

**Midlothian Integration Joint Board – Appointment of Voting Members and Initial Chairperson****Report by John Blair, Director, Resources****1 Purpose of Report**

- 1.1** This report invites the Council to nominate four Midlothian Councillors to serve as voting members on the Midlothian Integration Joint Board and to nominate one of these to be the initial chairperson. The report also invites the Council to consider nominating a proxy or proxies to attend meetings of the Integration Joint Board should any of the substantive nominees be unable to attend.

**2 Background**

- 2.1** Under the Public Bodies (Joint Working) (Scotland) Act 2014, and associated Regulations, Local Authorities and Health Boards were required to jointly submit Integration Schemes for Ministerial approval by 1 April 2015. Following preparation of and consultation on a proposed Midlothian Integration Scheme, on 24 March 2015, Midlothian Council authorised the submission of the Integration Scheme to the Scottish Government for approval. The NHS Lothian Board agreed similarly at its meeting on 4 March 2015.
- 2.2** The Scottish Government has previously advised that the process to approve Integration Schemes will take 12 weeks. During this period the Scottish Government will review the schemes submitted and liaise with partnerships to obtain any necessary information or clarity. The Cabinet Secretary will sign-off the Integration Schemes at week 8 and then an Order will be laid in Parliament for 28 days. After this the Integration Joint Boards can be legally constituted.
- 2.3** At the meeting of Midlothian Council on 24 March 2015 it was agreed that should any amendments be made by the Scottish Government to the Midlothian Integration Scheme following its submission, then these could be authorised by the Chief Executive and the Council Leader on behalf of the Council.
- 2.4** In accordance with the aforementioned 12 week timetable for approval of the Midlothian Integration Scheme, it is expected that the scheme will be approved before the end of June 2015. With this in mind it is anticipated that the inaugural meeting of the Midlothian Integration Joint Board will be held at an early date thereafter.

**3 Membership of the Midlothian Integration Joint Board****Voting Members, Chair and Vice-Chair****3.1/**

- 3.1** The “Local Governance Arrangements” for the Midlothian Integration Joint Board are set out in the Midlothian Integration Scheme, an extract of which is shown at **Appendix 1** hereto. Under this Midlothian Council requires to nominate four Councillors, who will be voting members of the Integration Joint Board. There will also be four non-executive directors nominated by NHS Lothian who will likewise be voting members.
- 3.2** The Integration Joint Board will have a chairperson and a vice-chairperson appointed from among the members nominated by the Council and NHS Lothian.
- 3.3** The initial chairperson is to be appointed by Midlothian Council and the initial vice-chairperson by NHS Lothian. They will each serve for two years from the date on which the Integration Joint Board is established until the second anniversary of that date. At the end of that period the chairperson will fall to be appointed by NHS Lothian and the vice-chairperson by Midlothian Council. The appointments will continue to alternate on a two yearly basis thereafter between the parties.
- 3.4** The Council and NHS Lothian can change its appointee as chairperson (or, as the case may be, vice chairperson) at any time and it is entirely at the discretion of each of the appointing parties to decide who it shall appoint.

#### **Other Members - Non-Voting Members**

##### **3.5 (i) Professional Advisors**

The Public Bodies (Joint Working) (Integration Joint Boards)(Scotland) Order 2014 specifies that a number of non-voting members are to be appointed (under Article 3) to the Joint Board. These are:-

- (a) The Chief Social Work Officer of the local authority;
- (b) The Chief Officer of the Integration Joint Board;
- (c) The proper officer of the Integration Joint Board appointed under section 95 of the Local Government (Scotland) Act 1973;
- (d)\* A General Medical Practitioner;
- (e)\* A Registered Nurse either employed by the NHS Board or a general medical practitioner; and
- (f)\* A Medical Practitioner who is not a GP.

\*These three post holders are to be nominated by the NHS Board.

##### **3.6 (ii) Stakeholder Members**

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The Integration Joint Board must also appoint at least one member in respect of each of the following groups:-

- (a) Staff of the constituent authorities engaged in the provision of services provided under integration functions;
- (b) Third Sector bodies carrying out activities related to health or social care in the area of the local authority;
- (c) Service Users residing in the area of the local authority; and
- (d) Persons providing unpaid care in the area of the local authority.

### **3.7 (iii) Additional Members**

The Integration Joint Board may also appoint such additional members as it sees fit but such members may not be a councillor or a non-executive director of the Health Board.

