

Agenda Item 17

IJB Governance



Falkirk Integration Joint Board

4 June 2021

IJB Governance

For Decision

1. Executive Summary

- 1.1 The report informs the Board of requirements to agree changes to the membership of the Board and an update on a range of matters relevant to the Board.

2. Recommendations

The Integration Joint Board is asked to:

- 2.1 note Michele McClung as the Chair, and Fiona Collie, as Vice Chair effective from 1 May 2021
- 2.2 note Maureen Hill, Interim CEO of CVS Falkirk and District, as one of the Third Sector representatives
- 2.3 approve adoption of the draft Standing Orders as appended to this report.
- 2.4 note the Public Sector Bodies (Website and Mobile Applications) (No. 2) Accessibility Regulations 2018 statutory requirements on the IJB.

3. Background

- 3.1 The Board Standing Orders and the Integration Scheme note arrangements for Board membership.
- 3.2 There have been emerging statutory requirements on the IJB as a public body and these have been reported to the Board as required to ensure compliance with legislation and good practice.

4. IJB Membership

- 4.1 The Board Standing Orders (and Integration Scheme) note the Chair and Vice Chair of the IJB will alternate every 2 years between the Council and the NHS Forth Valley Board members. The term of office of the current Chair and Vice Chair ended on 30 April 2021.

- 4.2 The Chair and Vice-Chair of the Integration Joint Board are appointed from the voting Board members by each of the Parties on a rotational basis. The constituent authorities have indicated their appointments to these posts. The Board is asked to note Michele McClung as the Chair, and Fiona Collie as Vice Chair effective from 1 May 2021.
- 4.3 The Board is invited to note Maureen Hill, Interim CEO of CVS Falkirk and District, as one of the Third Sector representatives. This is a temporary change from Victoria McRae, CEO.

5. Review of the Integration Scheme

- 5.1 There is a separate agenda item on the review of the Integration Scheme. A short-life working group is making progress with the review and are working to report to the Council, NHS FV Board, Clackmannanshire and Stirling IJB and the Falkirk IJB in September.

6. Standing Orders

- 6.1 The Standing Orders of the Integration Joint Board have not been reviewed since their initial adoption in 2016 and a review has been undertaken to ensure they remain fit for purpose. The proposed changes are minor and summarised below. The revised Standing Orders are provided at appendix 1 and it is recommended that these are approved by the Board.
- 6.2 The main changes are:
- in section 2 of the Standing Orders the existing definition list has been expanded to provide more clarity on more of the terms used throughout the document
 - in section 5 text has been added to make it clearer that the Board has authority to determine the term length of non-voting members appointment, excluding those made ex-officio
 - in section 8 changes have been made to clarify the process regarding changing a meeting date and the calling of special meetings of the Board
 - in section 15 the process for deputations has been clarified. This makes it more clear to members of the public how and when they may make a request to address the Board and how such requests will be handled, and
 - a new section 18 has been added to clarify that the provisions of the Standing Orders, with a few exceptions, also apply to the conduct of committee meetings.

- 6.3 Further to the main changes set out above a small number of typographical errors and formatting issues have also been corrected.
- 6.4 Should any further matters arise from time to time which require amendment to the Standing Orders, for example changes to the membership categories, these will be separately reported, and the Board invited to make the relevant decisions.

7. IJB Support

- 7.1 Since 2016, the arrangements to support the IJB and Chief Officer have alternated between the Council and NHS Forth Valley. This in the main has been limited to clerking support and legal advice to the Board and the Chief Officer.
- 7.2 Over the same period, there have been emerging statutory requirements on the IJB as a public body, that have not been adequately resourced. This now needs to be addressed to ensure compliance with legislation and good practice.
- 7.3 The Chief Officer, in agreement with the Chair and Vice-Chair, and Falkirk Council Democratic Services, have agreed that clerking and democratic support will continue to be provided by the Council. This will be supported by a fixed term post that will directly support the work of the Board; Chief Officer and the HSCP to discharge its duties as a public body. The post will also support our local response to the Scottish Government response to the Feely review and implementation of the report recommendations.
- 7.4 Leadership Funding has been approved for 2 years to test the approach of a dedicated officer supporting a range of work. The post will be directly line managed by the Democratic Service Manager with an indirect line to the HSCP Senior Service Manager. This will provide the postholder with access to the Council's expertise in governance matters and link them with the Chief Governance Officer as the person ultimately responsible for the post.
- 7.5 A draft job description has been agreed and discussions are progressing with the grading and then recruitment processes.

