

Consultation to amend the Civil Contingencies Act 2004 to include Integration Joint Boards: summary of responses

January 2021



Scottish Government
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A Scottish Government consultation about including [Integration Joint Boards as Category 1 responders under the Civil Contingencies Act 2004](#) took place on Citizen Space between 12 October and 22 November 2020. The purpose of the consultation was to ensure that there are no unintended or unexpected consequences for equalities arising from Integration Joint Boards becoming Category 1 responders under Schedule 2 of the Civil Contingencies Act 2004.

The consultation contained only one question:

The Scottish Government intends to pass legislation that will include Integration Joint Boards as Category 1 responders under Schedule 2 of the Civil Contingencies Act 2004. Do you, or the organisation that you represent, envisage this change to have any significant wider impacts or unintended consequences under the Equality Act 2010 including the Fairer Scotland Duty? These include but are not limited to protected characteristics of race, gender, age, religion, sexual orientation, disability, gender reassignment, religion or belief, pregnancy or maternity, low income, low wealth or living or growing-up in areas of deprivation. Please consider these for:

- yourself,
- your organisation,
- people who use health and social care services,
- people who work in the health and social care sector, or,
- any other persons or organisations in the wider health and social care, sector.

Findings

There were 45 responses to the consultation. Of these responses, one¹ was a duplicate and two were blank, so there were 42 valid responses in total. These 42 responses were analysed and the findings are reported below.

Equalities Impacts

The consultation question specifically asked about potential impacts in relation to the Equality Act 2010 and the Fairer Scotland Duty. Of the 42 valid responses, 16 made no comment about potential equalities impacts. Of the 26 responses which did comment on equalities impacts, the vast majority (n=18) felt that there were no potential equalities impacts. The remaining responses were evenly split between negative and positive impacts; four felt that there were positive equalities impacts and four felt that there were negative equalities impacts.

¹ 'Scottish Borders Health & Social Care Partnership Integration Joint Board' submitted two almost identical responses; assuming this was done in error, only one has been included in the analysis. There were also two identical responses submitted by 'Shetland Islands Council' and 'Shetland Islands Council and Shetland Emergency Planning Forum', however these have both been included in the analysis on the basis that they represent the (same) views of two separate (but related) organisations.

Of the four responses which anticipated potential positive equalities impacts, only two provided information about what these might be (the other two only stated 'positive impact'). For these respondents, potential positive impacts were associated with closer working between partners, and fairness and equity in response and recovery.

The four responses which anticipated potential negative impacts provided a diverse range of specific examples:

- complexity and lack of clarity about responsibilities and accountability could impact on people who use and work in health and social care services;
- equalities impacts could be overlooked due to Integration Joint Boards not having a statutory duty in relation to the Equality Act;
- existing established policies and procedures for equalities impacts would have to be reviewed and revised, and this would cause additional work;
- costs associated with implementing the proposal and ensuring compliance with the duties could have a knock-on effect on the services Local Authorities provide.

There were no responses which mentioned any of the specific protected characteristics of: race; sex or gender; age; religion; sexual orientation; disability; gender reassignment; religion or belief; pregnancy or maternity; or socio-economic status. However, one response suggested that the proposal did not consider the unique position of Island communities.

Additional findings

As noted above, the consultation asked only about equalities impacts, and 26 respondents provided a range of views on this issue. Although the consultation did not ask for views on the proposal itself (to include Integration Joint Boards as Category 1 responders), 33 respondents took the opportunity to provide their views on this issue. Notably, respondents' views were very mixed, and there was no consensus about the proposal to amend the Civil Contingencies Act 2004 to include Integration Joint Boards.

Several responses called for further consideration, or re-consideration, of the proposal, and felt that they should have been consulted on the proposal itself. There were also some alternative suggestions proposed by respondents; e.g. to strengthen partnership representation, rather than putting statutory duties on Integration Joint Boards.

Of these 33 responses, ten were broadly supportive of the proposal, although four of these also expressed some reservations. Support was generally associated with views that the proposal would enhance or formalise existing arrangements, and reservations were due to issues requiring clarification and concerns about resourcing and capacity.

There were 14 responses which explicitly stated that they did not support the proposal, many of which expressed very strong disagreement and provided detailed,

specific and lengthy objections. Objections were generally associated with views that the proposal may:

- be potentially burdensome and unnecessary;
- undermine existing effective systems/processes;
- create complexity;
- cause practical difficulties and require additional resourcing;
- not be compatible with the Integration Joint Board constitution and function, so statutory duties could not easily be met (e.g. not responsible for operational delivery);
- not benefit Island communities.

A further nine responses did not expressly indicate whether or not they supported the proposal, but highlighted issues requiring clarification or further consideration, (particularly resourcing and capacity), or felt there was no requirement for Integration Joint Boards to become Category 1 responders.

Conclusion

Analysis of 42 responses to the consultation on amending the Civil Contingencies Act 2004 to include Integration Joint Boards suggests that:

- There appear to be no anticipated significant wider impacts or unintended consequences under the Equality Act 2010 or Fairer Scotland Duty;
- There is no stakeholder consensus on the proposal itself, although many respondents used the consultation to express opposition to the change and stated a range of specific objections.

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December 2020



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Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80004-554-5 (web only)

Published by The Scottish Government, January 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS814207 (01/21)

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