

Notice of Meeting and Agenda



Midlothian Integration Joint Board - Audit and Risk Committee

Venue: Virtual Meeting,

Date: Thursday, 07 December 2023

Time: 14:00

Morag Barrow
Chief Officer

Contact:

Clerk Name:	Democratic Services
Clerk Telephone:	
Clerk Email:	democratic.services@midlothian.gov.uk

Further Information:

This is a meeting which is open to members of the public.

1 Welcome, Introductions and Apologies

2 Order of Business

Including notice of new business submitted as urgent for consideration at the end of the meeting.

3 Declaration of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Minute of Previous Meeting

- | | | |
|------------|---|-------|
| 4.1 | Minute of MIJB Audit and Risk 23 November 2023 - submitted for approval | 3 - 8 |
|------------|---|-------|

5 Public Reports

- | | | |
|------------|--|---------|
| 5.1 | Q3 2023/24 Risk Register, report by Chief Financial Officer - David King | 9 - 20 |
| 5.2 | Midlothian IJB Publication Scheme 2023, report by Integration Manager - Gill Main | 21 - 76 |
| 5.3 | Internal Audit Report, report by Chief Internal Auditor - Duncan Stainbank | 77 - 88 |
| 5.4 | NHS Lothian Internal Audit Report Complaints Handling, report by Chief Internal Auditor - Duncan Stainbank (to follow) | |

6 Private Reports

No items for discussion

7 Date of Next Meeting

The next meeting will be held on Thursday, 7 March 2023 at 2:00pm.

Midlothian Integration Joint Board



Meeting	Date	Time	Venue
Audit and Risk Committee	Thursday 23 November 2023	10.00am	Virtual Meeting held using MS Teams.

Present (voting members):

Val de Souza (Chair)	Cllr Connor McManus	Nadin Akta
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Present (non-voting members):

Morag Barrow (Chief Officer)	Claire Flanagan (Chief Finance Officer)	Claire Gardiner (Audit Scotland, External Auditor)
Patricia Fraser (Audit Scotland, External Auditor)		

In attendance:

Gill Main (Integration Manager)	Alan Turpie	Gary Leadbetter (Democratic Services Officer)
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Apologies:

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Audit and Risk Committee

Thursday 23 November 2023

1. Welcome and Introductions

The Chair welcomed everyone to the meeting.

2. Order of Business

The Order of Business was as detailed in the agenda.

3. Declarations of interest

No declarations of interest were received.

4. Minutes of Meeting

- 4.1 The Minute of Meeting of the Audit and Risk Committee held on Thursday 7 September 2023 was submitted and approved as a correct record.
- 4.2 Matters Arising: None.

5. Public Reports

5.1 MIJB Annual Audit Report – Year Ended 31 March 2023, report by Audit Scotland

Claire Gardiner, Audit Scotland, External Auditors presented the Midlothian Integration Joint Board (MIJB) Annual Audit Report – Year Ended 31 March 2023. Claire Gardiner provided apologies for the delay in the submission of the audit, explaining the difficulties presented around catching up to pre-Covid timescales noting this was not specific to MIJB. Claire Gardiner noted that the report was in two parts, the first providing conclusions on the financial statements audit work, noting that Audit Scotland intend to provide a clean, unmodified audit opinion and it further provides references to significant audit matters and unadjusted errors. Claire Gardiner noted that it also includes a letter of representation, which provides assurances from the MIJB with regard to key judgements on the annual report, including fraud. Claire Gardiner asked that, before the letter is approved, the Members of the Committee consider any knowledge of actual or alleged fraud, non-compliance with laws or regulations or post-balance sheet events.

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The Chair, Val de Souza, asked if the Members had any comments to provide on the request from Claire Gardiner. No comments or matters were raised.

Claire Gardiner then noted that the second part of the report was the Annual Audit Report and highlighting key messages including that:

- Exhibit 1 highlights that materiality has increased from planning, and this is in relation to the increase in gross expenditure.
- Exhibit 2 shows one significant audit matter in the year. The issue highlight is to correct the disclosures in the management commentary around social work and to improve the clarity for the reader. Audit Scotland is satisfied that the revised accounts are correct in this regard.
- Paragraph 19 highlights the risks identified as part of the Annual Audit Plan and outlines the work completed in year and the results of this. There were no issues arising from the audit work to date and there were no adjustments over the reporting threshold that the Committee needs to be aware of.
- Exhibit 4 notes that although the MIJB has a medium-term financial plan, updates are required to take into account revised funding levels and the 2023/24 recovery plan, and a recommendation has been made reflecting this at paragraph 37.
- Three other recommendations have been made in relation to the wider scope work, which are outlined in the Action Plan at Appendix 1. These cover the risks associated with the loss of a Chief Finance Officer and areas identified with scope for improvement with regards to disclosure of register of interests and formalising reporting of best value.

The Chair thanked Claire Gardiner for taking the Committee through the report and also for the explanation and apologies around the delay.

Claire Flanagan, Chief Finance Officer, explained that they had seen the recommendations prior to the meeting and had worked with Audit Scotland in coming up with the responses. Claire Flanagan noted that the recommendation around financial sustainability is on the to-do list and it is now just the timing of when the funding partners develop their own financial plans to allow a financial plan to be brought to the MIJB.

Morag Barrow, Chief Officer, queried whether there was an expectation to update the five-year financial plan on a monthly basis. Claire Gardiner explained that there is not expectation that this is done monthly and that Audit Scotland are comfortable with the current approach and plans. Noted that an annual process is sufficient.

Morag Barrow also noted that in Section 2, Paragraph 36, the wording states that “Since February, further increases in funding have been agreed by Midlothian Council” and queried what this was in reference to. Morag Barrow stated that there was one non-recurring allocation,

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but that this year there was a reduction in funding from Midlothian Council. Patricia Fraser, Audit Scotland, External Auditors, explained that they had thought that initially Midlothian Council had not agreed to the funding that was requested by the MIJB but during the year they had increased the funding. If this is incorrect, the paragraph can be updated. It was agreed that the wording would be updated to reflect that additional funding received from Midlothian Council was non-recurring.

Morag Barrow, providing an update on the Section 75 Officer, explained that David King, who has previously been Chief Finance Officer for East Lothian Council and Midlothian Council, will be covering the Chief Finance Officer / Section 75 Officer post until 31 March 2024 on an interim basis. Both partners are finalising a plan that Midlothian Council will pick up going forward. Claire Flanagan will present a paper at the next MIJB on 21 December 2023.

Action:

- **Wording in Section 2, Paragraph 36 in the Annual Audit Report to be updated to reflect that additional funding received from Midlothian Council was non-recurring.**
- **Members noted the Report.**

5.2 2022/23 Audited Annual Accounts, report by Chief Finance Officer

Claire Flanagan, Chief Finance Officer, presented the 2022/23 Audited Annual Accounts for the MIJB. As a statutory body, the IJB is required to produce a set of annual accounts at the end of its financial year (31 March). These accounts are then reviewed by the IJB's external auditors who report their opinion of the IJB's annual accounts to the IJB's Audit and Risk Committee. This report having been agreed by the committee and presuming no outstanding issues, the IJBs annual accounts can then be approved.

The accounts will then be signed by the Chair of the IJB, the Chief Officer of the IJB and the Chief Finance Officer of the IJB after which they will be published.

Board members are asked to:

1. Note the report of the independent auditor.
2. Consider the 2022/23 annual accounts of the IJB.
3. Recommend approval of the accounts by Chief Officer in consultation with Chair and Vice-Chair in terms of Standing Order 15.1.

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Claire Flanagan highlighted the high-level points contained within the report, noting that:

- The summarising of the year end position resulted a deficit of £10.3million, which should be seen in the context of the following:
 - MIJB generated a surplus in the financial year 2021/22, which was the result of funding being allocated by the Scottish Government during 2021/22 for the use in 2022/23. A significant proportion of this equated to the Covid funding allocation. Therefore, the deficit is a result of the MIJB incurring expenditure against its ear-marked reserves and the return of Covid funding that was not required.
 - MIJB's financial performance against its in-year delegated budget, excluding ear-marked reserves did result in a small surplus, particularly within Social Care, so there was a small operational underspend within the Social Care budgets.
 - Overall, the Health budgets across the MIJB generated an overspend, therefore the partner NHS Lothian provided additional funding to the MIJB of £1.48 million. This is non-recurring financial support to break even all the Health budgets across the MIJB's delegated health services.

Claire Flanagan further highlighted that despite having a small operational underspend within the Social Care budgets, there are still significant areas of financial challenge and these budgets are the prescribing budgets and general medical services budgets. Claire Flanagan also noted that the Annual Governance Statement has now been included and the MIJB's Chief Internal Auditor is involved in developing the report and has provide reasonable assurance for the overall adequacy and provided some actions and scope for improvement within the document.

The Chair thanked Claire Flanagan for the report and opened it up to questions. No questions were received.

Action:

- **Members approved the recommendations.**
- **Claire Flanagan, Chief Finance Officer, Morag Barrow, Chief Officer and Councillor McManus, Chair of the MIJB will sign the Audited Annual Accounts electronically.**

6. Private Reports

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No private business to be discussed at this meeting.

7. Date of next meeting

The next scheduled meeting will be held on Thursday, 7 December 2023 at 14:00pm.

(Action: All Members to Note)

The meeting terminated at 10:36am

Midlothian Integration Joint Board Audit and Risk Committee



Midlothian IJB Risk Register – Q3 2023/24

7th December 2023

Item number:

Executive summary

This report presents the IJB's Risk Register for Q3 2023/24. The risk register has been reviewed and amendments made, these are detailed below. The Q1 risk register is also attached to allow committee members to clearly see the amendments. The risk around financial resources has been increased to 'critical' (the highest level), this is a reflection of the Q2 financial reporting and the initial outline financial plans for future years. The risk register is currently held as a document file but it should be integrated into one of the risk management systems used by the partners. NHS Lothian use the Datix system to manage its risk registers and a separate section could be set up for the IJB.

Committee members are asked to:

1. *Note the Q3 risk register*
2. *Consider the amendments made from the Q1 risk register*
3. *Consider if any further additions or changes should be made to the risk register.*
4. *Require the management of the IJB to put the risk register into a more formal management system*

Report

1. Purpose

- 1.1 This report presents the IJB's Q3 risk register for discussion by the committee.

2. Recommendations

- 2.1 Committee members are asked to
- Note the Q3 risk register
 - Consider the amendments made from the Q1 risk register
 - Consider if any further additions or changes should be made to the risk register.
 - Require the management of the IJB to put the risk register into a more formal management system

3. Background and main report

- 3.1 The IJB maintains a risk register in line with best practice. This register lays out the risks to the operation of the IJB – that is risks to the development of the Strategic Plan and the delivery of that plan through directions to its partners.
- 3.2 The register was last presented to the committee at quarter 1, 2023 and has now been reviewed and updated to reflect the current position.
- 3.3 The text for both the risk and the management of the risks has been reviewed to allow further clarity of both the risk and its consequences and to ensure that the risks simply relate to the work of the IJB as described above. One risk has been increased in severity. This is described below.
- 3.4 The following changes have been made :-

Risk – per Q1 (note the risks are in the same order in both reports)	Changes in Q3
Strategic Planning and Commissioning	This risk effect description has now been clarified and broadened to include the disruption of any of the care services delivered by the partners. The control measures have been adjusted accordingly
Issuing of directions	The risk effect description has also been clarified, the control measures remain the same

Category 1 responder status	No changes made
Workforce and retention	This risk has been removed. It refers to insufficient operational resources which is now covered in the second risk above.
Financial Sustainability	The risk effect description has been amended to clarify that it relates to the IJB's budget which is based on the offers from the partners. The control measures have not been changed. However the risk level has now been increased to 'critical'. This is discussed further below.
Impacts of new legislation	This risk effect description has been clarified and simplified.

- 3.5 As can be seen, the opportunity has also been taken to ensure consistency of the risk Identification – with each risk effect now having a clear risk consequence.
- 3.6 No new risks have been added although, as described above, the opportunity has been taken to clarify the risk and effect and its consequences in each instance.
- 3.7 One risk – Financial Sustainability which is the risk of inadequate financing for the IJB because of financial constraints on the partners - now been raised to a 'critical' level. Further discussions on the financial challenges will take place at the next meeting of the IJB but it is clear that the financial challenges both in year and in the future are now very significant.
- 3.8 There is a concern that without a proper risk management system there is a further challenge to the control of these risks. It is recommended that one of the partner's risk management system is used – the HSCP uses the health Datix system for example.

