

Midlothian Integration Joint Board



Thursday 3 May 2018 at 2.00pm

Review of the Standing Orders of the Midlothian Integration Joint Board

Item number: 5.10

Executive summary

The current version of the Midlothian Integration Joint Board's (MIJB) Standing Orders was part of the Governance arrangements approved by the Board in August 2015.

The purpose of this report is to seek the Board's approval of proposed changes to the MIJB's Standing Orders to take account of:-

- adjustments requested by the MIJB at its' meeting on 20 August 2015
- changes as a result of the Public Bodies (Joint Working) (Integration Joint Boards and Integration Joint Monitoring Committees) (Scotland) Amendment (No. 2) Order 2015;
- provision for the inclusion of the terms of reference for the Audit & Risk Committee;
- amended governance to ensure that substitutes on the MIJB are aware of their duties under the Code of Conduct; and
- provision to allow urgent decisions to be taken.

The report also seeks, in line with what is considered good governance practice, approval to establish a review process for Standing Orders.

Board members are asked to:

- ***Approve the proposed changes to the Standing Orders of the Midlothian Integration Joint Board; and***
- ***Approve the proposed review process for Standing Orders.***

Review of the Standing Orders of the Midlothian Integration Joint Board

1. Purpose

- 1.1 This report seeks approval of proposed changes to the MIJB's Standing Orders; and seeks, in line with what is considered good governance practice, authority to establish a review process for Standing Orders.

2. Recommendations

- 2.1 To approve the proposed changes to the Standing Orders of the Midlothian Integration Joint Board; and
- 2.2 To approve the proposed review process for Standing Orders.

3. Background and Main Report

- 3.1 In terms of The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 ('the Order'), Integration Joint Boards must make standing orders to regulate its business. The Standing Orders for the Midlothian Integration Joint Board were approved at the MIJB's meeting on 20 August 2015.
- 3.2 The Standing Orders encourage transparent and accountable decision making with sufficient provisions in place to ensure the smooth running of the MIJB, including arrangements for such matters as the chairing of the meetings, the notice for the meetings and how voting will be carried out. They follow the structure and pattern of a draft set of Standing Orders prepared through the Health Board for recommendation, with local variations where desired, for adoption by each of the four Lothian IJBs.
- 3.3 Following a review of the MIJBs' current Standing Orders a number of amendments are proposed, these are reflected below:

Adjustments requested by the MIJB

- 3.4 The MIJB at its' meeting on 20 August 2015 suggested that with regards the Standing Orders relating to Voting (section 9) that these should be brought more into line with the Council's Standing Orders particularly in respect of the timescales for the submission of Notices of Motion (9.3), and the withdrawal by the mover and seconder of a Notice of Motion (9.5).

The Public Bodies (Joint Working) (Integration Joint Boards and Integration Joint Monitoring Committees) (Scotland) Amendment (No. 2) Order 2015

- 3.5 In 2014, the Scottish Ministers passed the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014, that included details of the matters which should be included in the Standing Orders of Integration Joint Boards. One such provision was a requirement that the IJB or its committees determine if a member, who had declared an interest, should take part in the discussion on this item or any vote on the item.
- 3.6 This provision was not the practice followed by the Midlothian Council or NHS Lothian.
- 3.7 The Scottish Ministers in December 2015 passed the Public Bodies (Joint Working) (Integration Joint Boards and Integration Joint Monitoring Committees) (Scotland) Amendment (No. 2) Order 2015 which amended the practice to be followed by Integration Joint Boards bringing it into line with the Councillor's Code of Conduct and the Public Bodies' Model Code. The result of this being that it was now the Member who declared the interest, rather than the rest of the membership who determined whether their declaration required them to preclude themselves from discussion and any voting on that item.

Creation of the MIJB Audit & Risk Committee

- 3.8 Arrangements for the creation of the Audit & Risk Committee were outlined in a report to the MIJB which was considered at its meeting on 29 October 2015. The membership and terms of reference for the Committee were approved by the MIJB as part of its Financial Regulations. The first formal meeting of the Audit & Risk Committee took place on 9 June 2016.
- 3.9 While the Standing Orders of the MIJB allow for the appointment of such committees and working groups as it thinks fit, changes are required to include a Scheme of Administration outlining the terms of reference for each committee and working group of the MIJB.

Substitutes to the MIJB

- 3.10 It has been identified that substitute members are not currently required to comply with the MIJB's Code of Conduct when attending a meeting on behalf of an existing voting or non-voting member. Substitute members are not categorised as members of the MIJB, and thus the Code of Conduct under the Ethical Standards in Public Life (Scotland) Act 2000 does not apply to them.
- 3.11 The Scottish Government has advised that there are no immediate plans to legislate for a change in the status of substitutes and have recommended that Standing Orders could be used to formalise this position. To address this issue an amendment has been made to the MIJB's Standing Orders requiring substitutes to be aware of the MIJB's Code of Conduct and comply with its requirements and the duties placed on members.

Urgent Decisions

- 3.12 The Midlothian Integration Joint Board currently holds no provision for a decision to be taken outside a Board meeting or the Audit and Risk Committee taking decisions within its remit. There are though occasions where it may be necessary for a decision to be taken urgently which cannot wait for a meeting. As a result it is proposed to add a paragraph into Standing Orders that will allow the Chief Officer, in consultation with the Chair and Vice-Chair, to take decisions that were urgent and could not wait until the next meeting. To ensure appropriate oversight of this power, the Standing Order does require the Chief Officer to also report to the next meeting informing the MIJB or its committees of the action taken. It is not expected that this Standing Order will be required to be used on a regular basis.
- 3.13 The proposed changes to Standing Orders are clearly marked as tracked changes on a copy of the MIJB's current Standing Orders which are attached for ease of reference as an **Appendix** to this report.

Proposed Review Procedures for Standing Orders

- 3.14 Once approved, the revised Standing Orders will be published on the internet alongside other documents such as the Financial Regulations and the Register of Interests.
- 3.15 Standing Orders will be checked each year as part of the annual review by the Board of its system of internal control and in preparing its annual governance statement
- 3.18 They will also be more comprehensively reviewed every three years and the outcome reported to the Board.

4. Policy Implications

- 4.1 The recommendations in this report comply with the Order and national guidance.

5. Equalities Implications

- 5.1 There are no equalities issues arising from any decisions made on this report.

6. Resource Implications

- 6.1 There are no immediate resource implications of this paper.

7. Risk

- 7.1 There are no risk implications as a result of this report.

8. Involving People

- 8.1 There are no implications for involving people as a result of this report.

9. Background Papers

- The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014
- The Public Bodies (Joint Working) (Integration Joint Boards and Integration Joint Monitoring Committees) (Scotland) Amendment (No. 2) Order 2015
- Previous MIJB Reports and Minutes

AUTHOR'S NAME	Mike Broadway
DESIGNATION	Democratic Services Officer
CONTACT INFO	mike.broadway@midlothian.gov.uk 0131 271 3160
DATE	30 th October 2017

Appendices:	Proposed Revised Midlothian IJB Standing Orders
--------------------	---