What is meant by the phrase 'the Health Board will primarily nominate'? Over half?
- The proposal beginning 'where the Health Board is unable to fill their places...' implies that they must attempt to do so in the first instance – is this correct?
- With respect to the rotation of the Chairperson and Vice Chairperson roles we would recommend that the period be a maximum of two years here, this reflects other local agreements (eg NESTRANS, and the Strategic Development Planning Authority) and is found to be workable. This would also fit in with the last two years of the current Council term and then the return to four year terms thereafter - three year terms will lead to changes following elections.
- Will the Access to Information Act apply to the Integration Joint Board? What provisions govern access to NHS Board papers and will the same apply? Clarity would be welcomed on this point in order to be clear as to how Integration Joint Board papers will be dealt with.

With respect to the draft order we would wish the following points to be noted:

- 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.
- 1; there is an error in the definition of “voting member”. The reference to 5(1)(a) should read 5(2)(a).
- 3; with respect to 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. We would suggest that there does need to be greater clarity about the role of non-voting members, to ensure they can usefully and effectively participate in the business of the Board.
- 3(1); should the Financial Officer (if separately appointed) also be designated as a mandatory member of the Board?
- 3(3)(b); clarity required that this number can be over four (or over 10% of total council membership) – if agreed by NHS and LA.
- 3(7)(a); an “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?
- 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
- 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.
- 8(4); clarity required as to whether members may be reappointed for more than two terms, or if two terms is the maximum.
- 10(1); this could result in the LA members having a vote on how to cast a vote. Why is this necessary?
- 12(2)(b); does this include people who have left having signed a compromise agreement for example? If so, we would suggest this was disproportionate.

- 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. We would suggest that 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.
- 14(3); a right of appeal should be included here and we would suggest that we also need a means of hearing the appeal and suggest that a national process be agreed to avoid each Integration Joint Board having its own.
- 16(3); we would suggest that the membership of these committees must be balanced.
- 17(1)(b); what does this actually mean (via email/ skype?) – this needs to be clarified. Can a member “participate” (in questioning, discussion and debate) by reading the agenda in advance and email comments to the chairperson and clerk? How does this work for voting? Can they submit vote in advance and thereby be making a decision without having heard the debate? Term “participate” needs clarified – does it mean they have to hear or see the meeting?

With respect to the Article 19 Schedule we would wish the following to be noted:

- 1(2); should there not be a requirement for an agreed schedule of meetings? Also, 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?
- 1(4); can “and such a meeting must be called on a date specified in the notice, or within 5 working days” be added?
- 2(1); three “clear” days may not be sufficient – ie if the meeting is on Tuesday am this means a notice/ agenda could be circulated on Friday pm, leaving only Monday to read the papers – and if a bank holiday Monday then no “working” days at all. Could this be altered to three working days?
- 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.
- 4(3); why can the acting chairperson not exercise a casting vote?
- 5; deputies – recognised LA term would be substitutes – the word deputy has different connotations.
- 5(1); term “suitably experienced” needs clarified – does this mean “suitably experienced in the subject matter or in the IJB, or just by virtue of the substitute being a councillor or NHS board member?
- 6(1); typo – should be “theirs”.

- 6(1) – does this mean members are not required to withdraw? The implication of this is that the said member could participate and influence the outcome, albeit not vote. The Councillors' Code of Conduct would require members to withdraw for pecuniary interests, so this would mean that Councillors in terms of the Code, would have to withdraw, but an NHS member with the same interest, could remain, participate and influence the decision.
- 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?

**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:

As with our answer to the composition of the Integration Joint Board, we feel that the service user and carer representatives on the joint monitoring committee should be offered advocacy support if so desired.

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?

ANNEX 4(D)

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?

We welcome the recognition of the role that housing plays within the Consultation and the inclusion of a representative from “non-commercial providers of social housing” in the membership of the Strategic Planning Group. We would highlight that there is some evidence to suggest that the inclusion of housing within the development of previous strategic plans across the Country has been variable. We feel that in order to achieve a consistent approach nationally and to ensure that the health and social care outcomes are also reflected within strategic housing plans the statutory housing authority should be represented as a prescribed group.

Given the strong locality emphasis of the policy guidance we would also suggest that Locality Planning groups should be represented to further reinforce the consultation and engagement with our communities.

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

We agree with the proposed membership of the Strategic Planning Group but note that:

- A group of this size has the potential to be ineffective with some members finding it difficult to contribute.
- The Terms of Reference of the group and its relationship with the Integrated Joint Board will need to be clearly understood by all participants. In addition, it would be useful for all group members to have a common understanding of some of the themes that have underpinned previous integration conversations: coproduction, locality planning, joint commissioning etc.
- We recognise the importance of ensuring that those health functions, such as adult acute functions, which are not in the scope of integration but should be incorporated into the strategic planning remit are sufficiently represented and involved in the planning group’s discussions and deliberations.
- Members from the third, independent and housing sectors as well as the users and carers members will need to be comfortable with the expectation that they are representative of those sectors/groups and, as such, have an obligation to canvass views and communicate discussions/decisions.
- Another possibility should be that the Strategic Group is a smaller, executive group with the Locality Planning groups having the broader representation and feeding into the Strategic group

ANNEX 5(D)

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:

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:

We would suggest that in addition to the prescribed matters, the performance report should indicate how the Integration Authority is meeting local outcomes and priorities.

The provision of trend information will be built over time.

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?

A standard format for statistical information to enable comparison. Role for ISD.

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

We acknowledge that the Public Bodies (Joint Working) (Scotland) Act 2014 gives Scottish Ministers the powers to set out the form and content of the annual report.

We would suggest however that there is a fine balance to be achieved between reporting on the agreed prescribed matters so that national comparisons can be undertaken and providing a narrative that reflects local priorities and the decisions of the Integrated Joint Board.

We note that the regulations oblige the performance report to provide details of any review of the strategic plan that has taken place 'in the reporting year'. We are comfortable with this requirement and indeed would wish to stress the importance of utilising the data analysis and recommendations contained within these annual performance reports in the reviews and rewrites of the Strategic Plan. It is crucial that we are able to identify what is working and what initiatives and/or services require to be developed further.

We feel that it is also important that, as well as evidencing the performance of the delegated functions, the annual report enables us to reflect upon the operation of the integration authority itself and the efficacy of the integration scheme and its constituent elements.