

# AGENDA ITEM

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**FALKIRK INTEGRATION JOINT BOARD**

**DRAFT Minute of the Special Meeting of the Falkirk Integration Joint Board held on Monday 25 June 2018 at 10.30am in the Committee Suites, Municipal Building, Falkirk.**

**Voting Members:**

Julia Swan (Chairperson)  
Allyson Black (Vice Chair)  
Alex Linkston  
Michele McClung  
Cecil Meiklejohn  
Fiona Collie

**Non-voting Members:**

Patricia Cassidy, Chief Officer  
Amanda Templeman, Chief Finance Officer  
Cathie Cowan Chief Executive, NHS Forth Valley  
Mary Pitcaithly, Chief Executive, Falkirk Council  
Sara Lacey, Chief Social Work Officer  
Morven Mack, Carers Representative  
Maureen Hill, Third Sector Representative  
Margo Biggs, Service User Representative  
Matt McGregor, Staff Representative  
Andrew Murray, NHS Medical Directors (Medical Rep)  
Angela Wallace, NHS Nurse Director (Nursing Rep)

**In Attendance:**

Joe McElholm, Head of Social Work Adult Services  
Suzanne Thomson, Programme Manager  
Kathy O'Neill, General Manager  
Colin Moodie, Chief Governance Officer  
Scott Urquhart, Director of Finance  
Linda Donaldson, Acting Director of HR  
Sonia Kavanagh, Corporate Governance Manager (minute)

Mrs Swan noted that this would be Ms Pitcaithly's last meeting and on behalf of the IJB wished her all the best for her retirement.

Mrs Swan advised that due to the nature of the items to be discussed both reports would be considered together as one item of business followed by an opportunity for the non-voting members to seek clarification where necessary. The discussion would then be opened up to all Board members.

**IJB227. APOLOGIES**

Apologies were received on behalf of Robert Clark and David Herron.

**IJB228. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **IJB229. INTEGRATION UPDATE AND INTEGRATED STRUCTURES**

The Integration Joint Board considered a paper 'Integration Update' provided by Mrs Cathie Cowan, Chief Executive, NHS Forth Valley.

Before presenting her report Mrs Cowan made two points: the first being that the report had been shared with a solicitor who specialised in the integration of health and social care at the Central Legal Office. The advisor had confirmed the contents of the paper were in line with and accurately reflected the Public Bodies (Scotland) Act and the local Integration Scheme. The second point referred to an email request from the Chief Executive, Falkirk Council following their meeting with the IJB Chair and Vice Chair on the 18 June 2018. The request asked that a response to the recommendations from the IJB's Internal Audit report be included in the paper Mrs Cowan was preparing. The report, whilst not joint included a reference to the recommendations made by internal audit and a response from the IJB's Chief Internal Auditor has confirmed the report provided clarity, and this was detailed in paragraph 4.10.

Mrs Cowan advised that the report built on work led by Professor Wallace during 2017 which involved both Chief Officers and the General Manager for the current Community Services Directorate (CSD). This directorate as reported previously would be dissolved before and certainly no later than March 2019.

Mrs Cowan acknowledged that at the time of agreeing the Integration Scheme the scope of health services that would be operationally managed by the Chief Officers within the Health & Social Care Partnerships had not yet been agreed. She set out the Health Board's ongoing commitment to integration and in particular the delegation of operational management arrangements of services in-scope from the CSD General Manager to each of the Partnership Chief Officers.

Mrs Cowan described the responsibilities and relationships between the IJB, Health Board and Local Authority as well as the role of the Chief Officer. She acknowledged that the Chief Officer role was complex with two distinct and equal roles; accountability to the IJB for all its responsibilities including strategic planning and ensuring directions were being carried out, and accountability to the Chief Executive for NHS service delivery and to the Chief Executive, Falkirk Council for social care service delivery.

