

# Midlothian Integration Joint Board



**Thursday 22<sup>nd</sup> August 2024, 14:00-16:00**

## **Annual Review of Midlothian Integration Joint Board Governance Position**

### **Executive summary**

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**Item number: 5.11**

This report sets out key action required to ensure the statutory governance requirements of Midlothian Integration joint Board are fulfilled and notes both the statutory governance requirements activities that have been progressed, and the areas that require review.

Midlothian Integration Joint Board continues to monitor governance arrangements, review, and update as required. Areas of ongoing work in 2024/25 are

- Records Management Plan
- Risk Register Policy
- Directions Policy

#### **Board members are asked to:**

1. Note the key areas of progress and proposed ongoing actions.
  2. Highlight any areas of concern and propose any required amendments.
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## Annual Review of Midlothian Integration Joint Board Governance Position

### 1 Purpose

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- 1.1 This report sets out key action required to ensure the statutory governance requirements of Midlothian Integration joint Board are fulfilled. A number of statutory governance requirements activities in 2024 have progressed.
- 1.2 Midlothian Integration Joint Board continues to monitor governance arrangements, review and update as required.

### 2 Recommendations

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- 2.1 As a result of this report Members being asked to:
  - Note the key areas of progress and proposed ongoing actions.
  - Highlight any areas of concern and propose any required amendments.

### 3 Background and main report

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- 3.1 Integration Joint Boards are public bodies and must ensure that arrangements are established to comply with their public body duties. The Public Bodies (Joint Working) (Scotland) Act 2014 includes duties to develop a Strategic Plan for integrated functions and budgets, prepare an Annual Performance Report and publish an annual Financial Statement. There are also duties placed on Integration Joint Boards by specific legislation as follows

#### 3.1.1 Scheme of Integration

The Public Bodies (Joint Working) (Scotland) Act 2014 sets out the statutory duty for health boards and local authorities to work together to provide integrated health and care and the requirement for both parties to jointly establish a Scheme of Integration. This NHS Lothian Midlothian Council scheme outlines the establishment, governance, scope, and operation of the Midlothian IJB. A new Midlothian [Scheme of Integration](#) was approved by Scottish Government on 15<sup>th</sup> May 2023 and next due for review in 2028.

#### 3.1.2 Local Code of Corporate Governance

The Board is responsible for ensuring that its business is conducted in accordance with the law and proper standards. This is to allow the public funds and the assets at its disposal to be safeguarded and used efficiently and effectively in pursuit of best value.

Furthermore, Board Members are responsible for the governance of the business affairs of the Board. This includes setting the strategic direction, vision, culture, and values of the Board and establishing appropriate and cost-effective systems, processes, and internal controls to allow the strategic objectives to be delivered.

In April 2021, the Board approved the Midlothian Integration Joint Board Local Code of Corporate Governance based on the Delivering Good Governance in Local Government Framework 2016 published by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives' (SOLACE).

There has been no change to the CIPFA guidance which underwrites the Code since the Midlothian Integration Joint Board Code was approved in 2021. The Code is currently being reviewed and will be submitted to the Board for approval during 2024.

### **3.1.3 Standing Orders**

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. Midlothian IJB agreed Standing Orders to regulate the conduct and proceedings of meetings of the Board in terms of the above Order on 9<sup>th</sup> February 2023.

The Terms of Reference for both the Audit and Risk Committee and the Strategic Planning Group were reviewed by the Audit and Risk Committee on the 6<sup>th</sup> June 2024 and recommended to Midlothian IJB for approval. Any approved changes to the Audit and Risk Committee Terms of Reference will require the Scheme of Administration which forms part of the Midlothian IJBs Standing Orders to be amended.

### **3.1.4 Register of Interest**

In accordance with the Ethical Standards in Public Life (Scotland) Act 2000 (Register of Interests) Regulations 2003, Board Members of devolved public bodies are required to give notice of their interests under the seven categories of remuneration; related undertakings; contracts; houses, land, and buildings; interest in shares and securities; gifts and hospitality; non-financial interests.

All members of Midlothian IJB (voting and non-voting) are required to complete a declaration of Registered Interests. This is a living document and should be updated by Members as and when circumstances change. The acceptance of office and the disqualification statements equally do not have one specific date as they have been submitted by each Board Member as appropriate to individual circumstance.

The Standards Officer will ensure all current members of Midlothian Integration Joint Board have completed their Register of Interest and liaise with the Integration Manager to ensure that Scottish Government is informed of the location of these published records on the IJB pages of the website.

### **3.1.5 Code of Conduct**

The Ethical Standards in Public Life (Scotland) Act 2000 requires each Integration Joint Board to produce a Code of Conduct for members in line with the Model Code. Some members may have already signed similar codes of conduct i.e., Code of Conduct for Councillors; however, they are still required to sign the Integration Joint Board's code of conduct as their duties as Integration Joint Board members should be independent of the responsibilities that they may have by virtue of other posts.