4. Policy Implications

- 4.1 There are no further policy implications arising from this report.

5. Equalities Implications

- 5.1 There are no equalities implications arising from this report

6. Resource Implications

- 6.1 There are no resource implications arising from this report.

7 Risks

7.1 The risks are described in the risk register which is attached

8 Involving People

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

9 Background Papers

9.2 None

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DATE	November 2023

Appendix 1 – Risk Register – Q1 2023/24

Appendix 2 – Risk Register – Q3 2023/24

IJB Strategic Risk Profile

Quarter 1 2023/2024




Risk

Strategic Planning and Commissioning						
Risk Code	Risk Identification	Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
TBA	Risk Effect Risk of failure of a key care provider, including care home, care at home and other care providers due to financial instability or significant care concerns. Risk Consequence Disruption to service delivery. Requirement to implement contingency plans in the event of being the provider of last resort. Impact on individuals and families with potential disruption to care arrangements.	Chief Officer	Ensure robust contract monitoring and action plans are in place for improvement. Main providers are on the tender framework and registered and monitored by the Care Inspectorate. Care Home, Care at Home and LD services operationally managed by Midlothian HSCP. Assurance updates are provided routinely to IJB. Work closely with external care providers to ensure robust resilience and business continuity plans are in place.	3	5	


Issuing of Directions						
Risk Code	Risk Identification	Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
TBC	Risk There is a risk that the IJB fails to deliver its strategic objectives because the Council and/or NHS Lothian are unable to allocate sufficient resources. Consequence This would lead to a requirement to revise the Strategic Plan and Directions.	Chief Officer	<ul style="list-style-type: none"> - Directions are monitored and reported on twice a year for performance updates. - financial allocations are included within directions on an annual basis after IJB budgets have been set - The Planning, Performance and Programme team continue to support with additional capacity to redesign and transform key areas of service delivery - A project management approach continues to support key areas aiming to accelerate progress in the delivery of the MIJB Directions. 	2	3	


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Category 1 Responder Status						
Risk Code	Risk Identification	Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
TBC	<p>Risk IJBs role as Category 1 responders under the Civil Contingencies Act requires that our partners NHS Lothian and Midlothian Council maintain effective business continuity and resilience plans to ensure an appropriate response in times of emergency. There is a risk that our partners may not be able to provide these assurances.</p> <p>Consequence Failure to maintain up to date and effective resilience plans could result in services unable to maintain essential service delivery.</p>	Executive Business Manager	<ul style="list-style-type: none"> - Assurance reporting to IJB routinely on Chief Nurse, Chief Social Worker and Resilience. - Annual category 1 assurance report submitted to IJB - Robust operational process within Midlothian Health and Social Care to meet requirements - Lessons learnt from COVID pandemic have been incorporated within standard service delivery, ongoing work to develop a quality management approach will provide additional partnership wide assurances to IJB. 	2	3	

Workforce Recruitment and Retention						
Risk Code	Risk Identification	Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
	<p>Risk There is a significant risk to our partner agencies that we may not be able to recruit staff to maintain safe levels of staff, staff with required specialist knowledge or the volume of staff required to meet service demands</p> <p>Consequence Inability to recruit and retain the required workforce because of national workforce challenges and local challenges (aging workforce, specialist services, competition from hospitality/retail) This leads to increased costs from reliance on medical locums and agency staff, not only for the IJB but also for commissioned service providers.</p>	Integration Manager	<ul style="list-style-type: none"> - The Midlothian HSCP Integrated Workforce Strategy was developed in 2022 and approved by Scottish Government in December 2022. A review of year 1 is underway and a set of recommendation to support and corrective strategic action will be reviewed in Q3 to ensure the IJB Strategic Plan and Directions to be delivered. - The HSCP has established an Integrated Workforce Governance Board to oversee the workforce related activity supported by two subgroups; Workforce Planning, and Staff Engagement - An engagement Strategy has been developed and actions will be monitored and reported via the Staff Engagement subgroup to improve our engagement as an organisation with our staff. 	4	4	






			- Support commissioned care providers with recruitment and retention.			
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Financial Sustainability						
Risk Code	Risk Identification	Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
TBA	<p>Risk Inadequate resources to meet demand and deliver the IJBs Strategic Plan.</p> <p>Reduced budget offer from Partners.</p> <p>Consequence Inability to deliver Strategic Plan and meet demand within existing resources.</p> <p>Projected financial gap with regards to the financial plan and the uncertainty surrounding the budget offers from Partners NHS Lothian and Midlothian Council challenges the financial sustainability of the IJB</p> <p>Overspends due to excessive demand for services, quality failures, and cuts in other services to mitigate this</p> <p>Requirement for further savings over and above those planned for in IJBs medium terms financial plan may impact the delivery of the strategic plan.</p>	Chief Financial Officer	<p>Chief Finance Officer responsible for the governance, appropriate management of finance and financial administration of the IJB.</p> <p>Strong budgetary control systems in place within NHS Lothian and Midlothian Council.</p> <p>IJB Medium term financial plan developed annually.</p> <p>Working in partnership in the financial environment with Midlothian Council and NHS Lothian.</p> <p>IJBs General Reserve.</p> <p>Correspondence sent to Scottish Government on the risk surrounding IJB budget offers from Partners.</p>	4	4	




Impacts of New Legislation						
Risk Code	Risk Identification	Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
TBA	<p>Risk There is a risk of further legislative, policy developments or change which impacts on the IJBs ability to deliver on the Strategic Plan, examples include Independent Review of Adult Social Care, Continuing Care, the Living Wage, the Carers Act, and other future policy developments.</p>	Head of Adult Services	<p>- Scottish Government have paused The National Care Bill until end of June 2023. Midlothian HSCP is fully engaged with Scottish Government along with NHS Lothian and Midlothian Council. This risk is also being managed operationally under our partner Strategic registers.</p>	5	5	

	Consequence Inability to deliver SG policies alongside the Strategic Plan and IJB's agreed objectives and the impact of additional unfunded cost pressures		<ul style="list-style-type: none"> - Respond to Scottish Government information requests on impact of future policies - Horizon scanning for policy developments through partners and SMT network groups - Close working relations with Scottish Government through Chief Finance Officer, Chief Officer and Cosla. 			
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Risk Management report Key:

Very low risk	1-3	
Low risk	4-8	
Medium risk	9-15	
High risk	16-20	
Critical risk	25	


Action Key:


In progress	
complete	
Overdue	


IJB Strategic Risk Profile


Quarter 3 2023/2024


Risk

Strategic Planning and Commissioning						
Risk Code	Risk Identification	Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
TBC	Risk Effect Partners operational services may experience disruption to service delivery. Risk Consequence The IJB may not see sufficient or adequate progress towards its 6 strategic aims and delivering its strategic plan.	Chief Officer	Reassurance required from partners regarding <ul style="list-style-type: none"> Resilience planning and Business continuity Contract monitoring Governance and Assurance Outcomes for people and communities 	3	5	

Issuing of Directions						
Risk Code	Risk Identification	Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
TBC	Risk Effect There is a risk that the IJBs partners have insufficient workforce or other resources to execute the requirements and ambitions of the IJB Directions Risk Consequence The IJB cannot deliver on its strategic plan or financial plan.	Chief Officer	<ul style="list-style-type: none"> Directions are monitored and reported on twice a year for performance updates. financial allocations are included within directions on an annual basis after IJB budgets have been set The Planning, Performance and Programme team continue to support with additional capacity to redesign and transform key areas of service delivery A project management approach continues to support key areas aiming to accelerate progress in the delivery of the MIJB Directions. 	2	3	

Category 1 Responder Status						
Risk Code	Risk Identification	Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
TBC	<p>Risk Effect IJBs role as Category 1 responders under the Civil Contingencies Act requires that our partners NHS Lothian and Midlothian Council maintain effective business continuity and resilience plans to ensure an appropriate response in times of emergency. There is a risk that our partners may not be able to provide these assurances.</p> <p>Risk Consequence Failure to maintain up to date and effective resilience plans could result in services unable to maintain essential service delivery.</p>	Executive Business Manager	<ul style="list-style-type: none"> Assurance reporting to IJB routinely by Chief Nurse, Chief Social Worker and Resilience. Annual category 1 assurance report submitted to IJB Robust operational process within Midlothian Health and Social Care to meet requirements Lessons learnt from COVID pandemic have been incorporated within standard service delivery, ongoing work to develop a quality management approach will provide additional partnership wide assurances to IJB. 	2	3	




Financial Sustainability						
Risk Code	Risk Identification	Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
TBA	<p>Risk Effect The IJBs partners may not be able to allocate sufficient resource to deliver its Financial Plan and Strategic Plan.</p> <p>Risk Consequence The IJB may not be able to deliver the Strategic Plan in order to function within the available resources.</p> <p>The IJB may have to amend the ambitions of Strategic in such a way that the progress towards the 6 strategic aim of the Strategic Plan and 9 National Health and Wellbeing Outcomes is compromised.</p>	Chief Financial Officer	<ul style="list-style-type: none"> Chief Finance Officer responsible for the governance, appropriate management of finance and financial administration of the IJB. Strong budgetary control systems in place within NHS Lothian and Midlothian Council. IJB Medium term financial plan developed annually. Working in partnership in the financial environment with Midlothian Council and NHS Lothian. IJBs General Reserve. 	5	5	

Impacts of New Legislation						
Risk Code	Risk Identification	Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
TBA	<p>Risk Effect There is a risk of further legislation, policy, or national improvement drivers which impact on the IJBs ability to deliver on the Strategic Plan, examples include the legislation relating to a National Care Service and the Health and Care (Staffing) (Scotland) Act 2019.</p> <p>Risk Consequence The IJB and its partners may be distracted from the business of delivering the Strategic Plan.</p> <p>Legislation, policy, and national improvement drivers without fiscal supports will result in additional pressure on the IJB.</p>	Chief Officer	<ul style="list-style-type: none"> Respond to Scottish Government information requests on impact of future legislation, policies, and national improvement drivers Horizon scanning for policy developments through partners and SMT network groups Close working relations with Scottish Government through Chief Finance Officer, Chief Officer and COSLA. 	4	3	

Risk Management report Key:

Very low risk	1-3	
Low risk	4-8	
Medium risk	9-15	
High risk	16-20	
Critical risk	25	

Action Key:

In progress	
complete	
Overdue	

Audit and Risk Committee



Thursday, December 7th 2023, 14:00-16:00

Integration Joint Board Scheme of Publication

Item number:	Agenda number
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Executive summary

The Midlothian Integration Joint Board (IJB) is required to provide the public with a Publication Scheme under The Freedom of Information (Scotland) Act 2002 (the Act). The Act requires Scottish public authorities to provide members of the public with the information that is held by us and to produce and maintain a publication scheme.

Authorities are under a legal obligation to publish the classes of information that they make routinely available, tell the public how to access the information, and whether information is available free of charge or on payment.

The IJB have adopted the Model Publication Scheme produced and approved by the Scottish Information Commissioner in 2017. The requirements of the Model Publication Scheme were updated by the Scottish Information Commissioner's Office (ICO) in 2021.

Midlothian IJB Publication Scheme 2023 'Guide to Information' is an update and reworking of the Midlothian IJB Scheme of Publication (2019). This update brings the publication scheme in line with the Scottish Information Commissioner Model Publication Scheme (2021). The document supports Midlothian IJB to meet other relevant statutory obligations such as the Freedom of Information (Scotland) Act 2002 and Equality Act 2010/Public Sector Equality Duties.

Members are asked to:

- Review the updated information within the Scheme of Publication,
- Review the accompanying Equality and Children's Right Impact Assessment
- Consider updates and agree to recommendation to the IJB for approval

Audit and Risk Committee

Integration Joint Board Scheme of Publication

1 Purpose

- 1.1 The purpose of the report is to seek agreement from the Audit & Risk Committee on the reviewed and updated Scheme of Publication in line with the updated Scottish Information Commissioner Model Publication Scheme (appendix 1).
- 1.2 Following Audit and Risk review and approval this will be taken to Midlothian IJB for noting.