Mrs Cowan noted that Scottish Government guidance and the Integration Scheme clearly outlined where responsibilities for risk lay, with the Chief Officer responsible for establishing the IJB's Risk Management Strategy and developing risk reporting arrangements. NHS Forth Valley and Falkirk Council would continue to identify and manage their own risks while escalating those which were IJB related to the Chief Officer. The IJB's Risk Register would be maintained by the Chief Officer with administrative support provided by both Parties. These sections of the report had been included at the request of the Falkirk Council's Chief Executive, which in turn responded to the recommendations of the Internal Audit report referred to earlier.

Mrs Cowan whilst acknowledging the delay to delegate operational management arrangements restated her determination to move forward in partnership with all three Local Authorities to improve outcomes for each of the IJB's local population. Mrs Cowan referred to a meeting involving Chief Executives (Stirling Council was represented by Deputy Chief Executive) of all three Local Authorities operating in Forth Valley and the two Chief Officers in February 2018. At this meeting it had

been agreed to a phased implementation, with Phase 1 completed by September 2018 and Phase 2, which would involve hosting arrangements/principles, to be completed by March 2019 – proposed hosting principles were appended to the paper. Mrs Cowan highlighted the current work she was leading on through the Phase 1 Integration Team, supported by Chief Officers and key senior managers from both Parties. This work was described within the Service Profile appendix. It was noted that the management structure proposals by the Chief Officers for both partnerships differed and would be subject to governance and affordability checks.

Mrs Cowan noted that she had met with the Chair and Vice Chair of the IJB and Falkirk Council's Chief Executive on 18 June 2018 and it had been agreed that Falkirk Partnership would have two Heads of Service (NHS and LA), with recruitment to these posts required. Further professional support would also be provided through GP and Nursing/AHP structure as direct reports to the Chief Officer.

Corporate Support would continue to be provided to assist the Chief Officer and ensure IJB business requirements were met, including finance, risk, performance and strategic planning. A separate report for this support would be presented to a future IJB meeting.

Mrs Cowan noted her disappointment that it had not been possible to provide a joint report but confirmed her commitment to deliver integration and the necessary resources as developed with the full involvement of both Chief Officers and senior managers from both Parties.

## **INTEGRATED STRUCTURES**

The Integration Joint Board considered a paper 'Integrated Structures' presented by Ms Mary Pitcaithly, Chief Executive, Falkirk Council.

Ms Pitcaithly advised that due to points of difference between both Chief Executives the report aimed to provide clarity on the variances and seek the views of the IJB.

A brief outline of the transfer of operational responsibilities for services was provided, noting that when Adult Social Care had transferred to the IJB on 1 April 2016 all decisions relating to those services had since been taken by the IJB or Chief Officer via the Leadership Team. The operational management arrangements for the Integrated Mental Health Team and Integrated Learning Disability Team had then transferred in February 2017.

Ms Pitcaithly highlighted that the report was written following receipt of proposals from the Chief Executive of NHS Forth Valley on the morning of 20 June 2018. At this time the appendices to that report had not been made available. She noted it may be that the revised report and appendices address some of the concerns in this report.

At the December 2017 meeting of the IJB, the Chief Executives were asked to submit a joint paper detailing the plans for further integration. The IJB was clear that the pace of change had to increase as a matter of urgency.

To date it has not been possible for the Chief Executives to agree a joint paper to fulfil the terms of this decision. There are diverging views on the following areas:

- The role of the Chief Officer
- The governance of in-scope services
- The management structures
- Hosted services.

Ms Pitcaithly stated it is the view of the Council that the above points need to be absolutely clear and agreed in order to mitigate the substantial risks associated with the transfer of services. It is the Council's view that until these areas are clarified, the opportunities and benefits associated with integration cannot be realised and the pace of transformation will continue to be slow. This will continue to pose a risk to the reputation of the NHS Board, the Council and the IJB.

The Integration Scheme states that the Chief Officer is accountable to the IJB. In addition the Chief Officer must be a member of the management structures, and report to the Chief Executives, of both parties. Falkirk Council considers the Chief Officer a Director level post.

