

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?

It is suggested that all members of staff and the wider public could have useful, relevant input to both the preparation and review of Integration Schemes and Strategic Plans and that those to be consulted should be widened accordingly.

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

These draft Regulations propose new and extended obligations with respect to community participation and consultation, beyond those required at present. Any additional obligations beyond current commitments to community engagement may require the allocation of additional resources

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:

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

1. It is suggested that the use of the casting vote of the Chair should not be permitted for the approval of the Strategic Plan. So much of the work of the IJB will be predicated on the Strategic Plan, that consensus should be sought or failing that, a majority vote without recourse to a casting vote.
2. It is suggested that the first Chair of the substantive IJB should be nominated by the constituent body that is not the employer of the Chief Officer. This would make for a balanced constitution during the formative stages of the IJB.

3. Comhairle nan Eilean Siar would prefer that NHS voting members were restricted to non-Executive Directors.
4. 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.
5. Article 1 – there is an error in the definition of “voting member”. The reference to 5(1)(a) should read 5(2)(a).
6. Article 3(1) – should the Financial Officer (if separately appointed) also be designated as a mandatory member of the Board? There needs to be clarity about the role of non-voting members, to ensure they can usefully and effectively participate in the business of the Board. Ministers may wish to consider giving certain officers of the organisations (e.g. Chief Executives) a right to attend and be heard at meetings which would reflect how local government meetings are normally managed.
7. 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.
8. 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.

9. 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?
10. 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. A suggestion would be 60% or 3 from 5.
11. 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?
12. Article 10 of Annex 2(b): it is unclear how the issue of member vacancies impacts on Paragraph 3 of the Schedule (Standing Orders) relating to Quorum. These appear contradictory.
13. In the Schedule (Standing Orders): Para 1(2) Page 34, we suggest that there should be a minimum frequency of x5 per year, to ensure provision for adequate governance and accountability.

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

Partly

2. If no, what changes would you propose?

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

1. The draft Regulations propose that the Strategic Planning Group will be the principal strategic reference and planning group, represented on which will be key health and social care professionals. However, the joint Ministerial & COSLA letter of 18 June states that the Strategic Plan “will be developed with the full involvement of the Health Board and Local Authority”. This appears to suggest a parallel planning process that is not referred to in either the draft Regulations or in the Act itself. The role and influence of the Council and Health Board with respect to the preparation of the Strategic Plan would therefore benefit from greater clarity.
 2. These draft Regulations propose new and extended obligations with respect to community participation and consultation, beyond those required at present. Any additional obligations beyond current commitments to community engagement may require the allocations of additional resources.

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:

1. We suggest inclusion of all regulation and inspection findings relating to all delegated functions and services, during the preceding year. This would create a complete quantitative and qualitative performance evaluation of processes and outcomes.
 2. We would strongly advocate the need for performance reports to be made publicly available and for this to be explicit in the Regulations.
 3. We would also advocate for the inclusion of reference to any improvement activity where arrangements or performance targets have not been achieved.

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?

N/a

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

No