2 Recommendations

- 2.1 As a result of this report, Members are asked to:
 - Review the updated information within the Scheme of Publication,
 - Review the accompanying Equality and Children's Right Impact Assessment
 - Consider updates and approve amendments for recommendation to Midlothian IJB.

3 Background and main report

- 3.1 Midlothian IJB currently have a Scheme of Publication (2019), this requires to be reviewed and updated in line with updated Scottish Information Commissioner Model Publication Scheme, and for compliance with Freedom of Information (Scotland) Act 2022 and Equality Act 2010.
- 3.2 The Scheme of Publication outlines the information which the IJB pledges to ensure is routinely available, such as minutes of meetings, annual reports, and financial information. It also details whether information is available free of charge or on payment.
- 3.3 The IJB adopted the Scottish Information Commissioner's Model Publication Scheme on 31 May 2017. The Model Publication Scheme was updated in 2018 and 2021. Pressures experienced across health and social care from March 2020 resulted in some statutory governance requirements being paused or extension for completion, with review of the Model Publication Scheme being affected.
- 3.4 Changes to previous Scheme of Publication are as follows:
 - Midlothian IJB Publication Scheme 2023 has been renamed (addition of plain English sub heading 'Guide to Information') and adjusted to satisfy the requirements of the ICO's Model Publication Scheme 2021 and appeal more to the

public. Language has been adjusted, where possible without straying from ICO Model Publication Scheme 2021, to be clear about what the Publication Scheme is, who it is for and what rights people have to access the information that is signposted.

- In a change from Midlothian IJB publication scheme 2019, costs for alternative formats have been removed.

4 Policy Implications

- 4.1 Freedom of Information law requires authorities to publish information as well as respond to requests. They must make information available to the public so that it can be accessed without having to ask for it. Authorities must adopt a publication scheme approved by the Scottish Information Commissioner.

5 Directions

- 5.1 There are no direct implications for Directions in relation to this report.

6 Equalities Implications

- 6.1 The Scheme of Publication complies with the Public Sector Equality Duty under the Equality Act 2010 to take steps to meet the needs of people who share a relevant protected characteristic. In terms of access to information, this means making reasonable adjustments to our practices to ensure that information is accessible to all who may be living with an impairment. The Scheme of Publication outlines the various formats information will be available, i.e., alternative formats and languages.
- 6.2 An Equality and Children's Rights Impact Assessment has been completed for review (appendix 2).

7 Resource Implications

- 7.1 There are no direct implications for Midlothian IJB and resource in relation to this report.

8 Risk

- 8.1 The Act is designed to increase transparency. Members of the public should be able to routinely access information that is in the public interest and is safe to disclose.
- 8.2 Also, without the publication scheme, members of the public may not know what information public authorities have available. A routinely reviewed and revised publication scheme ensures mitigation in terms of reputational risk as well as compliance with statutory obligations.

9 Involving people

- 9.1 Review of the Publication Scheme has involved consultation and collaboration across Midlothian Health and Social Care. This has included the Public Involvement Officer, Equalities and Human Rights Lead, Integration Manager, members of the SPG and Midlothian IJB.

10 Background Papers

10.1 N/a.

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DATE	05/10/2023

Appendices:

Appendix 1: 2023 12 07 AR Committee_MIJB Scheme of Publication V2_appendix 1

Appendix 2: 2023 12 07 AR Committee_Scheme of Publication_Report_Equality and Children's Right Impact Assessment_appendix 2

Appendix 3: Equality and Children's Rights Impact Assessment - Guidance FINAL_appendix 3

Midlothian Integration Joint Board

Publication Scheme

‘Guide to Information’

The [Scottish Commissioners Office](#) and Freedom of Information (Scotland) Act 2002 places a duty on us to publish information which everyone has the right to access.

We have adopted the [Commissioner’s Model Publication Scheme](#) to let people know

- The types of information that we publish or will publish
- How the information is published or will be published.
- Whether there is a charge for the information.

Availability, Formats and Charges

We publish our information online at www.midlothian.gov.uk/mid-hscp . If you need something in another format let us know we can provide this for free.

Advice and Assistance

If you would like more information about what we publish, to ask for information in another format or to ask for information that is not published on our website please contact us at:

Midlothian Integration Joint Board,
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Duration

Once published, information will be available for the current and previous two financial years. If we update information only the current version will be available but you can ask for previous versions.

Exempt Information

If we cannot publish something or it is exempt under Scotland’s freedom of information laws (for example sensitive personal data), we may withhold the information or provide a redacted version and explain why we have done so.

Copyright and Re-use

Where we hold copyright in our published information, the information may be copied or reproduced without formal permission provided that:

- It is copied or reproduced accurately;
- It is not used in a misleading context; and
- The source of the material is identified.

Where we do not hold the copyright in information we publish, we will make this clear.

The types of Information we publish

There are nine types of information we must publish, if we hold information of that type:

Class 1 - Information about the IJB

Information about us, who we are, where to find us, how to contact us, how we are managed and our external relations.

[Information about the IJB](#)

Class 2 – How we deliver our functions and services

Information about our work, our strategy and policies for delivering functions and services and information for our services users.

[Our Strategic Plan](#)

Class 3 – How we take decisions and what we have decided

Information about the decision we take, how we make decisions and how we involve others.

[Decisions, including minutes of the Board and sub-committee meetings](#)

Class 4 - What we spend and how we spend it

Information about our strategy for, and management of, financial resources (to explain how we plan to spend public money and what has been spent).

[Details of our spending \(when available\)](#)

Class 5 - How we manage our human, physical and information resources

The services we commission are delivered by Midlothian Council and NHS Lothian.

We do not hold any information within this class.

Class 6 – How we procure goods and services from external providers.

The services we commission are delivered by Midlothian Council and NHS Lothian.

We do not hold any information within this class.

Class 7 - How we are performing

Information about how we perform as an organisation, and how well we deliver our functions and services.

[IJB Performance reports](#)

Class 8: Our commercial publications.

Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet e.g, bookshop, museum or research journal.

We do not create information within this class.

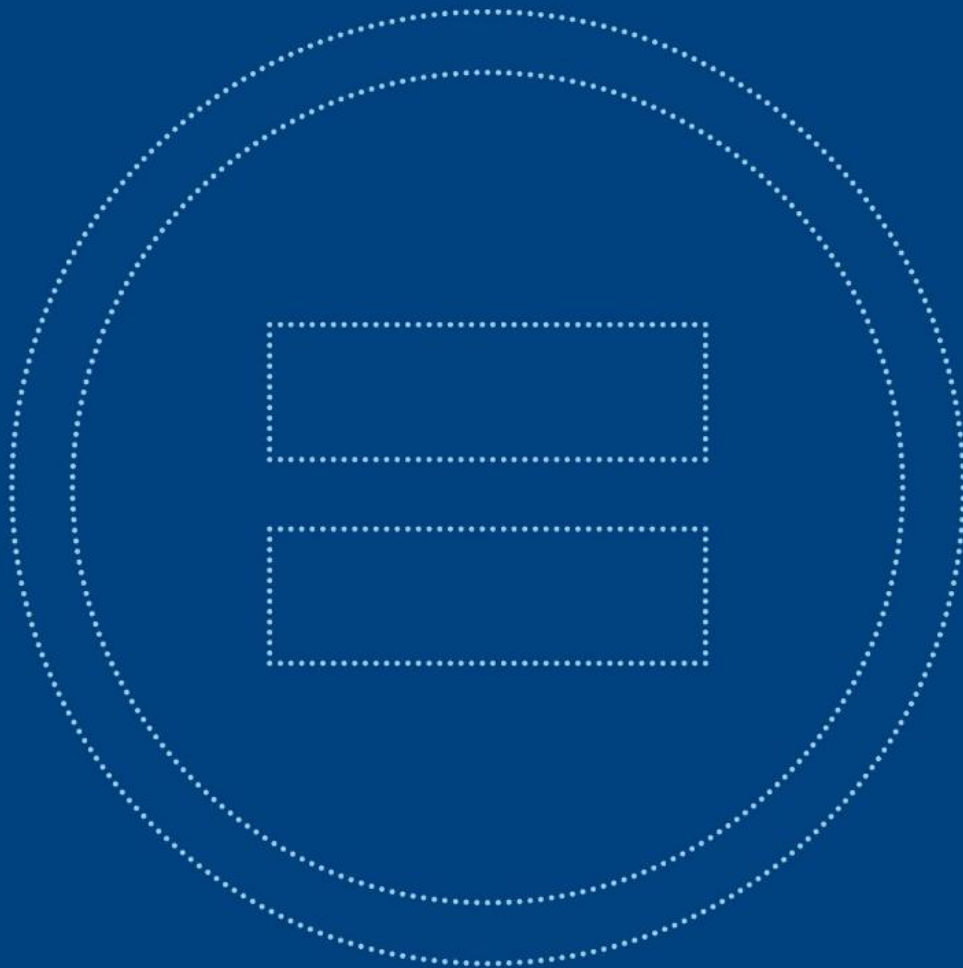
Class 9 – Our open data

Open data made available as described by the Scottish Government's Open Data Resource Pack and available under an open license.

It is our aim to make increasing amounts of our data freely and widely available online. We have adopted the UK Government's approach to Open Data Standards in that data should be published to a minimum of 3 stars in the Government's [5 star rating scheme](#). This means our data is easily accessible and available to re-use as required under the [Open Government License](#)

Equality. Fairer Scotland. Children's Rights. Impact Assessment Report

Midlothian Integrated Joint Board
Publication Scheme 2023



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Title of proposed work and name of contracted organisation

Midlothian Integration Joint Board Publication Scheme 2023 'Guide to Information'.

Purpose/ objective of proposal

The Midlothian Integration Joint Board (IJB) is required to provide the public with a Publication Scheme under the Freedom of Information (Scotland) Act 2002 (the Act). The Act requires Scottish public authorities to make available specific types of information that it holds.

Authorities are under a legal obligation to publish the classes of information that they make available, tell the public how to access the information, and whether information is available free of charge or for a fee.

The Midlothian IJB have adopted the Model Publication Scheme (2021) produced and approved by the Scottish Information Commissioner. The requirements of the Model Publication Scheme were updated by the Information Commissioner's Office (ICO) in 2021.

Midlothian IJB Publication Scheme 2023 'Guide to Information' is an update and reworking of the Midlothian IJB Scheme of Publication (2019). This update brings the publication scheme in line with the ICO Model Publication Scheme (2021). The document supports Midlothian IJB to meet other relevant statutory obligations such as the Freedom of Information (Scotland) Act 2002 and Equality Act 2010/Public Sector Equality Duties.

Who will be affected by this proposal

The Midlothian IJB Publication Scheme 2023 will affect the general public through providing information to them about which types of information they can access, the location of the information and by informing them that they can request the information in a format that meets their needs.

The Midlothian IJB Publication Scheme 2023 has potential to disproportionately affect people with sensory or cognitive impairment, learning difficulties, lower levels of literacy and British Sign Language users. Midlothian IJB has taken extra care to consider people from these groups to ensure that everyone can access information in a way that they can digest. Some people with these needs are protected by the Equality Act 2010, under the protected characteristic of disability. Others may not be covered under the legal definition of being disabled, but have been given the same consideration by Midlothian IJB, with a view that legal requirements are one part of a holistic approach that values the needs of everyone as a moral imperative as well as statutory one.

Reported written by

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Guidance and additional perspectives

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Add signature following A&R

Date: 29/11/2023

Evidence used:

The publication scheme which preceded this review, MIJB Scheme of Publication 2019, was made available to the public on the [Midlothian IJB website](#). As the document was freely available to the public, it was not possible to collect data on those that accessed the document. Given the absence of data related to people that accessed the former publication scheme, it is not possible to deduce which specific individuals accessed the document and the needs that they had. To ensure that access for a broad set of needs is actively considered in the Midlothian IJB Publication Scheme 2023, Midlothian IJB has gathered data on the population of Midlothian via the Midlothian HSCP Physical Disability and Sensory Impairment Data and the National Records of Scotland to help identify those likely to be most affected.

