

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?

Annex 1(A) Sect 46(4) (a) While third sector organisations in general are included as standard consultees in terms of regulation 5 and the Schedule, regulation 6(c) prescribes, in effect, that a third sector organisation should be consulted in the preparation or revision of an integration scheme only when it *operates* within the local authority area. It is not clear in this case what is meant by “*operates*”. Does the organisation need to have a physical presence in the area? Must it actually have to be providing services or advice to those who reside in the area? If the term “*operates*” is defined in this narrow way, then the third sector organisations with a national remit that do not meet the definition would be excluded from consultation. This approach would serve to maintain the status quo in terms of services and would make it more difficult for new services to be developed in the area. It would therefore be preferable if regulation 6(c) were amended to include third sector organisations operating nationally that had the potential, or whose constitution would allow them, to operate in the local authority area. Alternatively, the expression “*carrying out activities*”, which is used in the Public Bodies (Joint Working) (Proceedings, Membership and General Powers of integration Joint Boards) (Scotland) Order 2014, might offer a solution if considered capable of interpretation in a sufficiently unrestricted way.

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

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:

The effect of the definition of "voting member" in article 1(2) is (assuming that the reference to 'article 5(1)(a) should in fact be a reference to 'article5(2)(a)') to exclude the representatives of third sector organisations from having any vote in any question put to a meeting of a joint integration board. The creation of a 2-tier board of this sort is invidious and unacceptable. It is wholly inconsistent with the integration planning principles set out on page 54 of the consultation, which state that "services should be 'planned and led locally in a way which is engaged with the community ...'" and that Integration Authorities will be required to 'treat the third and independent sectors as key partners'.

This divisive approach has the potential to undermine all third sector participation in the development of the strategic plan and work undertaken at all other levels of the integration arrangements, if the third sector representative is to have no vote when the results of such work come to be considered by the integration board. Given the third sector's well-deserved reputation for the provision of innovative, person-centred approaches to the development of services, denying their representative a vote on the integration board places a serious hurdle in the way of the development of the sort of imaginative new services that the integration should be expected to encourage.

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

The reasons given (page 24) for limiting the voting rights on boards are not convincing, especially from a Government that until recently regarded the public appointments approach to non-executive directorships of Health Boards as insufficiently democratic. This approach is also inconsistent with the voting arrangements proposed for the Integration Joint Monitoring Committees, where, quite properly, every member is given a vote, including the member representing the third sector.

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

Article 16, dealing with committees established by the integration joint board, should be more prescriptive about the membership of such committees. Their composition should reflect the composition of the board itself, and the article should in particular prescribe that each committee established by the board should include amongst its membership a representative of the third sector.

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 explanatory material states, in the third paragraph on page 41 of the consultation, that 'this draft Order sets out that the integration joint monitoring committee is to seek and recruit the staff-side, third sector, carer and service user representatives once the integration joint monitoring committee is established'. It is not clear where exactly in the Order, including its Schedule, this intention is given expression.

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

While there is some reassurance in the provision in item 3 of the Standing Orders that no business can be transacted unless at least two-thirds of the nominated members are present, and in the fact that the Government intends to provide guidance about the way in which third sector and other representation is to be provided, we nevertheless wish to stress the importance we attach to the need for the third sector to be involved from the very outset in the work of the integration joint monitoring committees if these are to adopt a properly person centred approach to the business they transact.

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

It will be clear from our comments on the voting arrangements proposed for Integration Joint Boards that we approve the inclusion in item 5 of the Standing Orders Schedule of a provision granting a vote to all members attending the relevant meeting.

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?

While, in terms of regulation 2 and the Schedule, third sector bodies in general are included amongst the groups of persons to be represented in the membership of a strategic planning group, regulation 2 (c) refers, in effect, to third sector organisations that operate with in the local authority area. It is not clear in this case what is meant by 'operates'. Does the organisation need to have a physical presence in the area? Mist it actually br providing services or advice to those who reside in the area? If the term 'operates' is defined in this narrow way, the third sector organisations with a national remit that do not meet the definition would be excluded from consultation. This approach would tend to maintain the status quo in terms of services and would make it more difficult for new services to be developed in the area. The Schedule, however, uses the expression 'carrying out activities', which is also used in the Public Bodies (Joint Working) (Proceedings, membership and General Powers of Integration Joint Boards) (Scotland) Order 2014. This might offer a solution, if it is considered capable of interpretation in a sufficiently unrestricted way. Alternatively, it might be preferable if regulation 2(c) were amended to include third sector organisations operating nationally that had the potential, or whose constitution would allow them, to operate in the local authority area.

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

**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:

Regulation 2(d) appears to allow for information about the Integration Authority's dealings with the third sector to be included in its performance reports. Given that the Regulations do not appear to provide any definition of what is meant by 'groups', and taking account of the statement on page 54 of the consultation that Integration Authorities are required to treat the third sector as a key partner, it would be fitting for the prescribed content of the performance report to include specific reference to the Authority's work with the third sector, in particular including information about any services that third sector organisations provide for service users, whether through the mechanism of a Service Level Agreement or otherwise. That would allow for the capture of more information about whether services were being developed in a properly person-centred way, and for an assessment to be made of whether people were being recognised, to an increasing degree, as equal partners in their own care.

Regulation 2 should therefore be expanded to include specific reference to the Integration authority's work with the third sector, in particular with the services it relies on the third sector to deliver for its resident population.

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?