8. Website's accessibility requirements

- 8.1 The Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 came into force on 23 September 2018. It aims to ensure public sector websites and mobile applications are accessible to all users, especially those with disabilities. This legislation includes all current, previous and future IJB reports, minutes, agendas, declaration templates etc on our HSCP website.

- 8.2 Websites and their design, code and content are now required to be reviewed and changed to meet accessibility guidelines and a statement of accessibility needs to be added to sites by September 2020. The statement clarifies the level of accessibility across the site or application and will enable users to contact the website owner if they identify any accessibility issues or barriers. Accessibility requirements for mobile applications apply in the same way however, the deadline for meeting them is 23 June 2021.
- 8.3 The Falkirk HSCP website is hosted on the main NHS Forth Valley platform for their website and managed together in a single system. Confirmation has been received from the NHS Forth Valley Webmaster that all their public sites are compliant. As such a link to the NHS Forth Valley Statement of Accessibility is available on the Falkirk HSCP webpage and confirms conformance status and the ability to provide relevant feedback on the accessibility of the websites.
- 8.4 To review our compliance with these regulations, a basic check has been conducted by the Partnership's communication officer, identifying partial compliance. A workplan action list has identified minor amendments required to update content which will be completed by the communications officer and the NHS Forth Valley web team. The NHS Forth Valley Disability Equality and Access Team also regularly review the website to ensure compliance with accessibility requirements is maintained.
- 8.5 Additionally, the communication officer is reviewing the Partnership's progress against Falkirk Council's BSL Action Plan 2018-2024 as required by the BSL (Scotland) Act 2015. This includes goals to improve access to a wide range of information and public services in BSL and to clearly signpost to services such as contactSCOTLAND-BSL. As part of a wider refresh of the Partnership's web content, the communication officer will work with Sensory Services colleagues to create BSL content as appropriate.
- 8.6 Compliance will also be monitored and enforced by the Government Digital Service (GDS) on behalf of the Minister for the Cabinet Office, with a sample of public sector websites to be reviewed annually.

9. Civil Contingencies Act 2004: IJB's as Category One Responders

- 9.1 The previous Chief Officer report advised the Board on the Scottish Government inclusion of Integration Joint Boards as Category 1 Responders under the Civil Contingencies Act 2004.
- 9.2 By including IJB's as Category 1 responders, it ensures that where there is a risk of an emergency which will impact functions delegated to the Board, there will be formal, coordinated, and appropriate arrangements in place for emergency planning; information sharing and cooperation with other responders; and joined up information sharing and advice for the public.

- 9.3 The Scottish Government Resilience Division held an information session (including Q&A) for IJB members on 1 June 2021. There was a workshop for HSCPs staff held on 20 May 2021 to cover the responsibilities of Category 1 responders to explore how these can be effectively carried out. The responsibilities will be considered and reported to the Board in due course.

10. Conclusions

- 10.1 The report summarises a range of matters relevant to the IJB and provides assurance that necessary work is being done.

Resource Implications

There are no resource implications arising from this report.

Impact on IJB Outcomes and Priorities

There is no impact on IJB outcomes and priorities arising from this report.

Directions

A new Direction is not required for this report.

Legal & Risk Implications

There are no legal and risk implications arising from this report.

Consultation

This is not required.

Equalities Assessment

This is not required.

