

# **Amendment to the Civil Contingencies Act 2004 to include Integration Joint Boards as Category 1 Responders**

**Fairer Scotland Duty Summary**

**January 2021**



**Scottish Government**  
Riaghaltas na h-Alba  
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## FAIRER SCOTLAND DUTY SUMMARY

### Amendment to the Civil Contingencies Act 2004 to include Integration Joint Boards as Category 1 Responders

<b>Title of Policy, Strategy, Programme etc.</b>	Amendment to the Civil Contingencies Act 2004 to include Integration Joint Boards as Category 1 responders
<b>Summary of aims and expected outcomes of strategy, proposal, programme or policy</b>	<p>This policy aims to formalise the role of Integration Joint Boards in emergency planning, ensuring their inclusion in groups considering planning for emergency scenarios. They were not originally included as Category 1 responders in the Civil Contingencies Act 2004 with a consequential amendment to that Act when the Public Bodies (Joint Working) (Scotland) Act 2014 was passed because they are not employers of staff who deliver services.</p> <p>Since integration was introduced in Scotland, including during the Covid-19 pandemic, Integration Joint Boards have taken on a critical role in ensuring services are planned and delivered effectively for the wellbeing of local people. While Integration Joint Board Chief Officers have already been contributing to local emergency and resilience planning, they have only formally done so through their roles as directors of Health Boards and Local Authorities and without the appropriate reference to their accountable officer status within the Integration Joint Boards.</p> <p>By including Integration Joint Boards as Category 1 responders, it ensures that where there is a risk of an emergency which will impact functions delegated to the Integration Joint Board, there will be formal coordinated and appropriate arrangements in place for emergency planning; information sharing and</p>

	<p>cooperation with other responders; and joined up information sharing and advice for the public. Organisational preparedness and resilience are now more important than ever, whilst ensuring that we still give due consideration to equalities and diversity.</p> <p>It is anticipated that the Integration Joint Boards will continue to work closely with the Local Authority and Health Board to utilise data and prevent duplication of activities. As public authorities in Scotland, Integration Joint Boards must already comply with the public sector equality duty set out in the Equality Act 2010 and the Fairer Scotland Duty to take action to eradicate discrimination and to pro-actively promote equality of opportunity. Beyond the duties within the Equality Act the public sector also considers how policies will impact upon and can tackle inequality as a result of socio-economic disadvantage.</p> <p>This policy contributes to a number of the National Outcomes. Principally, it ensures that people:</p> <ul style="list-style-type: none"> <li>• live in communities that are inclusive, empowered, resilient and safe,</li> <li>• are healthy and active</li> </ul>
<p><b>Summary of evidence</b></p>	<p>Integration Joint Boards are responsible for planning, commissioning and resourcing – as a minimum – adult social care services, adult community health services and a proportion of adult acute services. This is a sizeable proportion of the adult health and social care functions being delivered. The Health Board and Local Authorities directly employ the workforce who deliver services on the behalf of the Integration Joint Board, and on the basis of their Strategic Commissioning Plan.</p> <p>In broad terms, socio-economic disadvantage means living on a low income compared to others in Scotland, with little or no accumulated wealth, leading</p>

to greater material deprivation, restricting the ability to access basic goods and services.

Almost anyone in the population may at some point in their lives need to use the services that are delegated to Integration Joint Boards. However, those experiencing deprivation are more likely to be prevalent among services delegated to Integration Joint Board than among the general population. There is good evidence to show that use of delegated services is patterned by age. Older people, in particular, are highly reliant on health and social care service, especially towards the end of life. Similarly, people with a disability use more health and social care services and have significantly poorer health outcomes and behaviours, on a wide range of measures, than the general population. Statistically, disabled people and older people are more likely to experience material deprivation and have lower wealth accumulated.

By including Integration Joint Boards as first responders in the Civil Contingencies Act, their role in emergency planning, alongside Local Authorities, Health Boards and emergency services, will be formalised. It is anticipated that those who use services will be better represented with regards to local emergency planning decisions. However, as noted, Integration Joint Boards having Category 1 status should complement the work already conducted by all of the partners and there should therefore be limited additional activity associated with the requirement given local partners are already working with an integrated health and social care model. As noted, Integration Joint Boards must already comply with the public sector equality duty set out in the Equality Act 2010 and the Fairer Scotland Duty.

<p><b>Summary of assessment findings</b></p>	<p>The Scottish Government ran a consultation between 12 October and 22 November 2020 to ensure that there were no unintended or unexpected consequences in relation to the Equality Act 2010 and the Fairer Scotland Duty to Integration Joint Boards becoming Category 1 responders under Schedule 2 of the Civil Contingencies Act 2004.</p> <p>The consultation identified no such consequences under the duties of the Fairer Scotland Duty nor the Equality Act, for services user, staff groups or the wider public to the Integration Joint Boards being Category 1 responders. There were positive responses to the consultation which highlighted closer working between partnerships as well as fairness and equity in response and recovery. However, the consultation responses also highlight some concerns over responsibility and accountability and the possible need to review some procedure. As noted, the Integration Joint Boards are already part of the planning process alongside the Local Authorities and Health Board. Including them under the Act will formalise this duty but it should not place additional advantage or disadvantage to service users nor staff as these activities are already part of the role of the Integration Joint Board Chief Officer.</p> <p>It is anticipated that the Integration Joint Boards will continue to utilise the data, analysis and activities for planning and emergency planning as they currently do, which already considers the Fairer Scotland Duty requirements. It is therefore anticipated that no additional changes are therefore required.</p>
<p><b>Sign off</b></p>	<p><b>Name: Iain MacAllister</b></p> <p><b>Job title: Deputy Director: Governance, Evidence and Policy Division</b></p>



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The Scottish Government  
St Andrew's House  
Edinburgh  
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ISBN: 978-1-80004-555-2 (web only)

Published by The Scottish Government, January 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS814206 (01/21)

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