The proposals submitted by NHS Forth Valley do not include the transfer of senior staff to the IJB, beyond Service Manager level. There is an expectation that those Service Managers that transfer would report directly to the Chief Officer. Currently NHS Forth Valley have General Manager roles in place and the Council would expect a General Manager role to transfer to the IJB to ensure sufficient capacity and avoid the Chief Officer and Head of Social Work Adult Services roles becoming hindered by day to day operational responsibilities.

Furthermore, the lack of clarity will result in confusion surrounding lines of accountability and individual responsibilities. An example of this is the lines of accountability for the community hospitals which are unclear.

Ms Pitcaithly stated the Council recognises a role for the Chief Officer to operate autonomously on behalf of the IJB, to challenge and hold to account both the Health Board and the Council in following directions and implementing the strategic plan. This view is not shared by colleagues in the Health Board.

Under the current proposals, NHS Forth Valley will retain the management for the vast majority of in-scope functions. This would result in decisions on the majority of in-scope functions being taken by the NHS Senior Leadership Team, of which the Chief Officer is only one voice. This can provide little or no assurance that the voice of the IJB will be heard and acted upon. There is little evidence of developments within the in-scope services coming to the IJB for decision making, notwithstanding the terms of the Direction.

Current proposals refer to a NHS Forth Valley wide Programme Board model. Once again the Chief Officer and IJB role is diluted and the ability to give direction and influence change is curtailed. This has serious implications for the IJB to fulfil its statutory responsibilities.

The IJB has a lead role in strategic planning and oversight of in-scope functions and services. This role is not reflected in the current proposals.

To date the IJB has not approved any principles to be applied to hosted services. The absence of a mutually agreed position with the Health Board and Clackmannanshire and Stirling IJB currently brings a level of uncertainty to the arrangements for integration.

Ms Pitcaithly reported it is unusual for public authorities to set out the divergence of views in such an open way. But it is important that the IJB is properly informed of the discussions that have taken place and why agreement has not been reached. The Council has approached integration in an open and supportive way to not only to meet the legislation but because to realise the benefits of integration for the people of the Falkirk area.

Mrs Swan thanked Mrs Cowan and Ms Pitcaithly for their reports and opened the discussion to the IJB.

Mr McGregor raised a concern regarding the ongoing lack of agreement, the impact for staff and the need for this to be resolved to support working within the Partnership. Ms Pitcaithly said that while she sympathised with staff side she had to be assured as Falkirk Council's Chief Executive that sufficient resources were being delegated.

Mr Linkston questioned the assurance sought by Ms Pitcaithly and referred to the delegation of operational social care management arrangements and the lack of involvement by the IJB in this decision making. He highlighted the paper that he had requested as an IJB member dated September 2015.

Mr Linkston highlighted the progress and the support for Mrs Cowan's proposals to delegate operational management arrangements including hosting agreed by the other IJB operating within Forth Valley.

Ms Lacey raised a concern regarding appropriate senior management arrangements, with the necessary experience and seniority. As Chief Social Work Officer, she also provided professional advice and advised that further information regarding the professional support was required to provide the necessary assurance.

Ms Donaldson, Acting Director of HR for NHS Forth Valley referred to the appendices attached to Mrs Cowan's report and the level of detail in relation to the delegation of operational management resource and how this aligned with the NHS national profiles. She provided information about the proposed senior management structure.

Mrs Cowan added that she was intending not to retain the CSD General Manager role and that the NHS senior management post transferring would be comparable to the Head of Service roles in Falkirk Council.

Professor Wallace also advised that good progress had been made during the recent Phase 1 Integration meetings with regards to understanding the operational management resources to be delegated by Parties in each of the IJBs. She had also highlighted at one of the meetings that a Deputy Nurse Director would be aligned to each partnership, with a similar approach for AHPs, to provide additional professional support. Mr Murray noted that similar support would also be provided from a medical perspective to each of the Partnerships although details were still to be finalised.