Conversations with the Equality and Human Rights Lead and those working within accessibility and communications within Midlothian Health and Social Care suggested that the Midlothian IJB Publication Scheme 2023 has potential to disproportionately affect people with:

Sensory impairment – The most likely sensory impairment that will affect people's reading of the Midlothian IJB Publication Scheme 2023 and the information it signposts to is vision impairment, blindness/partial sight, or sight loss. Less severe forms of vision impairment are very common with more severe forms of vision impairment occurring in about 3% of the UK population. Sight loss is disproportionately experienced by those in older age groups. The National Record of Statistics Scotland Population Projection by Council area recorded the largest percentage increase of the 75 year and over age group in Midlothian between 2001 and 2021 of +49.5%.

British Sign Language Users also experience sensory impairment but have different needs than those that are deaf, have partial hearing or experience hearing loss and do not use British Sign Language, so British Sign Language users have been noted separately.

Cognitive impairment – Cognitive impairment can affect people from birth, develop as they age or happen as a result of injury or illness. It can also be linked with conditions such as Dementia and Alzheimer's which disproportionately affect those in older age groups. It can be temporary or long term. It can affect the way people process information, their memory, ability to focus and other have other impacts on ability to understanding information.

Learning difficulties – Midlothian Health & Social Care Partnership Consultation Report for Strategic Plan 2022-2025 estimates 1,722 people have a learning difficulty within Midlothian. There are different kinds of learning difficulties and a number of different ways to assist people with learning difficulties to access information, such as adopting a plain English and [Easy Read format](#).

Lower levels of literacy - A survey carried out by Adult National Literacy Trust says that 1 in 4 adults in Scotland experience challenges with lower levels of literacy skills. People do not reach adult levels of literacy for a variety of complex social and personal reasons. Some of these reasons link to social disadvantage, lack of opportunity and poverty. It is important that people with lower levels of literacy are considered when presenting information and that language use is mindful of lower literacy levels.

British Sign Language users – Scotland’s census (2022) identified 233 people within Midlothian who were British Sign Language users. British Sign Language users are people that have learned British Sign Language (in its visual or tactile form) as a method of communication. Most British Sign Language users are deaf or hearing impaired. Users may use British Sign Language alongside other forms of communication, or they may use British Sign Language exclusively. It is important not to assume that British Sign Language users read the written word, and instead endeavour to provide information in British Sign Language wherever possible. The British Sign Language Act 2015 sets out requirements on public authorities to plan for and promote British Sign Language.

Older people, in relation to their likelihood to belong to another protected characteristic group – Those in older age groups have a higher level of sensory and cognitive impairment than other age groups. Given National Record of Statistics Scotland’s figures on the increase in the 75 years and over age group in Midlothian, in the last two decades (+49.5%), recognising the needs of this group will be crucial in preventing indirect discrimination.

Summary of findings:

The Midlothian IJB Publication Scheme 2023 is an important public document that helps people to understand their right to publicly held information. As far as possible (without departing from the ICO Model Publication Scheme 2021) the document should be put together in a way that suits a general audience but is also adapted to and mindful of the needs of people with a variety of different access needs. Providing a range of formats and language options helps to remove barriers to access and increases community understanding of health and social care.

In practice this means:

- Writing the document, wherever possible whilst maintaining compliance with ICO Model Publication Scheme 2021, in plain English – advice has been sought from the ICO and a response received in November 2023 that outlines which phrases can and cannot be changed.
- Ensuring formatting of the document is suitable for assistive technologies such as screen readers, text to speech, Google translate.
- Ensuring that direction to translate the document into other languages (either digitally through a translation programme, or via official translation) is written in key languages other than English that evidence suggests are spoken in Midlothian.
- Creating an Easy Read version for those with cognitive and learning difficulties. This may appeal to some with lower literacy levels also.

- Creating a British Sign Language (visual) translation to accompany the document online.
- Seeking out and listen to feedback from the community on how IJB efforts to produce accessible information has been in practice and take action to address any barriers to access raised during the life of the Midlothian IJB Publication Scheme 2023.

Impact on equality & socio-economic disadvantage

Guidance p10-16

Negative impacts

Using the evidence you have collected, explain if your proposal could be discriminatory or put a group of people at a disadvantage. Some work will be broad and affect everyone working for us or using our services, but some may only affect specific groups of people. If this is the case, simply say 'not relevant' or 'no known relevance' if your proposal does not affect a group.

Relevant group	Could your work result in unlawful discrimination?	Could your work put people at a disadvantage/ make their lives worse?
People in different age groups	No. Thoughtfully setting out the document to work with assistive technologies and providing a range of alternative formats to meet the needs of older people that have sensory, cognitive impairment or another protected characteristic will eliminate unlawful discrimination.	No.
Disabled people	No. Thoughtfully setting out the document to work with assistive technologies and providing a range of alternative formats to meet the needs of disabled people will eliminate unlawful discrimination. British Sign Language translation of this document should be undertaken.	No.

Relevant group	Could your work result in unlawful discrimination?	Could your work put people at a disadvantage/ make their lives worse?
Trans and non-binary people	<p>Not relevant</p> <p>Information will be made available to all enquirers in the same way.</p>	<p>Not relevant</p> <p>Information will be made available to all enquirers in the same way.</p>
People who are pregnant or on maternity leave	<p>Not relevant</p> <p>Information will be made available to all enquirers in the same way.</p>	<p>Not relevant</p> <p>Information will be made available to all enquirers in the same way.</p>
People from different ethnic backgrounds	<p>Indirectly, yes. People from different ethnic backgrounds that struggle with reading written English may be prevented from accessing information, and thus exercising their rights to read the information if translation was not thoughtfully advertised e.g. a simple sentence in the most common languages other than English spoken in Midlothian explaining that translations of documents can be requested, or how to use technology to translate documents.</p>	<p>No, provided that invitations to request the Midlothian IJB Publication Scheme 2023 scheme is translated/digitally translatable into the most common languages other than English spoken in Midlothian.</p>

Relevant group	Could your work result in unlawful discrimination?	Could your work put people at a disadvantage/ make their lives worse?
People with religious or protected beliefs	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
Men and women	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
People who are heterosexual, lesbian, gay or bisexual	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
People who are married or in a civil partnership [only in employment situations]	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
Care experienced people	Note from the form author: This box should not be completed because there is no protection from discrimination on basis of care experience.	Not relevant Information will be made available to all enquirers in the same way.

Relevant group	Could your work result in unlawful discrimination?	Could your work put people at a disadvantage/ make their lives worse?
People experiencing health inequalities caused by socio-economic disadvantage	Note from the form author: This box should not be completed because there is no protection from discrimination on basis of socio-economic disadvantage.	No.
People experiencing employment inequalities caused by socio-economic disadvantage	Note from form author: This box should not be completed because there is no protection from discrimination in employment on basis of socio-economic disadvantage.	Not relevant Information will be made available to all enquirers in the same way.
Carers	Note from form author: This box should not be completed because there is no protection from discrimination on basis of caring responsibilities.	Carers of people with cognitive impairment, learning difficulties and sensory impairment may wish to access a version to suit the needs of the person for which they care so that person can understand their rights and participate in health and social care decision making. If alternate versions were not provided, this could make the carer's role as an advocate for the person for which they care more difficult.

Positive impact

Using the evidence you have collected, explain if and how your proposal could have a positive impact on reducing inequalities facing different groups. Some work will be broad and affect everyone working for us or using our services, but some may only affect specific groups of people. If this is the case, say 'not relevant' or 'no known relevance' if your proposal does not affect a group.

Relevant group	Can your work advance equality of opportunity? [reduce disadvantage, meet needs, increase participation]	Can your work foster good relations? [reduce prejudice + increase tolerance]
People in different age groups	<p>The Midlothian IJB Publication Scheme 2023 will assist people in all age groups, but especially the young, to understand their rights which could increase participation and reduce disadvantage.</p> <p>The availability of different formats (large font, easy read) will assist those in older age groups to be able to participate more easily in discussions and decision making in health and social care.</p>	<p>The Midlothian IJB Publication Scheme 2023 could foster good relations between the IJB and people of all ages, improving mutual understanding.</p>
Disabled people	<p>The Midlothian IJB Publication Scheme 2023 will assist in increasing access and participation through enabling those with disabilities to access versions in a format that meets their needs. Participation in health and social care by these groups may reduce disadvantage over time, by ensuring their voices are heard during decision making.</p>	<p>Providing information in accessible formats fosters good relations by demonstrating IJB respect for the public and their diverse needs. This may boost good will and mutual understanding and reduce prejudice by breaking down assumptions and stereotypes.</p>
Trans and non-binary people	<p>Not relevant</p> <p>Information will be made available to all enquirers in the same way.</p>	<p>Not relevant</p> <p>Information will be made available to all enquirers in the same way.</p>
People who are pregnant or on maternity leave	<p>Not relevant</p> <p>Information will be made available to all enquirers in the same way.</p>	<p>Not relevant</p> <p>Information will be made available to all enquirers in the same way.</p>

Relevant group	Can your work advance equality of opportunity? [reduce disadvantage, meet needs, increase participation]	Can your work foster good relations? [reduce prejudice + increase tolerance]
People from different ethnic backgrounds	It is possible this work will reduce disadvantage by enabling those from difference language backgrounds to engage in health and social care.	Documents can be made available in different languages at the enquirer's request
People with religious or protected beliefs	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
Men or women	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
People who are heterosexual, lesbian, gay or bisexual	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
Care experienced people	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
People who experience health inequalities caused by socio-economic disadvantage	Eliminating costs on alternative formats may improve access to information to those on low incomes that require alternative formats, boosting their understanding of their rights, their participation and their voice in decision making.	Not relevant.

Relevant group	Can your work advance equality of opportunity? [reduce disadvantage, meet needs, increase participation]	Can your work foster good relations? [reduce prejudice + increase tolerance]
People who experience employment inequalities caused by socio-economic disadvantage	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
Carers	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.

Impact on UNCRC rights

Guidance pages 17, 21-22

Confirm whether your proposal affects children and young people (yes or no).

If yes, using the evidence you have collected explain how your proposal could impact Children's Rights. Not all UNCRC rights may apply to your proposal. If this is the case, simply say 'Not relevant' or 'no known relevance'. If your proposal does not affect children and young people do not complete this section.

UNCRC right	How will your work limit or restrict this right?	How will your work progress this right?	Are any groups of children particularly impacted
3 – best interests of the child	Not relevant	Not relevant	Not relevant
4. making rights real	Not relevant	The Midlothian IJB Publication Scheme 2023 could improve access to information, understanding of rights and participation in health and social care for teenagers.	Not relevant
5 – family guidance as children develop	Not relevant	Not relevant	Not relevant
6 – life, survival and development	Not relevant	Not relevant	Not relevant

UNCRC right	How will your work limit or restrict this right?	How will your work progress this right?	Are any groups of children particularly impacted
7 – name and nationality	Not relevant		
8 – identity	Not relevant		
9 – keeping families together	Not relevant		
10 - contact with parents across countries	Not relevant		
11 – protection from kidnapping	Not relevant		
12 – respect for children's views	Not relevant		

UNCRC right	How will your work limit or restrict this right?	How will your work progress this right?	Are any groups of children particularly impacted
13 – sharing thoughts freely			
14 – freedom of thought and religion			
15 –freedom of association and peaceful assembly			
16 – protection of privacy			
17 – access to information		The Midlothian IJB Publication Scheme 2023 could improve access to information, understanding of rights and participation in health and social care for teenagers.	
18 – responsibility of parents			

UNCRC right	How will your work limit or restrict this right?	How will your work progress this right?	Are any groups of children particularly impacted
19 – protection from violence			
20 – children without families			
21 – children who are adopted			
22 – refugee children			
23 – disabled children			
24 – enjoyment of the highest attainable standard of health		The Midlothian IJB Publication Scheme 2023 could improve access to information, understanding of rights and participation in health and social care for teenagers. This could enable a generation of young people to feel	

UNCRC right	How will your work limit or restrict this right?	How will your work progress this right?	Are any groups of children particularly impacted
		empowered to influence their own health and social care and get involved in decision making.	
25 – review of a child's placement			
26 – social and economic help			
27 – food, clothing and safe home			
28 – access to education			
29 – aims of education			

UNCRC right	How will your work limit or restrict this right?	How will your work progress this right?	Are any groups of children particularly impacted
30 – minority culture, language and religion			
31 – rest, play, culture, arts			
32 – protection from harmful work			
33 – protection from harmful drugs			
34 – protection from sexual abuse			
35 – prevention of sale and trafficking			

UNCRC right	How will your work limit or restrict this right?	How will your work progress this right?	Are any groups of children particularly impacted
36 – protection from exploitation			
37 – children in detention			
38 – protection in war			
39 – recovery and reintegration			

Making a difference

Guidance pages 11 & 15

What changes will you make to your proposal based on the results of this impact assessment?

