

# **Agenda Item 8**

## **Directions Policy**



## Falkirk Integration Joint Board

19 March 2021

Directions Policy

For Decision

### 1. Executive Summary

- 1.1 This paper presents a draft Directions policy for approval.
- 1.2 Directions are a key aspect of the IJB's governance framework and form the legal basis of how all delegated services are to be delivered and funded.
- 1.3 In order to comply with statutory guidance, a formal Directions policy has been developed in a bid to improve transparency and accountability between the IJB and its constituent authorities.

### 2. Recommendations

The Integration Joint Board is asked to:

- 2.1 approve the Directions Policy.

### 3. Background

- 3.1 In line with the provisions of sections 26 to 28 of the Public Bodies (Joint Working) (Scotland) Act 2014, Directions are the mechanism by which the IJB's strategic plans are enacted.
- 3.2 Directions are issued by the IJB to Partners as appropriate, setting out how all delegated services which fall under the operational management and control of the IJB are to be delivered and funded via the integrated budget. Directions are legally binding and provide a formal record and audit trail of IJB decisions and responsibilities between Partners.
- 3.3 At present, the IJB issues a single broad over-arching Direction to Partners to incorporate all relevant functions. However, [statutory guidance](#) published by the Scottish Government in January 2020, makes clear that a separate Direction should be issued for each individual delegated function.
- 3.4 The statutory guidance also confirms that a formal Directions policy should be in place to promote best practice and improve the manner in which Directions are issued and implemented.

## 4. Directions Policy

- 4.1 The draft Directions policy provided at appendix 1 sets out the proposed local process for the formulation, approval and issue of Directions (including consideration of the form and content of Directions and the required monitoring arrangements).
- 4.2 Subject to IJB approval, the Directions policy will be implemented from 1<sup>st</sup> April 2021.

## 5. Conclusion

- 5.1 In order to comply with Statutory Guidance, the IJB requires to have a formal Directions policy in place. This also supports the Ministerial Strategic Group for Health and Community Care's recommendations relating to governance and accountability arrangements surrounding health and social care integration.

### Resource Implications

There are no resource implications associated with this report.

### Impact on IJB Outcomes and Priorities

Directions are the legally binding mechanism to deliver the IJB's strategic plan and associated priorities and outcomes. As a result it is important that Directions clearly communicate IJB decision making and clarify responsibilities between Partners to ensure outcomes and priorities are met. Development of a formal Directions policy supports this aim.

### Directions

New Directions will be issued with effect from 1<sup>st</sup> April 2021, pending approval of the Directions policy.

### Legal & Risk Implications

Development of a Directions policy ensures compliance with statutory guidance and mitigates the risks of ambiguity regarding IJB decisions and service accountability.

### Consultation

The Directions policy has been developed in consultation with Partners.

### Equalities Assessment

There are no equality issues arising from the recommendations in this report.

## 6. Report Author

Jillian Thomson, Chief Finance Officer

## 7. List of Background Papers

- Public Bodies (Joint Working) (Scotland) Act 2014
- Ministerial Strategic Group (MSG) for Health and Community Care – review of progress integration
- Statutory guidance Directions from Integration Authorities to Health Boards and Local Authorities, Scottish Government. January 2020

## 8. Appendices

<b>Appendix 1:</b>	Draft Directions policy
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# Directions Policy

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FALKIRK INTEGRATION JOINT BOARD

DATE APPROVED: 19 MARCH 2021  
REVIEW DATE: 19 MARCH 2022

## Document version control

Version	Date issued	Author	Summary of changes
1	1 Apr 2021	Jillian Thomson	First version

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## **Introduction and policy context**

This policy document outlines the process for drafting, approving, issuing and monitoring Directions from Falkirk Integration Joint Board (IJB) to partner organisations Falkirk Council and Forth Valley NHS Board. The policy has been developed with reference to relevant legislation and statutory guidance and will be reviewed on an annual basis.

In line with the provisions of sections 26 to 28 of the Public Bodies (Joint Working) (Scotland) Act 2014, Directions are the key mechanism by which the IJB's strategic commissioning plans are actioned.

Directions are issued by the IJB to Falkirk Council and Forth Valley NHS Board, setting out how all delegated services which fall under the operational management and control of the IJB are to be delivered and funded via the integrated budget. Directions are legally binding and provide a formal record and audit trail of IJB decisions and responsibilities between Partners.

Statutory guidance relating to Directions was published by the Scottish Government in January 2020 in a bid to promote best practice and improve the manner in which Directions are issued and implemented. In order to comply with statutory guidance, the IJB is required to have a formal Directions policy in place.

The introduction of a formal Directions policy also supports the governance and accountability proposals contained within the Ministerial Strategic Group for Health and Community Care's report published in February 2019 regarding progress with the integration of Health and Social Care in Scotland.