## **4 Term of Office of Integration Joint Board Members**

- 4.1** Except as stated below, the term of office of a member of the Integration Joint Board is to be determined by the constituent authorities, but this is not to exceed three years. At the end of this period the member may be re-appointed for a further term of office.
- 4.2** Given the five year local government election cycle, the Council may wish to consider appointing its four councillor nominees for the period to the end of the life of the current Council in May 2017 (i.e. roughly two years). Thereafter, and depending on the outcome of the elections, the Council could appoint new or re-appoint the previous four councillor nominees at the first meeting after the elections. This could be for a full period of three years and thereafter any new/re-appointments could be to the end of the life of the Council in May 2022.
- 4.3** The professional advisors referred to at paragraphs 3.5 (i) (a) to (c) above are to remain members for as long as they hold the office in respect of which they were appointed.
- 4.4** The above is subject to Articles 9 (resignation of members) and 10 (removal of members) of The Public Bodies (Joint Working) (Integration Joint Boards)(Scotland) Order 2014.

## **5 Disqualifying Criteria**

- 5.1** The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 specifies that persons will be disqualified from being a member of an Integration Joint Board if they:-

(a)/

- (a) have within the period of five years immediately preceding the proposed date of appointment been convicted of any criminal offence in respect of which they have received a sentence of imprisonment (whether suspended or not) for a period of not less than three months (without the option of a fine);
- (b) have been removed or dismissed for disciplinary reasons from any paid employment or office with a Health Board or local authority;
- (c) are insolvent;
- (d) have been removed from a register maintained by a regulatory body, other than where the removal was voluntary; or
- (e) have been subject to a sanction under section 19(1)(b) to (e) of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

**5.2** A questionnaire has been prepared (**Appendix 2**) for completion by every proposed member of an integration joint board (voting and non-voting) before the appointment is made. The questionnaire will also have to be completed by any proxies (see below).

## **6 Proxies**

**6.1** If a nominated councillor is unable to attend a meeting of the Integration Joint Board then the Council is to use its best endeavours to arrange for a suitably experienced proxy councillor to attend the meeting in place of the voting member. Such proxies may vote on decisions put to that meeting.

**6.2** In light of this the Council may wish to consider nominating four named Councillor proxies, i.e. one for each of the four substantive Councillor nominees, with the period of appointment of the proxies mirroring that of the substantive Councillor nominees;

## **7 Midlothian Health and Social Care Partnership Shadow Board**

**7.1** Arising from a report to Council on 8 January 2013, approval was given to proposed arrangements to establish a Shadow Board of the Midlothian Health and Social Care Partnership from 1 April 2013, comprising Elected Members and Non Executive NHS Lothian Members, with Officers and Third Sector representation in attendance.

**7.2** It was agreed that there would be eight voting members on the Shadow Board - 4 Council Elected Members and 4 Non-Executive NHS Board Members. It was proposed that 2 of the Elected Members would be from the Political Administration and 2 from other parties. For the first year the Chairperson was to be selected from NHS Lothian members while the Vice Chair was to be the Cabinet Portfolio-holder for Community Care.

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**7.3** The following four Council appointees to the Shadow Board were agreed:-

- Councillor Constable
- Councillor Johnstone
- Councillor Milligan
- Councillor Pottinger

**7.4** Now that the arrangements for the Midlothian Integration Joint Board are being finalised, the Council is asked to formally nominate four councillors to serve as voting members on the Board and also to appoint the initial chairperson from among these nominees.

## **8 Report Implications**

### **8.1 Resource**

There are no resource implications arising from this report.

### **8.2 Risk**

Failure to nominate four councillors and the initial chairperson to the Midlothian Integration Joint Board would mean that the Council was not meeting its statutory obligations and this in turn would delay the Board in taking up its statutory duties.

### **8.3 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- ☒ Community safety
- ☒ Adult health, care and housing
- ☒ Getting it right for every Midlothian child
- ☒ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

### **8.4 Key Priorities within the Single Midlothian Plan**

The creation of the Integration Joint Board is intended, as one of its key objectives, to have a positive impact on healthy inequalities. This will entail collaborating closely with Community Planning Partners, particularly in targeted work in areas of deprivation.

### **8.5 Impact on Performance and Outcomes**

The Integration Joint Board will have a duty to publish an annual performance report which measures progress against a suite of nationally agreed outcome indicators. Of critical importance will be those indicators which measure the shift in balance of care reducing delayed discharge and repeat emergency admissions.

### **8.6/**

### **8.6 Adopting a Preventative Approach**

In keeping with the Christie Report on the future of public services the move towards integration of health and social care is driven by the recognition that the current model of service delivery will become unsustainable. Preventing ill health and enabling people to recover as far as possible from ill health, whether physical or mental, will be a central theme of the strategic direction of the new Integration Joint Board.

### **8.7 Involving Communities and Other Stakeholders**

The regulations accompanying the Public Bodies (Joint Working) (Scotland) Act 2014 are quite unequivocal about the importance of working with localities and involving in a meaningful way all key stakeholders. This includes staff, users, family carers, voluntary sector, housing and independent providers of health and social care. Locally a Strategic Planning Group has recently been established in line with these regulations. Alongside this the Shadow Health and Social Care Partnership Board has taken a particularly strong interest in developing effective mechanisms for communicating with users, carers and the general public with the expectation that this approach is maintained when the new Integration Joint Board goes live.