Changes	What difference this will make
Midlothian IJB Publication Scheme 2023 has been renamed (addition of plain English sub heading 'Guide to Information') and adjusted to satisfy the requirements of the ICO's Model Publication Scheme 2021 and appeal more to the public. Language has been adjusted, where possible without straying from ICO Model Publication Scheme 2021, to be clear about what the Publication Scheme is, who it is for and what rights people have to access the information that is signposted.	This approach is a plain English approach, and best practice for all public facing documentation. The Midlothian IJB Publication Scheme 2023 should be better understood by a broader range of people than the 2019 version. This may help people to understand their right to information and participation in health and social care, allowing the public to engage with and shape services and strategy, and to make more informed choices in their own care. The new approach helps to include those with less proficient literacy and learning difficulties.
The Midlothian IJB Publication Scheme 2023 will be formatted in a way that works with assistive technologies. The Public Engagement Officer will discuss how best to highlight that this has been done to the public (e.g. adding a statement on the webpages that links to the document).	Those that use assistive technologies to read information on a screen will be able to read all information in the document, improving their access.
The Midlothian IJB Publication Scheme will translate the line in the document that mentions that the documents signposted can be translated into any languages other than English that are statistically known to be spoken in Midlothian.	This will help those that could benefit from translations, including those from black and ethnic minority backgrounds (some of which are protected under Equality Act 2010 under race) to understand their rights to access information and to participation in health and social care decision making.
In a change from Midlothian IJB publication scheme 2019, costs for alternative formats have been removed.	Removing charges ensure everyone can access formats that meet their needs. It particularly assists in the protection of the rights of people who experience inequalities caused by socio-economic

Changes	What difference this will make
	disadvantage/low income from being prevented or discouraged from requesting information in the formats that suit their needs.
An easy read version should be produced to satisfy the needs of a range of people covered under Equality Act 2010 (protected characteristic: disability) and others not covered under that definition, but who could benefit from a more concise, more visual presentation.	An easy read version may assist people with visual and cognitive impairment, learning difficulties and lower literacy to understand the Publication Scheme document and the information that they can access through the IJB.
The Midlothian IJB Publication Scheme 2023 should be recorded in British Sign Language (visual) and the video posted alongside the written version.	This recognises British Sign Language as a language and respects it may be some people's primary/only language. It allows users to better understand their rights to participate with health and social care decision making.
After consideration and approval at IJB senior meetings, this IIA will be published online for public view. In order that the IIA be readable to the greatest number of people, the content will be adjusted to plain English.	This is to ensure that people that are interested in understanding IJB consideration for access can understand the content of the IIA in lay terms.

Sharing with decision-makers

Guidance page 23

Explain how you will make sure the results of your impact assessment will be taken into account by decision-makers before a final decision is taken.

This IIA will be presented to the Integration Manager, for consideration and reflection. The Integration Manager will take the IIA and present it to the IJB. These documents will also be discussed at the IJB Audit & Risk Committee.

Midlothian Health and Social Care's Equality and Human Rights Lead will work with the Integration Manager to answer any questions that arise from the IIA entering the IJB and Audit and Risk Committee and will create a plan to implement all agreed recommendations.

Monitoring the impact

Guidance page 24

How will you monitor the actual impact of this piece of work on equality, socio-economic disadvantage or children's rights?

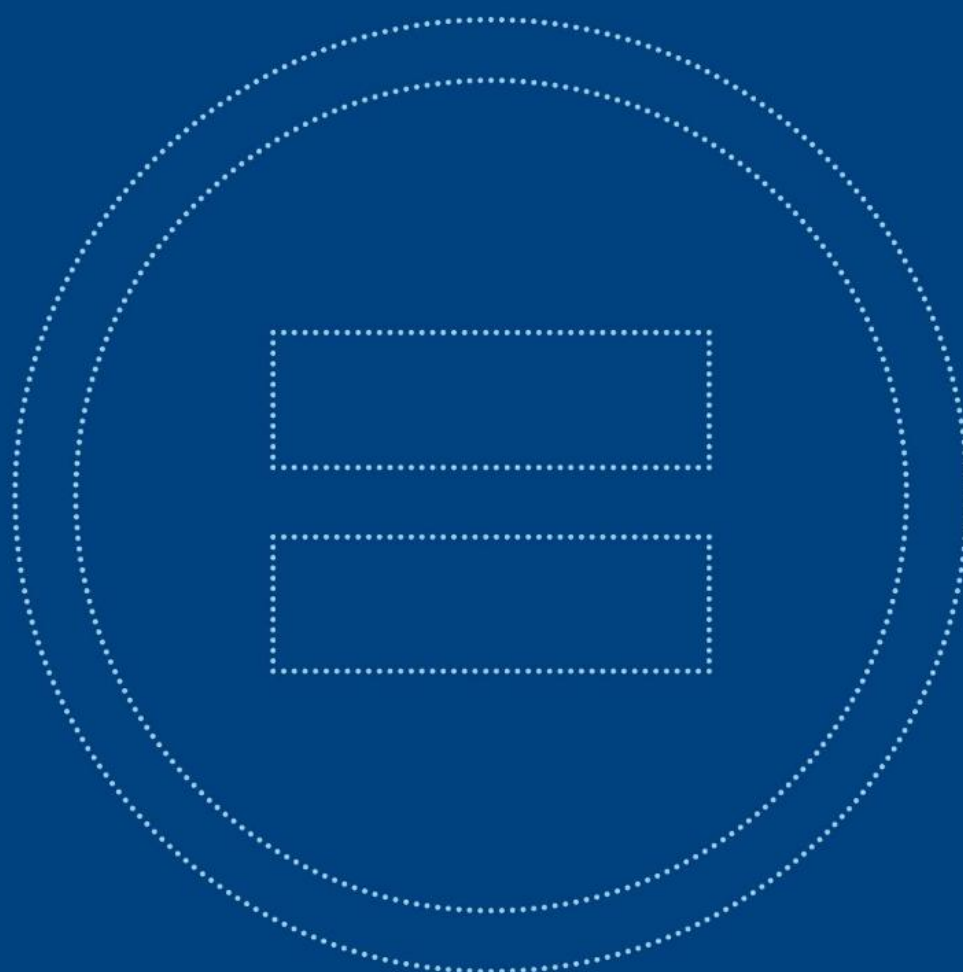
Performance Indicator for equality, socio-economic disadvantage and children's rights.	What impact are you measuring
Community representatives/third sector partner organisations will be asked for feedback or to test whether the wording and format/s are suitable for the people that they represent. The Equality and Human Rights Lead will collate responses, make changes or escalate to senior committees as necessary.	Readability and access for: Vision impaired. Cognitive impaired. People with learning difficulties. Lower levels of literacy. People in older age groups.
The Midlothian Health Inclusion Team will be consulted to check that wording and format/s are suitable for the people that use their services. The Equality and Human Rights Lead will collate responses, make changes or escalate to senior committees as necessary.	Readability and access for: People experiencing homelessness or other situations that lead to a complex living situation.

	People experiencing drug and alcohol misuse issues. People belonging to the Gypsy/Roma/Traveller community.
Any feedback received from the public regarding the IJB Publication Scheme 2023 will be collated and evaluated by the Equality and Human Rights Lead, and actions/escalation taken where needed.	Readability and access for anyone that is interested to see the information and had encountered a barrier not identified in this IIA.

Equality. Fairer Scotland. Children's Rights

Impact Assessment Guidance

Healthy and better lives for everyone



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Introduction

Impact Assessments help us make good decisions. They make sure our work doesn't have a negative impact on anyone. They also help us to find ways to make our work have a positive impact on people because we have checked and developed our proposals so they:

- Do not result in unlawful discrimination.
- Help to tackle inequalities and achieve greater equality for people experiencing disadvantage or with different needs.
- Uphold and progress children and young people's rights.

An Impact Assessment should be done at the beginning of your project to allow you time to take the results into account.

Use this guide as you complete your Impact Assessment to ensure you comply with our legal responsibilities and policies to help you:

1. Plan this process.
2. Collect evidence.
3. Assess the impact of your work and take your findings into account.
4. Share your assessment with decision makers.
5. Publish your assessment.
6. Monitor the impact of your work.

If you want to also consider the impact of your work on climate change and sustainability contact sustainability@nhslothian.scot.nhs.uk



Do you need an Impact Assessment?

Impact Assessments are not optional. The Equality and Fairer Scotland duties set out our legal responsibilities to assess the impact of policies or practices before we implement them.

Legislation is expected to come into force in 2024 that will require us to ensure we are protecting children's rights when we are making decisions and delivering services.

As most of our work has consequences for people, we normally expect Impact Assessments to be carried out. However, there may be occasions when we do not need to do one. This guidance will help you to decide and if, after reading this, you feel you don't need to carry out an Impact Assessment record your decision on [this template](#).

In some cases, it will be clear that the equality duties and children's rights have no relevance to a particular bit of work. However, if there is any doubt the issue should be explored – this should be more than guesswork but should not be burdensome. If you are unsure get in touch with the Equality and Human Rights Team at impactassessments@nhslothian.scot.nhs.uk.

✓ You DO need an assessment for work that will impact people e.g.:

- Strategies
- Projects
- Employment policies and practices
- Service or organisational redesign
- Financial decisions

Example

A policy on home working or the closure of a care home.

✗ You DO NOT need an assessment for work that won't affect people e.g.:

- Progress, performance or research reports
- Press releases
- Creation of one new post
- Audit of financial accounts

Example

A progress report on meeting our office waste recycling targets or presentation about the findings of a research project.

Level of Impact Assessment needed

Any Impact Assessment should be proportional to the impact of the proposed work. The time and resources you spend on the Impact Assessment will depend on your proposal. You will need to consider if your work is:

- **Major** – in terms of scale or significance
- **Minor** – but likely to have a major impact on people who share relevant protected characteristics
- **Minor** – in terms of scale or significance.

Services delivered on our behalf

We cannot delegate our legal responsibilities. If we contract with another organisation to carry out one of our public functions, and an Impact Assessment must be done as part of the work, we must ensure the requirement to carry out an Impact Assessment is included in the contract specifications.

Example

NHS Lothian contracts an external organisation to support people with frailty. The Service Level Agreement we create includes 'equality considerations and requirements' that the contractor must meet. This includes carrying out an impact assessment and using the results to develop the proposals about how they will provide this support. This helped the contractor identify when and how to use interpreters, including BSL, and the need to produce written information in plain English, large font and EasyRead.

Implementing national policy or initiatives

Although national Impact Assessments will already have been completed for national policies or initiatives, we must assess the potential impact on people who use our services or who work for us.

Example:

NHS Scotland immunisation and vaccination programmes are decided nationally, with national Impact Assessments. In NHS Lothian, the Public Health Immunisation Team carry out Impact Assessments to develop implementation plans. National and previous local impact assessments, as well as up to date local population and equality monitoring data, help identify ways to help increase uptake in particular groups by understanding and removing barriers.

Assessing impact at a strategic level

Strategies and strategic plans set our direction and assessing their potential impact allows us to identify relevant equality and children's rights priorities or outcomes. Your proposed strategy should be as specific as possible about the equality groups and children's rights affected. In most cases, you will be guided about relevant equality and children's strategic priorities or outcomes by national policies and outcomes, and evidence of significant inequalities. However, your impact assessment will allow you to identify gaps, opportunities or different outcomes that you want to achieve.

Impact Assessments of proposed strategies or strategic plans should consider high level strategic frameworks including:

- The Scottish Government's National Outcomes in the National Performance Framework
- NHS Lothian's Strategic Development Framework
- NHS Lothian's Equality and Human Rights Strategy

You do not have to identify 'how' to reduce inequalities – that will come during the Impact Assessment of the strategy's programmes and projects.

Example:

A workforce development strategy aims to create jobs and training opportunities. The evidence collected as part of the impact assessment identifies that the Scottish Government is committed to halving the disability employment gap and ensuring minority ethnic people have equal and fair access to employment. Locally, disabled people and people from certain BME communities have particularly high unemployment rates and are under-represented in the organisations workforce. The organisation also has a policy of improving employment opportunities for care experience people, to help meet its Corporate Parenting duties. The results of the Impact Assessment are used to include a commitment to improving employment outcomes for disabled people, people from BME communities and people with care experience in the new strategy.