Ms Pitcaithly noted that the limited opportunities for the Chief Officer, as a member of NHS Forth Valley's Senior Leadership Team (SLT) and proposed Programme Boards, was not appropriate for her to fulfil her complex role and to work autonomously. Ms Cassidy advised that while she was a member of NHS SLT and

the Programme Boards, this was as part of NHS senior management role and did not fulfil the requirements of her role as Chief Officer of the IJB.

Professor Wallace sought further clarification from the Chief Officer to help her understand why membership of SLT was not sufficient.

Ms Cassidy explained that as Chief Officer she was required to make decisions about in scope services through the IJB Governance process and that despite this NHS SLT had continued to make decisions about in scope services. The example provided was the recent 'Community at the Front Door proposal'. This proposal should have come to the IJB for decision as required by the directions issued by the IJB in April 2018.

Ms Swan added that Chief Executives needed to be allowed to determine how they managed their staff and workload and this was not a matter for the IJB.

Ms Pitcaithly advised it was not sufficient for the SLT or Programme Boards to tell the IJB what had been agreed through these groups. This approach suggests the IJB is a strategic commissioning only body, and not responsible for service delivery. It perhaps epitomises the problem as this is not the Council's view, nor has the IJB approved this as a model.

Mr Linkston enquired about progress with locality and direction of travel. The detail has been asked for by the board and limited information has been provided. Progress appears to be made in other areas. Ms Cassidy highlighted the recent Board Development session on locality working which those in attendance found very helpful. Unlike other areas, Falkirk does not yet have integrated locality working and a significant focus and effort has been on reaching agreement on the transfer of in-scope functions and services.

There was a discussion by the Board about autonomy and the scope and boundary of the Chief Officers role.

Ms Cowan advised that there had been discussions regarding the Chief Officer role being designated at Director level and if this assisted understanding she would support this reflected in the title (Director/Chief Officer). Mrs Swan noted this and the need for the IJB to be clear on the Chief Officer's role and responsibilities. Ms Pitcaithly highlighted the Kings Fund report, 'Leading across health and social care in Scotland', which provided further details regarding roles and responsibilities of Chief Officers and agreed to circulate this to the IJB for information.

Following further discussions the complex landscape, including the ongoing national and regional work, was noted. It was agreed that a collective understanding was required around both the Chief Officer role and the IJB's to enable the process of integration to progress. Mrs Cowan referred to the feedback from the NHS Chief Internal Auditor who had in his feedback said the report provided clarity to both these areas.

The recommendations contained in the two reports were not considered, and the IJB agreed to a short adjournment at 11.55am until 12.25pm to allow a proposal for consideration to be drafted.

Mr Moodie outlined the Chair's proposal. The IJB agreed that while there had been significant progress made further assurance was required before delegation of operational management could take place. Councillor Meiklejohn seconded the

proposal with support also intimated by Mrs Cowan, Ms Pitcaithly, Councillor Collie and Mr Linkston and the need to prioritise and achieve the delegation of operational management of services as soon as possible.

## **Decision**

### **The Integration Joint Board:-**

**Agreed that it had insufficient assurance at this stage for the delegation of operational management to proceed but recognised the significant progress made and the work undertaken.**

**The Board asked the Chief Executives and the Chief Officer to bring a further report back to the next meeting of the Board setting out clearly:-**

- 1. The role of the Chief Officer recognising her role as a director in both organisations but also her statutory role as the IJB's Chief Officer**
- 2. The management structure proposed by the Health Board in relation to the transferring management responsibilities to include:-**
  - a. clarity on the senior management post; and**
  - b. the professional structures proposed**
- 3. The governance arrangements for in scope health functions**
- 4. A fuller description of the principles for determining hosting with particular reference to the risks and benefits of hosting or transferring services to the partnerships.**