Midlothian IJB reviewed and approved its revised Code of Conduct in 2022 on 16<sup>th</sup> June 2022. The Code of Conduct applies to all IJB members who are subject to the Code by virtue of their appointment. The Standards Officer continues to ensure that a declaration of acceptance of office is received from all members.

### **3.1.6 Scheme of Delegation**

Integration Joint Boards must appoint a Chief Officer and a Chief Finance Officer (Section 95 Officer). Other officers also carry out duties on behalf of the Board and should be detailed in the Scheme of Delegation. The Scheme of Delegation was included in the 2023 review of Standing Orders to help ensure sound decision-making, adequate control, and good governance.

The Scheme sets out the powers and responsibilities of significance to the MIJB's discharge of its statutory responsibilities which it has chosen to delegate to those officers. The Midlothian Scheme of Delegation currently details delegation to the Chief Officer, Chief Finance Officer, the Chief Internal Auditor, and the Standards Officer.

Midlothian IJB also receives support from officers and employees of the Council and the Health Board, and Midlothian IJB may wish to consider any further noted delegations that would assist in the smooth running of the Board.

### **3.1.7 Records Management**

The Public Records (Scotland) Act 2011 details the requirements of all public authorities in relation to records management. Under Section 1 Integration Joint Boards must prepare and implement a records management plan which sets out proper arrangements for the management of their records. The records management plan must be submitted for agreement by the Keeper of the Records of Scotland.

The plan must account for all the public records for which the authority has responsibility. The plan must detail the functions of each authority and the types of records created in pursuance of these functions. It will show the policies and procedures in place for the appropriate storage, retention, disposal, archiving and security of these records.

A senior officer of Midlothian HSCP will therefore be the Records Manager for Midlothian Integration Joint Board and responsible for overseeing the development and implementation of the records management plan and for approving it prior to submission for the Keeper's agreement. In Midlothian, this is the Executive Business Manager.

This plan was last reviewed in 2017 and will be urgently reviewed by the Executive Business Manager and the Midlothian Audit and Risk Committee prior to Midlothian IJB review and submission to the Keeper of the Records of Scotland for consideration and approval.

### **3.1.8 Scheme of Publication**

Section 23 of the Freedom of Information (Scotland) Act 2002 requires Integration Authorities to develop and put in place a publication scheme, along with a guide setting out what information it will make available. It is important that consideration is given to the publication scheme and associated guides to information to make clear how the Board intends to communicate with people and communities.

The Board adopted the Scottish Information Commissioner's Model Publication Scheme on 31<sup>st</sup> May 2017. The Midlothian Model Publication Scheme was reviewed and updated in 2023 and considered by the Audit and Risk committee on the 7<sup>th</sup> December 2023. Midlothian IJB formally adopted the Model Publication Scheme without amendments on the 21<sup>st</sup> December 2023 and subsequently notified the Scottish Information Commissioner.

Internal Audit completed an audit of the Midlothian Model Publication Scheme in March 2024 with an overall assurance rating of 'Reasonable' noting information is appropriately classified and the associated Guide to Information adheres to the six Model Publication Scheme Principles. Some improvement opportunities were noted, and work is underway to deliver these recommendations before the end of the year.

### **3.1.9 Risk Register Policy**

Midlothian IJB Risk Register Policy was last reviewed in 2024 by the Chief Finance Officer. A draft revised policy was reviewed by the Audit and Risk Committee on 6<sup>th</sup> June 2024 where revisions and amendments were recommended. The Chief Finance Officer resubmit this draft policy to the next Midlothian Audit and Risk Committee on the 5<sup>th</sup> September 2024 before presenting to Midlothian IJB for approval.

### **3.1.10 Directions Policy**

Following a significant review of Directions and the ongoing development of a new Strategic Commissioning Plan in 2024/25, a review of the MIJB Directions Policy has been delayed allowing for any proposed changes to be fully considered in line with both statutory guidance and local process and be informed by an Internal Audit currently underway.

Following the review and delivery of all relevant Internal Audit recommendations, a revised Directions policy will be drafted by the Integration Manager and reviewed by the Audit and Risk Committee before presenting to Midlothian IJB for approval.

## **4 Policy Implications**

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

## 5 Directions

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- 5.1 This report does not:
- directly impact upon service ability to deliver an existing Direction,
  - raise the need to bring suggested revisions or discuss operational implications for an existing Direction, nor
  - highlight the requirement for a new Direction for Board consideration

## 6 Equalities Implications

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- 6.1 There are no direct equalities implications in relation to this report.

## 7 Resource Implications

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- 7.1 There are no resource implications in relation to this report.

## 8 Risk

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

## 9 Involving people

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

## 10 Background Papers

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- 10.1 No background papers.

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<b>CONTACT INFO</b>	Via email or MS Teams
<b>DATE</b>	02/08/2024

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**Appendices:** N/A