### **8.8 Ensuring Equalities**

An equalities impact assessment has not been considered necessary for this report.

### **8.9 Supporting Sustainable Development**

There are no sustainability issues arising from this report.

### **8.10 IT Issues**

There are no IT issues arising from this report.

## **9 Recommendations**

The Council is invited:-

- (a) to nominate four Councillors to serve as voting members on the Midlothian Integration Joint Board, each for a term of up to three years;
- (b) to consider nominating four named Councillor proxies, i.e. one for each of the four substantive Councillor nominees, with the period of appointment of the proxies mirroring that of the substantive Councillor nominees;
- (c) to nominate the initial chairperson of the Midlothian Integration Joint Board for the period from the date on which the Integration Joint Board is established until the second anniversary of that date;
- (d)/

- (d) to note that the councillors nominated at (a) and any proxies at (b) above will be subject to vetting in terms of the questionnaire at Appendix 2; and
- (e) to otherwise note this report.

**21 April 2014**

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## **Appendix 1**

### **Extract from Midlothian Integration Scheme**

#### **3. Local Governance Arrangements**

##### **3.1. Membership**

3.1.1. The IJB shall have the following voting members:

- a) 4 councillors nominated by the Council; and
- b) 4 non-executive directors nominated by NHS Lothian, in compliance with articles 3(4) and 3(5) of the Integration Joint Boards Order.

3.1.2. The Parties may determine their own respective processes for deciding who to nominate as voting members of the IJB.

3.1.3. Non-voting members of the IJB will be appointed in accordance with article 3 of the Integration Joint Boards Order.

3.1.4. The term of office of members shall be as prescribed by regulation 7 of the Integration Joint Boards Order.

##### **3.2. Chairperson and Vice Chairperson**

3.2.1. The IJB shall have a chairperson and vice-chairperson who will both be voting members of the IJB.

3.2.2. The term of office of the chairperson will be two years, with the Council appointing the first chairperson for the period from the date on which the IJB is established until the second anniversary of that date, and NHS Lothian appointing the second chairperson for the period from the second anniversary of the date on which the IJB is established until the fourth anniversary of that date.

3.2.3. As from the fourth anniversary of the date on which the IJB is established, the power to appoint the chairperson will continue to alternate between each of the Parties on a two-year cycle.

3.2.4. The term of office of the vice chairperson will be two years, with NHS Lothian appointing the first vice chairperson for the period from the date on which the IJB is established until the second anniversary of that date. The provisions set out above under which the power of appointment of the chairperson will alternate between the Parties on a two-year cycle will apply in relation to the power to appoint the vice chairperson, and on the basis that during any period when the power to appoint the chairperson is vested in one Party, the other Party shall have power to appoint the vice-chairperson.

3.2.5. The Parties may determine their own processes for deciding who to appoint as chairperson or vice-chairperson.



- 3.2.6. Each Party may change its appointment as chairperson (or, as the case may be, vice chairperson) at any time; and it is entirely at the discretion of the Party which is making the appointment to decide who it shall appoint.

## Appendix 2

### Questionnaire on Disqualification Criteria for IJB Members

#### Introduction

The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 sets out the rules for setting up integration joint boards. Within that there are some disqualifying criteria which prevent an individual from becoming a member of an integration joint board. This questionnaire should be completed by every proposed member of an integration joint board (voting and non-voting) before the appointment is made. If your answer to any of these questions is YES, then you are disqualified from being a member of the integration joint board.

#### Checklist

Proposed Date of Appointment of the Member to the Integration Joint Board	
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No	Question	YES	NO
1	Have you in the 5 years (preceding the proposed date of appointment*): <ul style="list-style-type: none"> <li>• been convicted of any criminal offence that led to a prison sentence (whether suspended or not) of at least 3 months without the option of paying a fine.</li> </ul>		
2	Have you been removed or dismissed for disciplinary reasons from any paid employment or office with a Health Board or local authority?		
3	Are you insolvent*?		
4	Have you been removed from a register maintained by a regulatory body, other than where the removal was voluntary? Note: A voluntary removal includes removal by reason of retirement, or otherwise ceasing to practice as a regulated professional.		
5	Have you been subject to a sanction under section 19(1)(b) to (e) of the Ethical Standards in Public Life etc. (Scotland) Act 2000?		

Name of Proposed Member (PRINT)	
SIGNATURE	
DATE	

Please forward the completed form to \_\_\_\_\_

\* The Order provides further detail as to how to interpret this criterion.