1 Planning the process

Some work will be broad and affect everyone working for us or using our services, but some may only affect specific groups of people. You will need to identify who will be affected at the start.

Identify who is affected by your proposed work

Your Impact Assessment should only collect evidence about the groups of people who will be affected and assess the potential impact on them.

Example:

A vaccination helpline will only affect specific groups of people who are eligible for the vaccination.

Who should be involved in the Assessment?

The Project or Service Lead is responsible for ensuring an Impact Assessment is completed. You will need a range of relevant perspectives to consider the impact of your work and so you should include a range of people in your assessment including people with:

- Responsibility for developing the work.
- Responsibility for implementing the work.
- Operational or front-line perspective.
- Relevant protected characteristics, with experience of living in poverty, children and young people or people from organisations that represent them.

There are different parts of the process and ways to involve people. You can approach people individually or in groups as part of your evidence gathering. It's normally helpful to do the assessment with others. You can do this in the project team or arrange a meeting with a broader group to help you. However, the approach you take will depend on the type and scale of your proposal.

The results of your Impact Assessment must be shared with the person or group making the final decision about the proposal. The courts have confirmed that the legal duty to consider equality is on decision makers, and what matters is what they know and take into account when making decisions.

2 Collecting the evidence

Collecting and using evidence allows us to understand the reality of people's lives.

You will need evidence about the needs and experiences of the people affected by your proposal including:

- Who does and doesn't access our services and our staff
- Health and employment inequalities experienced by groups of people.
- Barriers to participation in, or access to, relevant activities and services
- How to meet different needs.

Evidence can come from:

- Internal equality monitoring data, consultations, or public engagement.
- External research reports.
- National and local population data.

If there are gaps in your evidence, you should proactively involve the relevant groups and communities. Where it's not possible to gather new information in time to inform your assessment you should include actions to collect this as part of monitoring the impact of your proposal once implemented.

You need to present your evidence in a way that helps people understand it.

This is of particular importance when gathering evidence for a strategy – as it will be critical for the programmes and projects that emerge from the strategy.



Useful places to collect evidence

The Equality and Human Rights Team can provide contact details for equality and community organisations, and advice about how to support the participation of different groups.

- [NHS Lothian Equality and Human Rights Evidence Paper and Impact Assessment results](#)
- [Lothian Analytical Services](#)
- [NHS Lothian annual equality and diversity monitoring report](#)
- [NHS Lothian Director of Public Health Annual Report](#)
- NHS Lothian Minority Ethnic Health Information Services (MEHIS)
- [NHS Lothian LGBT+ Health Needs Assessment](#)
- NHS Lothian Equality staff networks
- [Scottish Government Long-term monitoring of health inequalities collection of annual reports](#)
- Patient or stakeholder groups
- Trade unions
- Staff responsible for delivering similar policies/past Integrated Impact Assessments
- [Public Health Scotland Website](#)
- [NHS Lothian Analytical Services](#)
- [Scottish Government Equality Evidence Finder](#)
- [Scottish Parliament Research Briefings](#)
- [Scottish Government – Supporting disabled children, young people and their families: guidance](#)
- [Equality and Human Rights Commission Is Scotland Fairer](#)
- [Scottish Neighbourhood Statistics](#)
- [Scottish Household Survey](#)
- [Scottish Attitudes Survey](#)
- [Scotland's Census](#)
- [Edinburgh Equality and Rights Network](#) (may be able to commission a focus group)
- [Scottish Index of Multiple Deprivation](#)
- [Scottish Government official statistics](#)
- [Children and Young People Data on Tableau Public](#)
- [Children's Health in Care in Scotland \(CHiCS\) Main Findings from population-wide research](#) (2022)
- [Who Cares? Scotland](#)
- [Children's Parliament](#)
- [Together: Scottish Alliance for Children's Rights](#)
- [Children & Young People's Commissioner Scotland](#)
- [Celcis: Statistics about children and young people in and leaving care](#)
- [University of Edinburgh Centre for Homelessness and Inclusion Health](#)
- [UN Convention on the Rights of the Child - UNICEF UK](#)
- Integration Joint Board Strategic Assessments

3 Assessing the impact

After collecting your evidence, you must use it to assess the potential impact your work could have on equality, socio economic inequality and children's rights. This means for each relevant group you must consider if your work could:

- Result in **unlawful discrimination** or disadvantage.
- Help to **advance equality of opportunity** and **foster good relations**.
- Reduce health and employment inequalities caused by **socio economic disadvantage**.

You also need to consider if your work could restrict or progress relevant **UN Convention on the Rights of the Child (UNCRC) rights**.

It is helpful to involve others to assess impacts of your proposal. You should share evidence you have collected with them and check for any gaps. You can assess the potential impact in a group, in writing or in a meeting. The approach you take will depend on your proposal, what you think will help you.



Negative and positive impact

The work we do can have potentially positive and negative impacts on our overall aim of improving the health and wellbeing of everyone in Lothian.

A Negative Impact stops us from improving the health and wellbeing of everyone in Lothian.

This could be through:

- Unlawful discrimination
- Widening inequalities
- Contributing to worse relations or increased intolerance between people
- Restricting children's rights.

If you identify any potential **unlawful discrimination or disadvantage**, you must identify how to prevent, or reduce this.

Example:

If we don't provide support or alternative arrangements for an online vaccination booking system, we may unlawfully discriminate against disabled people by failing to meet the reasonable adjustment duty.

We may also increase health inequalities experienced by older people, gypsy traveller communities and people living in poverty.

A Positive Impact supports us to improve the health and wellbeing of everyone in Lothian.

This could be through:

- Removing disadvantage
- Meeting different needs
- Increasing participation
- Reducing inequalities and prejudice
- Progressing children's rights.

If you identify the **potential to make a positive impact**, you must include actions to achieve this.

Example

A targeted women's health improvement campaign may reduce inequalities because women in Lothian lose more years of their life to ill health and some face additional barriers to accessing health services. Parts of the campaign are designed to reach women with the worst health outcomes – women with learning disabilities, living in Gypsy Traveller communities, of African and Caribbean descent, and those living in the most deprived areas.

Impact on equality

Protected characteristics

Some groups of people share certain characteristics, and experience discrimination and inequality related to these characteristics. The [Equality Act 2010 provides protection from discrimination and harassment related to these characteristics](#). This ensures that everyone, at work or using a service, has the right to be treated fairly. These characteristics are known as protected characteristics and are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and Belief
- Sexual Orientation
- Sex

Public Sector Equality Duty

The Act also aims to advance equality of opportunity for everyone and includes the Public Sector Equality Duty, which requires us, to have 'due regard' to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by or under this Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not.



Eliminating unlawful discrimination

Direct discrimination – we must not treat someone less favourably because of a protected characteristic.

Example:

A man is not offered a job in an all-female team, despite meeting all the recruitment criteria, because the manager is concerned that he would feel unhappy and uncomfortable in an all-female environment.

Indirect discrimination – we must not put someone with a protected characteristic at a disadvantage unless it is a proportionate way to achieve a legitimate aim.

Example:

A health board policy on access to assisted conception includes a requirement for people to have had heterosexual sex for two years before being considered for fertility treatment. This indirectly discriminates against people in relation to sexual orientation because this rule puts lesbians at a particular disadvantage. Although this criteria could be about achieving a legitimate aim there may be less discriminatory ways to achieve the same aim.

Discrimination arising from disability – we must not treat a disabled person unfavourably because of something connected with their disability if this cannot be objectively justified.

Example:

A manager issues a written warning [this is the unfavourable treatment] to a disabled member of staff because they have been absent from work a lot. The absence is because they needed to attend hospital appointments related to their disability. Instead, the manager should have followed the capability performance procedure before deciding if action was needed.

A failure to make a reasonable adjustment – we must make adjustments to remove, reduce or prevent barriers faced by disabled people, where it is reasonable to do so. It will always be reasonable to provide information in an accessible format if not doing so would put someone at a substantial disadvantage.

Examples of reasonable adjustments:

- changing physical features such as steps or seating
- changing the way we do things
- providing aids such as voice recognition software, a hearing loop, assistance dog, BSL interpreter

You can find more about accessible information on the Scottish Government website -

[What we mean when we talk about accessibility - Accessibility in government \(blog.gov.uk\)](#) and [Accessible communication formats - GOV.UK \(www.gov.uk\)](#)

Eliminating harassment and victimisation

Harassment – we must not allow unwanted behaviour related to a protected characteristic that could violate someone's dignity or create an intimidating, degrading, humiliating or offensive environment for them.

Examples of unwanted behaviour:

- spoken or written abuse – this could be 'banter', emails, online comments or graffiti
- physical gestures/facial expressions.

Victimisation – we must not allow someone to treat another person badly because they have done a 'protected act' in good faith - for example they have made, or supported someone else who is making a complaint of discrimination or harassment.

Example:

Someone made a complaint that their GP's receptionist discriminated against them because of their mental health condition. As a result, the GP practice manager tells them to leave and register with another practice. Taken from www.mind.org.uk

Advancing equality of opportunity

Advancing equality of opportunity is about:

- **Removing or minimising disadvantage** suffered by people due to their protected characteristics.
- Taking steps to **meet the needs** of people with certain protected characteristics where these are different from the needs of other people.
- **Encouraging people to participate** in public life or in other activities where the participation of people with certain protected characteristics is disproportionately low.

Fostering good relations

Fostering good relations is when we **tackle prejudice and promote understanding** between people from different groups.

Positive Action

We can take positive action to improve equality for people who share a protected characteristic if the statutory conditions for this are met. We must reasonably think that people who share a protected characteristic:

- a) experience a **disadvantage** connected to that characteristic,
- b) have **needs** that are different from the needs of people who do not share that characteristic or
- c) have disproportionately low **participation** in an activity compared to others who do not share that protected characteristic.

We can take any action which is proportionate to meet the aims set out in the Equality Act 2010 to:

- a) Remedy the **disadvantage**.
- b) Meet the **needs**.
- c) Enable or encourage **participation**.

Example – **LAWFUL** because it is non-discriminatory

We are allowed to place a job advertisement in a magazine with a largely lesbian and gay readership as well as placing it on a national recruitment website.

Example – **LAWFUL** positive action because it meets the conditions in the Equality Act 2010

We may be allowed to reserve places on a training course for young people if we can show they have disproportionately low participation in this area, and it will help to enable and encourage young people to participate.

Example – **UNLAWFUL** action because it is direct discrimination

We are not allowed to limit interviews for a job to women only, unless we can show there is an occupational requirement that only women can do this job (e.g. support workers in an organisation providing support for women who experiencing domestic abuse).



Impact on inequalities caused by socio-economic disadvantage

[The Fairer Scotland Duty](#) places a legal responsibility on us to have due regard to how we can reduce inequalities of outcome caused by socio-economic disadvantage. The Fairer Scotland Duty Guidance recommends including this within the equality impact assessment process.

In broad terms, 'socio-economic disadvantage' means living on a low income compared to others in Scotland, with little or no accumulated wealth, leading to greater material deprivation, restricting the ability to access basic goods and services. Socio-economic disadvantage can be experienced in terms of the places where people live and/ or the protected characteristics they share.

People experiencing socio-economic disadvantage means people:

- **With low income** – cannot afford to maintain regular payments such as bills, food, clothing.
- **With low/no wealth** – enough money to meet basic living costs and pay bills but have no savings to deal with unexpected spends and no provision for the future.
- **Living in material deprivation** – being unable to access basic goods and services.
- **Living in deprived areas** – where you live, where you work, visit or spend a continuous amount of time can all have an impact.
- **From particular socio-economic backgrounds** – disadvantage that can arise from parents' education, employment and income or social class.

Example

When NHS 24 needed to relocate they included tackling inequality caused by socio economic disadvantage into their relocation case criteria as a 'non-financial benefits' criteria. This has encouraged NHS 24 staff to consider how relocation plans could create employment opportunities in diverse and more deprived communities and how businesses in the local community could be supported. Taken from www.gov.scot

Impact on children's rights

The Children and Young People (Scotland) Act 2014 includes duties on us to uphold and progress the [UN Convention of the Rights of the Child](#) (UNCRC) for everyone under 18.