11. Report Author

Suzanne Thomson, Senior Service Manager

12. List of Background Papers

None

13. Appendices

Appendix 1: Draft IJB Standing Orders

Falkirk Integration Joint Board Standing Orders

1. Title

- 1.1 These are the Standing Orders of the Falkirk Integration Joint Board made under the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014. They came into force on 6 November 2015.

2. Definitions

In the Standing Orders, the following terms have the undernoted meaning: -

Term	Meaning
Chairperson	The person presiding at the Board or a committee duly appointed by the Board.
Chief Officer	The Chief Officer of the Falkirk Health & Social Care Partnership.
Clear days	When referring to service of Notices, the term “clear days” refers to weekdays, excluding weekends, Bank Holidays, local or national holidays, the day the Notice is posted and the day on which the meeting is held.
Committee	A committee established by the Board.
Constituent authority	Falkirk Council or NHS Forth Valley
Integration Functions	The functions delegated to the Integration Joint Board pursuant to section 3 of the integration scheme and further described in Annexes 1 and 2 of the scheme.
Integration Joint Board	The body established under the Public Bodies (Joint Working) (Scotland) Act 2014 to deliver health and social care services.
Integration Joint Board Order	The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014.

Integration Scheme	The document agreed between the constituent authorities in accordance with the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014.
Substitute	A member appointed by the constituent authority to act in place of a member in their absence or a named alternate for certain categories as set out in these Standing Orders.
Third sector interface	The organisation of partnership which is recognised by the Scottish Government and Falkirk Council as the third sector interface for the Council area
Vice-Chairperson	The person presiding at the Board or a committee in the absence of the convener, duly appointed by the Board.

3. General Principles

3.1 The following general principles are given effect to the application of the Standing Orders: -

- (1) That the role of the chairperson is to ensure that the business of the meeting is properly dealt with and that clear decisions are reached;
- (2) That the chairperson will seek to promote and identify consensus among the voting members of the Board;
- (3) That the chairperson has a responsibility to ensure that the views of all members are expressed including the advice of officers when this is necessary to inform the decision, and
- (4) That meetings are conducted in a proper and timely manner with all members sharing responsibility for the proper and expeditious discharge of business.

4. Membership

4.1 The membership of the Board shall consist of voting and non-voting members.

4.2 In accordance with the Integration Scheme, the voting members will consist of three Councillors appointed by Falkirk Council and three members of the Health Board appointed by Forth Valley Health Board. The members appointed by Forth Valley Health Board must be non-executive members except where regulation 3(5) of the IJB Order applies.

4.3 The non-voting members of the Board will be as follows:-

- (a) The Chief Social Work Officer of Falkirk Council;
- (b) The Chief Officer of the Board;
- (c) The proper officer of the Board appointed under section 95 of the Local Government (Scotland) Act 1973;
- (d) A registered medical practitioner appointed by Forth Valley Health Board whose name is included in the list of primary medical services performers prepared by the Health Board in accordance with regulations made under section 17P of the National Health Service (Scotland) Act 1978;
- (e) A registered nurse appointed by Forth Valley Health Board who is employed by the Health Board or by a person or body with which the Health Board has entered into a general medical services contract;
- (f) A registered medical practitioner appointed by Forth Valley Health Board employed by the Health Board and not providing primary medical services;
- (g) The Chief Executive of Falkirk Council;
- (h) The Chief Executive of Forth Valley Health Board;
- (i) A person appointed by the Board in respect of the staff of Falkirk Council engaged in the provision of services provided under integration functions;
- (j) A person appointed by the Board in respect of staff of the Forth Valley Health Board engaged in the provision of services provided under integration functions;
- (k) A person appointed by the Board in respect of third sector bodies carrying out activities related to health or social care in the Falkirk council area;
- (l) A person appointed by the Board in respect of service users residing in the Falkirk Council area; and
- (m) A person appointed in respect of persons providing unpaid care in the Falkirk council area, and
- (n) The Chief Executive of the Falkirk Third Sector Interface.

5. Term of Office

5.1 The term of office of a voting member of the Board is to be determined by the constituent authority but is not to exceed three years.

