

Midlothian Integration Joint Board



Thursday, 15th December 2022, 14.00 – 16.00

Midlothian Integrated Joint Board Governance Documents

Item number: 5.4

Executive summary

This report sets out key action required to ensure statutory governance requirements are fulfilled. The pandemic and associated pressures resulted in some statutory requirements being granted an extension to completion. Integration Joint Boards must now review all governance arrangements and ensure updates are made where required.

Board members are asked to:

1. Note the action taken to update the Code of Conduct and Integration Scheme; and
2. Note the action plan and timelines to review the Standing orders and Scheme of Delegation.

Midlothian Integrated Joint Board Governance Documents

1 Purpose

- 1.1 This report sets out an update on the action currently being undertaken to ensure statutory governance requirements are fulfilled. The pandemic and associated pressures resulted in some statutory requirements being granted an extension to completion. Integration Joint Boards must now review all governance arrangements and ensure updates are made where required.

2 Recommendations

- 2.1 As a result of this report Members being asked to:-
- Note the action taken to update the Code of Conduct and Integration Scheme
 - Note the action plan and timelines to review the Standing Orders and Scheme of Delegation

3 Background and main report

- 3.1 The Ethical Standards in Public Life (Scotland) Act 2000 provides for Codes of Conduct for local authority councillors and members of relevant public bodies. As a Public Body listed in schedule 3 of the Act, the Midlothian Integration Joint Board is required to produce a Code of Conduct in line with the Model Code. This work has been completed and the updated Code of Conduct was approved by the Scottish Government on 11th July 2022.
- 3.2 In 2016 Midlothian Council entered into the Midlothian Integration Scheme with NHS Lothian to establish the Midlothian Integration Joint Board ('MIJB'). Section 44 of The Public Bodies (Joint Working) Scotland Act 2014 requires the Council and the NHS to carry out a review of the integration scheme within five years from the date the Scottish Ministers approved the scheme.
- 3.3 For the Midlothian scheme, the review should have been completed by late May 2020. Plans initially considered in early 2020 to review the Midlothian Integration Scheme were halted and made unfeasible at that stage by the coronavirus pandemic. Scottish Government accepted this delay (which had affected many Board and Council areas), however in mid-2021 Scottish Government requested that the statutory reviews were taken forward without further delay. NHS Lothian, in coordinating the current joint review of schemes pan-Lothian, has continued to liaise with the Scottish Government policy team to both involve them and to communicate ongoing progress.

- 3.4** Initial consideration of the Integration Schemes with colleagues in NHS Lothian, other Local Authorities and Health & Social Care Partnerships, taken forward before the pandemic, did not identify a fundamental problem with the existing integration schemes.
- 3.5** Building on this in 2021 an Oversight Group was convened with participation of nominated senior officers representing all the parties to the Lothian schemes. This group provided strategic guidance on the scope and focus for the necessary review to be undertaken. The review was duly remitted to essentially 'Tidy Up' the existing schemes, rather than to consider anything more transformational with regard to delegated functions, scope, and the operations of Lothian IJBs. This scope was set in recognition of the emerging national policy landscape in Health and Social Care particularly arising from the Independent Review of Adult Social Care, and the consideration of a new National Care Service. The Oversight Group also recognised that operational management arrangements for hosted services had changed significantly since the initial Integration Schemes had been written, and therefore requested that the operational detail be removed from the revised schemes (as such was out of date and unnecessary).
- 3.6** The main areas reviewed in the 2021/22 review exercise are:
- A refresh of the Aims, Vision, Values, Outcomes of the IJB in line with current strategic plans
 - A general refresh of all out of date text in the scheme - Operational Role of the IJB; Support for Strategic Planning; Professional Technical and Administrative support services; Performance Targets & Improvement Measures, Complaints processes, etc.
 - The core Clinical and Care Governance element of schemes has largely been retained in the revised scheme in the existing form.
 - An extensive update to the finance section of schemes has been completed collaboratively by finance leads across all of the parties, updating detail on Financial Governance; Payments to MIJB; Financial Reporting; Process for Addressing Variance; Redetermination of Payments; Redetermination of Set-aside Amounts; Use of Capital Assets; Financial Statements; and External Audit etc.
 - An extensive update to the Information Governance and Data Sharing section has been completed collaboratively across Information Governance leads, to better reflect the current protocols and arrangements in place across Lothian.
 - As necessary subject expert input from council teams, Health, and Social Care Partnership Teams, and from within NHS Lothian was gained to inform review work. / etc.
 - Legal review of the revised schemes was led by Midlothian Council's Legal and Governance Manager, working with the coordinating manager for the review in NHS Lothian. The NHS Scotland Central Legal Office nominated solicitor has also reviewed and inputted to the revision.

- 3.7 Following the statutory consultation process required in terms of section 46 of The Public Bodies (Joint Working) Scotland Act 2014, the revised Scheme was presented to Lothian NHS and Midlothian Council for consideration. Both bodies approved the Scheme for submission to the Scottish Government and it was duly submitted on 7th July 2022.
- 3.8 The Scottish Government referred the Scheme back on 13 September with some 12 pages of comments. It has taken some time to work through the comments, but this has now been done and the Scheme, duly amended was once again submitted to the Scottish Government on 23rd November 2022. Final confirmation that the Scheme is accepted is now awaited from the Scottish Government.
- 3.9 The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 sets out the provisions which apply to the membership, proceedings, and operation of all Integration Joint Boards. The Board has agreed Standing Orders to regulate the conduct and proceedings of meetings of the Board in terms of the above Order. The current Standing Orders and associated Scheme of Delegation were approved on 1st March 2018 and given the passage of time and change to working practices it would be appropriate to review the Standing Orders to ensure the Orders still reflect good governance.
- 3.10 Given there is a statutory requirement to review both the Code of Conduct and the Integration Scheme, it was agreed to prioritise these actions before any review of Standing Orders. The Code of Conduct has been approved by the Scottish Government and it is hoped that the Integration Scheme can now also be approved, it is now intended to commence the review of Standing Orders.
- 3.11 The review will require consultation and feedback from the members of the IJB. The current Standing Orders and Scheme of Delegation are attached, and it is hoped that any proposed changes can be considered at the Development Session on 12 January 2023. This will allow the Standing Orders and Scheme of Delegation to be amended, an Integrated Impact Assessment prepared, and the amendments considered at the IJB Meeting on 09 February 2023

4 Policy Implications

- 4.1 Implementation, updating and maintenance of the above IJB governance is a statutory requirement.

5 Directions

- 5.1 There are no implications regarding Directions.

6 Equalities Implications

- 6.1 There are no equalities implications arising from this report

7 Resource Implications

- 7.1 There are no resource implications.

8 Risk

- 8.1 These tasks are required to support the proper governance of the Board.

9 Involving people

- 9.1 The IJB's meetings are recorded and available to the public and all of its papers are available on the internet.

10 Background Papers

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Appendices:

Appendix 1: Standing Orders

Appendix 2: Scheme of Delegation