Legislation to incorporate UNCRC into Scots law is expected to come into force in 2024. It is expected that this will require us to take proactive steps to ensure we are protecting children's rights when we are making decisions and delivering services, and to report on the progress we're making to do this.

We have [duties as Corporate Parents](#) for all Care Experienced children and young people under 26. It is the duty of every Corporate Parent, so far as is consistent with their functions to do the following for a child or young person:

- a) Be alert to matters which, or which might, adversely affect their wellbeing.
- b) Assess their needs.
- c) Promote their interests.
- d) Try to provide opportunities to participate in activities to promote their wellbeing.
- e) Take such action as considered appropriate to help them access opportunities and make use of our services and access support we provide.



Discussion points

This information may help you structure your evidence gathering and when you are assessing the potential impact of your proposal. It is not exhaustive and just to be used as a starting point.

Protected characteristics

Age

- Adverse Childhood Experiences including abuse, neglect or poverty are a determinant for future health outcomes.
- Care Experienced children and young people are at greater risk of being homeless and have poorer health outcomes with higher rates of prescriptions for depression, greater psychiatric outpatient clinic attendance, and acute inpatient admissions.
- Babies and infants are less able to have their voices and opinions heard/listened to.
- Women outnumber men in older age groups.
- Older people are more likely to face barriers accessing online services.
- Approximately 9% of Scotland's population over the age of 65 have a diagnosis of dementia.
- 43% of carers are between 45-64. Many children and young people are carers.

Disability

- Around 30% of adults and 10% of children are disabled.
- Some people may have needs such as mobility, speech, hearing, sight, memory, neurodiversity. They may require wheelchair access, induction loops, large print text, switches at accessible heights, British Sign Language (BSL) interpreters, speech to text provision, [BT relay service](#), [BSL Video Relay Service](#), double appointments.
- Some people may have needs caused by their experiences of trauma, abuse, pain and anxiety. This may affect their ability to access services and build trusting relationships. They may require adjustments to the way services are provided, to allow them to ask for, and receive help.
- Some people find it difficult to access services via public transport or walking.
- People whose first language is British Sign Language (BSL) cannot be assumed to read English well as it is not their first language.
- Many disabled people experience harassment and abuse related to their disability.
- Disabled people are more likely to live in poverty and have higher daily living costs.
- Disabled children are more likely to experience abuse or neglect.
- On average the life expectancy of people with a learning disability is shorter than the general population.

Gender reassignment

- Trans people often report poor experience when using services primarily related to attitudes of and assumptions made by staff.
- Trans people may have needs in relation to modesty (e.g. privacy in changing areas, provision of single sex accommodation, appropriate uniforms/dress code).
- There is a risk of health professionals misdiagnosing people through assumptions about their gender identity, inadequate knowledge about some identities and concerns about confidentiality.

Marriage and civil partnership

- The protection from discrimination on the basis of this characteristic applies only in employment situations. There is no legal requirement to consider how to advance equality of opportunity or foster good relations in relation to this.

Pregnancy and maternity

- Pregnancy and maternity discrimination is when there is unfavourable treatment during the protected period, which is 26 weeks beginning with the date gave birth.
- Pregnancy and maternity leave can have a negative impact on employment opportunities and income.
- Pregnancy is one of the key triggers that increase the risk of women living in poverty, particular, where they are lone parents. There are services that support women during pregnancy and maternity period to make sure they get the pay and benefits they are entitled to.
- Pregnant women and new mothers in the asylum system are particularly vulnerable to poverty.
- The UK has the second highest rate of teenage pregnancies out of the 21 most developed countries. Teenage pregnancy is linked to deprivation, with rates of teenage pregnancy in deprived areas of Scotland more than treble those of the least deprived. Teenage pregnancy is often a cause and a consequence of increased social exclusion and reduced access to state services such as education, training and benefits.
- Having diabetes put mothers and their babies at more risk of serious health complications during pregnancy and childbirth. Planning ahead and support from health professionals can reduce the risks involved.

Race/ethnicity

- Discrimination and other social determinants of health contribute to racialised health inequalities.
- Some people may require interpreters and translated materials. People may not be literate in their own language and have an oral tradition for communication. NHS Lothians has a [translation service](#). It is against NHS Lothian policy for friends or relatives to act as interpreters during treatment or appointments.
- Some self-management information may show examples of disease on pale skin which might make it harder to diagnose on darker skin.
- Some people may have cultural needs in relation to diet, modesty (e.g., privacy in changing areas, provision of single gender accommodation, appropriate uniforms/dress code), bathing and personal care, organ/tissue donation, blood sharing and certain drugs/treatments.
- Some diseases such as heart disease, diabetes, HIV are higher in some communities.
- Many refugees and asylum seekers have physical and mental health problems associated with the reason they have had to seek asylum.
- Gypsy Travellers and Roma people have the poorest health outcomes than any other social or ethnic group. The life expectancy is 50 years for both men and women.

Religion or belief

- Health beliefs, values and needs vary between cultures and religions and between individuals with cultural and religious groups.
- Culturally competent care can improve healthcare outcomes.
- Be respectful of employee's religion or belief. This includes being sensitive to employee's needs in terms of uniforms, dietary requirements, providing a room for prayer and time off for religious observance.
- Our own beliefs and biases can influence how we interpret other people's needs.

Sex

- Men have lower life expectancy, but women are more likely to suffer ill health, suggesting that women spend more years in poor health.
- Women are more at risk of gender-based violence, young men are more likely to be involved in violence or accidents.
- Sometimes separate or services for women and men are more effective at meeting needs. Providing single-sex services might be needed if someone of the opposite sex might reasonably object to the presence of someone of the opposite sex.
- Carers are disproportionately female - 61% are women and 39% are men.
- The average life expectancy for a homeless person is 47 for men and 43 for women.

Sexual orientation

- LGB people are at a higher risk of mental health problems than heterosexual people, including self-harm, suicidal thoughts, increased alcohol, drug and tobacco use.
- Some LGB people report experiences of homophobia when using health services.
- Gay and bisexual men are less likely to be registered with a GP.
- Gay men represent the group most at risk from HIV transmission.

Socio-economic disadvantage

- Around 11% of Lothian's population live in areas categorised as among the 20% most deprived in Scotland. The greatest number are in Edinburgh. West Lothian has the highest share of its population living in the most deprived communities (14%).
- Living in deprived areas is sometimes connected to lower healthy life expectancy than affluent areas, higher mortality and morbidity, and poorer mental health.
- The inequalities that people can face because of socio-economic disadvantage include poorer skills and attainment, lower healthy life expectancy, lower quality, less secure and lower paid work, greater chance of being a victim of crime and or less chance of being treated with dignity and respect.
- People describing themselves as African, Caribbean or Black are much more likely to be living in the most deprived areas than other ethnic groups.
- After years of decline, homelessness is on the rise again.
- Caring responsibilities may limit participation in employment, education and other aspects of life. This may impact on social status, income, mental and physical health.
- In 2020-21, 14% of young carers lived in the 10% most deprived areas.

Children's Rights

Everyone under the age of 18 has human rights set out in the United Nations Convention on the Rights of the Child [UNCRC](#).

- Article 3 – the best interests of the child shall be a primary consideration.
- Article 4 - measures to implement UNCRC rights.
- Article 5 – the responsibilities, rights and duties of parents or where applicable others, shall be respected in a manner consistent with the evolving capacities of the child, with the appropriate direction and guidance by the child.
- Article 6 – to live and the survival and development of the child will be ensured to the maximum extent possible.
- Article 7 – to a name, nationality, and as far as possible to know and be cared for by their parents.
- Article 8 – to preserve their identity.
- Article 9 – not to be separated from their parents against their will, except when competent authorities subject to judicial review determine, in accordance with the law and procedures, that separation is necessary for the best interests of the child.
- Article 10 – immigration decisions about family reunification to be dealt with in a positive, humane and expeditious manner.
- Article 11 – combat the illicit transfer and non-return of children abroad.
- Article 12 – the child who is capable of forming their own views shall have the right to express those views freely in all matters affecting the child.
- Article 13 – freedom of expression.
- Article 14 – freedom of thought, conscience, and religion.
- Article 15 – freedom of association and freedom of peaceful assembly.
- Article 16 – no child shall be subject to arbitrary or unlawful interference with his or her privacy, family, home or correspondence.
- Article 17 – access to mass media information from a diverse range of sources

- Article 18 – both parents have common responsibilities for the upbringing and development of the child.
- Article 19 – protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.
- Article 20 – a child temporarily or permanently deprived of their family environment, or because it is in their own best interests not to be allowed to remain in that environment, shall be entitled to special protection and assistance.
- Article 21 – system of adoption ensures best interests of child is paramount
- Article 22 – take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee...receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights.
- Article 23 – a mentally or physically disabled child should enjoy a full and decent life, in conditions that ensure dignity, promote self-reliance, and facilitate the child's active participation in the community.
- Article 24 – enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. To strive to ensure that no child is deprived of their right to access such health care services.
- Article 25 – a child placed by competent authorities for the purposes of care, protection or treatment of their physical or mental health has right to a periodic review of treatment.
- Article 26 – to social security
- Article 27 – to standard of living adequate for their development
- Article 28 – right to education
- Article 29 – direction of education
- Article 30 – a child belonging to an ethnic, religious or linguistic minority group will not be denied the right... to enjoy their own culture, to profess or practice their own religion or to use their own language.
- Article 31 – to rest and leisure, to engage in play and recreational activities appropriate to their age and to participate freely in cultural life and the arts.
- Article 32 – protection from economic exploitation
- Article 33 – protection from illicit use of narcotic drugs and psychotropic substances
- Article 34 – protection from all forms of sexual exploitation and sexual abuse
- Article 35 – prevention of abduction, sale or trafficking
- Article 36 – protection against all forms of exploitation prejudicial to any aspect of their welfare.
- Article 37 – no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. No child shall be deprived of their liberty unlawfully or arbitrarily.
- Article 38 – respect for rules of international humanitarian law in armed conflict.
- Article 39 – to take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse, torture or any other form of cruel, inhuman or degrading treatment or punishment, or armed conflicts.

4 Sharing with decision makers

Decision makers have a legal duty to consider equality. They need sufficient knowledge to allow them to make a decision. These principles can also be applied to how we meet the Fairer Scotland Duty and uphold children's rights.

Decision makers must:

- **Be told if the duty to consider equality applies to their decision.**
They will need to keep a record either way if they:
 - **Do** have a duty to consider equality before they make a decision you need to give them the results of your Impact Assessment.
 - **Do not** have a duty to consider equality before they make a decision you need to submit a statement to explain this.
- **Consider equality at the time a decision is taken.** They must do this 'in substance, with rigour and an open mind, not a tick box'.
- **Assess the risk and extent of any potential discrimination and disadvantage and the ways to eliminate or minimise it before the proposal is agreed.**
To do this they must ensure the Impact Assessment is of a sufficient standard – that it includes a clear outline of the proposal, the groups affected, evidence and any potential impacts. If they don't have enough information to assess this risk, they must ask for additional information until they can make an informed decision.



5 Publishing your results

As soon as possible after your policy is implemented, you are required, by law, to publish the results of your Impact Assessment. Send the report to impactassessments@nhslothian.scot.nhs.uk

6 Monitoring the impact

An Impact Assessment is an ongoing process. You should identify the *actual* impact once your proposal is implemented.

You should include equality indicators in your performance reports. These should show the effect your policy is having on reducing inequalities for example if you are seeing increased participation rates, better outcomes, fewer complaints, or more positive feedback from people from the groups where inequalities were identified.

Equality monitoring data will help you to understand the difference you are making. So can questionnaires or surveys.

The purpose of collecting this information is to review whether your work is having the desired effect and, if not, consider how to change it or, if necessary, stop it and try something else. To be effective, monitoring requires baseline information from the beginning. This means identifying indicators that represent the issue and/or UNCRC right you are trying to address.

You may want to align to NHS Lothian or national indicators, Scottish Government's National Performance Indicators, Local Outcome Improvement Plans or Community Planning Partnership indicators. If you cannot identify an appropriate existing indicator, you should consider whether you can develop a bespoke measurement. Your indicators should be able to reflect the effect on people's lives, not just output measures such as actions taken.