## **Form and content of Directions**

Directions are a necessary and important element of the IJB's governance structure designed to convey IJB decisions and clarify responsibilities between Partners, whilst providing a clear framework for the operational delivery of delegated services. As such, Directions must be in writing and drafted in sufficient detail to ensure IJB decision making is accurately and effectively communicated to both Falkirk Council and Forth Valley NHS Board.

In addition, all Directions must comply with clinical and care governance standards to safeguard patient safety and public protection together with staff welfare and financial governance arrangements.

As a minimum, a Direction must provide the following information:

- A reference number to maintain version control and support audit.
- Details of the scope and scale of the service involved (distinguishing between set aside and integrated functions as appropriate).
- Details of overall budget and funding source (i.e. payment or set aside).



- Details of the actions or outcomes required in line with the IJB's strategic plan priorities and decision making process.
- An outline of the potential impact on key stakeholders, including consideration of consultation requirements.
- Timescales for delivery and performance/progress monitoring arrangements.

A standard template has been developed to capture the information referred to above in a consistent format (see appendix A).

## **Process for approval and issue of Directions**

The IJB is responsible for approving all Directions. Directions will be issued to partners by the Chief Officer as soon as practicable following approval by the IJB.

Directions will be prepared and issued in respect of all 43 delegated functions referred to in annex 1 (part 2) and annex 2 (part 2) of the Integration Scheme at the start of each financial year. The Directions will remain in force until they are varied, revoked or superseded as a consequence of IJB decisions or in response to changes in strategic and financial priorities during the course of the year. A clear audit trail will be maintained through the creation of a chronological Directions log.

In order to determine when a new or amended Direction is required, the standard report format for the IJB and all sub committees will be updated to include a section on Directions. This will act as a prompt for the report author to consider whether a new or amended Direction requires to be issued to Falkirk Council and/or Forth Valley NHS Board and to seek approval from the IJB as appropriate. Where a new or amended Direction is required a draft should be included with the report using the standard template provided at appendix A.

In this way, a Direction should always be initiated by a decision made by the IJB (a Direction represents the formal end point of the decision making process).

Further work is required to determine the arrangements for Directions where the IJB is the lead for a range of Forth Valley wide healthcare services on behalf of Clackmannanshire and Stirling IJB (i.e. hosted/coordinated services) and to finalise set aside arrangements. Both of these areas will be considered by the recently established "pan Forth Valley finance oversight group" and the Directions policy will be updated accordingly.

## **Implementation of Directions**

Falkirk Council and Forth Valley NHS Board are responsible for complying with and implementing the Directions. The Chief Executives of both organisations are expected to formally acknowledge receipt of all Directions issued by the IJB.

The Directions are legally binding and as such partners may not amend, disregard, appeal or veto any Direction. Similarly, neither partner may use the resources allocated via the IJB for any other purpose than that intended in the Directions.

The IJB may seek information from both Falkirk Council and Forth Valley NHS Board for performance monitoring and reporting purposes (see section below). The required performance measures and outcomes will be clearly articulated in the Direction.

Should either partner experience difficulty in implementing the Directions, this should be discussed with the Chief Officer initially. The Chief Officer will seek to resolve the matter on an informal basis in the first instance, in conjunction with the IJB Chair and Vice Chair as appropriate. In the unlikely event that formal dispute resolution is required, the dispute resolution mechanism outlined in section 14 of the Integration Scheme will apply.

### **Monitoring and review of Directions**

The Directions are subject to Internal and External Audit.

As part of the IJB's performance management framework, the Strategic Planning Group will oversee progress in implementing the Directions (by conducting regular reviews of the Directions log, requesting progress reports from partners and escalating issues to the IJB as appropriate). In addition, the Strategic Planning Group will provide an annual assurance report to the IJB.

The Directions policy will be reviewed on an annual basis in consultation with partners.

## Direction Template

## Appendix A

DIRECTION FROM FALKIRK INTEGRATION JOINT BOARD	
Reference number	Format to include approval date and sequential number.
Does this direction supersede, vary or revoke an existing direction? If yes, please provide reference number of existing direction	Yes / No (delete as appropriate) If yes, provide details here
Approval date	Insert date of IJB meeting (day/month/year format)
Services / functions covered	Include the type of function: i.e. set aside or integrated. List the specific service, or services, subject to direction e.g. mental health services, disability services, general medical services
Full text of direction to include scale and nature of change	Describe the required action including the purpose/strategic intent and how progress will be monitored.
List of key stakeholders impacted and any specific consultation requirements	
Timescales for Delivery	

Direction to	NHS Forth Valley Falkirk Council (delete as appropriate)
Link to relevant IJB report / reports	Provide hyperlinks
Budget / finances allocated to carry out the detail	State the financial resources allocated to enable the Council or the Health Board or both to implement the direction. Provide sufficient detail especially if the direction relates to multiple functions or services
Performance measures	Please list performance measures specific to the project or programme. Where applicable refer to relevant business cases and/or option appraisal exercises.
Date direction will be reviewed	Provide month / year. No more than 1 year from date of approval