Midlothian IJB Audit and Risk Committee



7 December 2023 at 2pm

MIJB Recommendations Internal Audit Follow-Up Review - Completed Actions & In Progress Actions

Item number:	Agenda number
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Executive summary

This report details the MIJB's reported performance in addressing and closing the issues and recommendations raised by Internal Audit.

Good progress has been made by Management during the year with the completion of 7 recommendations (including longstanding actions from prior years) summarised in Appendix 1. Two previous audit actions from 2021/22 have been superseded by the audit actions raised in the Midlothian IJB Medium-term Financial Planning audit undertaken in June 2023. These audit actions were in relation to updating the Financial Strategy to address significant deficits indicated in the Medium-term Financial Plan which was presented to the MIJB meetings in December 2022, March 2023 and June 2023. In addition, a Finance Update for Q1 2023/24 was presented to the MIJB in August 2023. The IJBs strategic risk register includes financial sustainability as a key risk to the IJB's delivery of its strategic plan and the risk register was reported to the MIJB Audit and Risk Committee in June 2023. Changes in statutory guidance for Directions were introduced in 2020. These changes have now been adopted and the MIJB approved the 2023-24 Directions in March 2023. In addition, a high-level interim report on progress towards each Direction is provided to the MIJB. The Health and Social Care Partnership workforce plans have been reflected in service plans. The MIJB approved the new Performance Framework in February 2023. The MIJB's Performance Management Framework is now aligned to the Strategic Plan and further work is underway to roll out the performance system across services to capture data. The Improvement Goal reports which detail progress made on achieving the IJB performance goals are also presented to MIJB meetings.

There are currently 2 remaining in-progress Internal Audit Recommendations for the MIJB which are summarised in Appendix 2. These relate to: developing a documented financial planning process that records the timeline and critical steps required for the prompt development of the Medium-term Financial Plan for the IJB; and the Medium-term

Financial Plan should be developed to include a more explicit link to the MIJB Strategic Plan and its priorities for the years ahead.

The Internal Audit team will continue to monitor progress by Management with implementation of Internal Audit recommendations.

The Midlothian IJB Audit and Risk Committee is asked to:

- **Acknowledge the progress made by Management in implementing Internal Audit recommendations to improve internal controls and governance, and mitigate risks;**
- **Consider whether it is satisfied with the progress made by Management and any other actions required; and**
- **Note that Internal Audit will continue to monitor the completion of the outstanding recommendations and will provide update reports to the MIJB Audit and Risk Committee.**

MIJB Recommendations Internal Audit Follow-Up Review - Completed Actions & In Progress Actions

1 Purpose

1.1 The purpose of this report is to:

- Inform the MIJB Audit and Risk Committee of the number of recommendations raised by Internal Audit for the MIJB that are in progress;
- Note the MIJB's reported performance in addressing the associated internal control and governance issues by the agreed implementation; and
- Highlight the main governance and financial risks where recommendations are found to be outstanding.

2 Recommendations

2.1 The MIJB Audit and Risk Committee is asked to:

- Acknowledge the progress made by Management in implementing Internal Audit recommendations to improve internal controls and governance, and mitigate risks;
- Consider whether it is satisfied with the progress made by Management and any other actions required; and
- Note that Internal Audit will continue to monitor the completion of the outstanding recommendations and will provide update reports to the MIJB Audit and Risk Committee.

3 Background

- 3.1 Internal Audit suggests recommendations for improving internal control and to assist the MIJB deliver against its objectives. Where MIJB Management agree these recommendations, the actions are input to Pentana (Midlothian Council's performance management system) along with a date by which Management should have completed the agreed action.
- 3.2 MIJB Management are responsible for acting on the recommendations by the agreed due date and when complete, closing the recommendation on the Pentana Performance system. The Internal Audit plan includes follow up activity in relation to recommendations made and checks the completed recommendations to determine whether they have been implemented satisfactorily and thus give assurance over the ongoing improvement of internal control, risk management and governance arrangements. The follow-up of completed recommendations is noted in this report.
- 3.3 Internal Audit continues to meet with MIJB officers on a regular basis to follow-up on Management progress with implementation of the remaining recommendations.

This enables discussions for agreeing extensions to due dates to ensure that Internal Audit has an oversight of this to further add value and to provide a visible audit trail in the Pentana Performance system.

4 Performance

4.1 Completed Actions

Good progress has been made by Management during the year with the completion of 7 recommendations (including longstanding actions from prior years) summarised in Appendix 1. Two previous audit actions from 2021/22 have been superseded by the audit actions raised in the Midlothian IJB Medium-term Financial Planning audit undertaken in June 2023. These audit actions were in relation to updating the Financial Strategy to address significant deficits indicated in the Medium-term Financial Plan which was presented to the MIJB meetings in December 2022, March 2023 and June 2023. In addition, a Finance Update for Q1 2023/24 was presented to the MIJB in August 2023. The IJBs strategic risk register includes financial sustainability as a key risk to the IJB's delivery of its strategic plan and the risk register was reported to the MIJB Audit and Risk Committee in June 2023. Changes in statutory guidance for Directions were introduced in 2020. These changes have now been adopted and the MIJB approved the 2023-24 Directions in March 2023. In addition, a high-level interim report on progress towards each Direction is provided to the MIJB. The Health and Social Care Partnership workforce plans have been reflected in service plans. The MIJB approved the new Performance Framework in February 2023. The MIJB's Performance Management Framework is now aligned to the Strategic Plan and further work is underway to roll out the performance system across services to capture data. The Improvement Goal reports which detail progress made on achieving the IJB performance goals are also presented to MIJB meetings.

4.2 In-Progress Actions

There are currently 2 remaining in-progress Internal Audit Recommendations for the MIJB which are summarised in Appendix 2. These relate to: developing a documented financial planning process that records the timeline and critical steps required for the prompt development of the Medium-term Financial Plan for the IJB; and the Medium-term Financial Plan should be developed to include a more explicit link to the MIJB Strategic Plan and its priorities for the years ahead.

4.3 Internal Audit will continue to monitor progress by Management with the implementation of Audit recommendations.

5 Directions

5.1 There are no Directions implications arising from this report.

6 Equalities Implications

6.1 There are no direct equalities implications arising from this report.

7 Resource Implications

- 7.1 There are no direct resource implications arising from the proposals in this report.

8 Risk

- 8.1 The recommendations made by Internal Audit are directly related to reducing the level of risk to which the MIJB is exposed. These recommendations were raised to reduce financial, reputational, strategic and governance risks.

9 Involving people

- 9.1 The MIJB Chief Officer, Chief Finance Officer, and Integration Manager have been involved in progressing the implementation of the Internal Audit recommendations and have reviewed this report in advance of its consideration by the MIJB Audit and Risk Committee.

10 Background Papers

- 10.1 Two follow-up audit recommendations reports are presented to the MIJB Audit and Risk Committee each year in accordance with the approved MIJB Internal Audit Annual Plan 2023/24. This year we have combined the two follow-up audit recommendations (Completed Actions and In-progress Actions) into one report.

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Appendix 1 – Completed MIJB Audit Actions

(Completed actions from 01/04/2022 – 30/09/2023)



2018/19 - Chief Internal Auditor's Annual Assurance Report and Opinion 2018/19 for Midlothian Health and Social Care Integration Joint Board

Action Code	Audit Recommendation (Risk Rating)	Notes	Rating	Due Date	Progress	Service
IA.IJB2018/19.02	MIJB Directions should contain appropriate strategic detail regarding the action to be taken in order to progress with the aims and ambitions of the strategic commissioning plan. This will be accompanied by measurement framework which contains appropriate metrics and sources.	Q1 22/23: New infrastructure and reporting arrangements in place to support directions and their ongoing review. The IJB will continue to seek assurance from the HSCP around its service plans.	Medium	31-Oct-2022	100%	Integration Manager
IA.IJB2018/19.04	Performance measures in the MIJB's Performance Framework should be more appropriately aligned to key priorities and outcomes of its Strategic Plan.	<p>Q4 22/23: MIJB approved the new Performance Framework on 09 February 2023. This followed extensive work to build a meaningful framework that included the re-design of Midlothian IJB Directions and ensure a more strategic approach, and creating a mechanism to measure progress towards the 6 strategic aims of the Strategic Commissioning Plan 2022-25 that takes a triangulated approach to activity, experience and outcomes using the OutNav system.</p> <p>Work will progress in 2023-24 Q1-Q3 to develop the system wide use of OutNav as part of the Midlothian IJB Performance Framework.</p>	Medium	31-Mar-2022	100%	Integration Manager

2019/20 - Workforce development focused on the Midlothian Health and Social Care Partnership arrangements to support the Midlothian Integration Joint Board workforce direction - Moderate Assurance

Action Code	Audit Recommendation (Risk Rating)	Notes	Rating	Due Date	Progress	Service
IA.IJBWFD.2.2	Following the publication of the revised workforce planning guidance in December 2019, the Midlothian HSCP should proceed with the development of their three-year Workforce Plan to ensure publication by 31 March 2021 with attention given to the guidance when creating the plan. Management should ensure the plan is approved by the MIJB prior to the publication.	Q2 22/23: Action complete. The HSCP workforce Plan was submitted to the Scottish Government on 31st July 2022.	Medium	31-Oct-2022	100%	Practice Learning & Development Manager

2021/22 - Chief Internal Auditor's Annual Assurance Report 2021/22 for Midlothian Health and Social Care Integration Joint Board

Action Code	Audit Recommendation (Risk Rating)	Notes	Rating	Due Date	Progress	Service
IA.IJB2021/22.01a	Management should update its Financial Strategy to address significant deficits indicated in the Medium Term Financial Plan 2021/22 – 2024/25.	Q4 22/23: This action has been superseded by the new agreed action from the recent audit undertaken on Midlothian IJB Medium-Term Financial Planning.	Medium	31-Mar-2023	100%	Chief Finance Officer
IA.IJB2021/22.01b	After updating the Financial Strategy (IA.IJB2021/22.01a), the Medium Term Financial Plan should be refreshed	Q4 22/23: This action has been superseded by the new agreed action from the recent audit undertaken on Midlothian IJB Medium-Term Financial Planning.	Medium	31-Mar-2023	100%	Chief Finance Officer

2022/23 - Midlothian IJB Medium-Term Financial Planning

Action Code	Audit Recommendation (Risk Rating)	Notes	Rating	Due Date	Progress	Service
IA.MIJB-MTFP.03	The Chief Finance Officer and Chief Officer of the IJB should ensure that the responsibility for the ongoing monitoring of financial recovery plan performance is reported to the Board and a schedule of reporting produced to support this.	Q2 23/24: Complete - the IJB receives routine financial recovery plans performance in its finance update reports.	Medium	31-Aug-2023	100%	Chief Finance Officer

Action Code	Audit Recommendation (Risk Rating)	Notes	Rating	Due Date	Progress	Service
IA.MIJB-MTFP.04	The Risk Register for the IJB should be developed further to include an additional risk specific to the Board's financial challenge and its inability to achieve financial balance for the years ahead. The risk should be scored appropriately considering the criticality of the risk and the impact on the delivery of the Board's strategic priorities.	Q2 23/24: Complete - the IJBs strategic risk register includes the financial sustainability as a key risk to the IJB delivery of its strategic plan	Medium	30-Sep-2023	100%	Chief Finance Officer

Appendix 2 – MIJB Audit Actions In Progress

2022/23 - Midlothian IJB Medium-Term Financial Planning

Action Code	Audit Recommendation (Risk Rating)	Notes	Rating	Due Date	Progress	Service
IA.MIJB-MTFP.01	The Chief Finance Officer should develop a documented financial planning process that records in an agreed template the timeline and critical steps required for the prompt development of the Medium-term Financial Plan for the IJB. This should be shared with the Board and Partners for information.	Q2 23/24: The IJBs financial plan is developed in line with both partners and their financial planning process.	Low	31-Dec-2023	10%	Chief Finance Officer
IA.MIJB-MTFP.02	The Medium-term Financial Plan should be developed to include a more explicit link to the Midlothian IJB Strategic Plan and its priorities for the years ahead. This should also include the Board's strategic priorities in a local and national context, alongside the financial risks associated with the plan's assumptions.	Q2 23/24: No progress as yet.	Medium	31-Dec-2024	0%	Chief Finance Officer