- 5.2 The Chief Social Work Officer, the Chief Officer, the proper officer and the Chief Executives will remain a member for as long as they hold the office in respect of which they are appointed.
- 5.3 Where the Board establishes any category of membership it will determine the time of office at the time of appointment.
- 5.4 At the end of a term of office determined under 5.1 or 5.3, a member may be re-appointed for a further term of office.

6. Chairperson and Vice Chairperson

- 6.1 In accordance with the Integration Scheme, the first chairperson was appointed by the Council and held office until 30 April 2017. For all subsequent periods the Chair alternates between the constituent parties for two year periods.
- 6.2 The constituent authority which is not entitled to appoint the chairperson in respect of an appointing period will appoint the vice chairperson of the Board in respect of that period.
- 6.3 The Health Board may only appoint as chairperson or vice chairperson a member of the Board who is a non-executive director of the Health Board.

7. Substitution

7.1 Voting Members

If a voting member is unable to attend a meeting of the Board, the constituent authority which nominated the member is to use its best endeavours to arrange for a suitably experienced substitute who is either a Councillor or as the case may be a member of the Health Board to attend the meeting in place of the voting member. The question of whether the substitute is suitably experienced shall be a matter to be determined by the constituent authority.

7.2 Non-Voting Members

If a member who is not a voting member is unable to attend a meeting of the Integration Joint Board, that member may arrange for a suitably experienced substitute to attend the meeting. Where an appointment is made under 4.3 (i)-(m) above, the Board will also appoint a suitably experienced person or persons to act as a substitute in respect of the person appointed.

8. Meetings

- 8.1 The Board will agree a programme of meetings for each year which will constitute the ordinary meetings of the Board and its committees. The Chairperson, in consultation with the Vice-Chair, may alter the date of a Board meeting within the programme.
- 8.2 The chairperson, in consultation with the Vice-Chair, may call a meeting of the Board at such other times as they think fit. Any meeting so called will constitute a special meeting of the Board.
- 8.3 A request for a meeting of the Board to be called may be made in the form of a requisition specifying the business proposed to be transacted at the meeting and signed by at least two thirds of the voting members, presented to the chairperson
- 8.4 If following a request being made under paragraph 8.3, the chairperson refuses to call a meeting, or does not call a meeting within seven days after the making of the request, the members who signed the requisition may call a meeting.
- 8.5 The business which may be transacted at a meeting called under 8.3 is limited to the business specified in the requisition.

9. Notice of Meetings

- 9.1 Before each meeting of the Board, or a committee of the Board, a Notice of the Meeting specifying the time, place and business to be transacted at it in the name of the Chief Officer, is to be sent electronically to every member or sent to the usual place of residence of every member so as to be available to them at least five clear days before the meeting.
- 9.2 A failure to serve notice of a meeting on a member in accordance with 9.1 shall not affect the validity to anything done at that meeting.
- 9.3 In the case of a meeting the Board called by members, the notice has to be signed by the members who requisitioned the meeting in accordance with 8.3 above.

10. The Agenda

10.1 Each item of business to be transacted at a meeting will be noted on the Notice of Meeting. No other item of business will be considered at the meeting unless by reason of special circumstance the chairperson is of the opinion that the item should be considered as a matter of urgency. The nature of the special circumstance will be recorded in the minute of the meeting.

10.2 Each item of business will be accompanied by a report unless special circumstances exist for the non-availability of the report. This provision will not apply where the item of business consists only of a presentation to be made to the Board for information purposes.

10.3 Copies of the Notice of Meeting and the accompanying reports will be open for inspection by members of the public at the offices of the Board at least five clear days before the meeting except:-

- (1) where the meeting is convened at shorter notice in which case the Notice of Meeting and reports will be available as soon as possible after the meeting is called;
- (2) where the report relates to an item during consideration of which, in the opinion of the Chief Officer, the meeting is likely not to be open to the public.

10.4 The business to be transacted will be:-

- (1) Attendance
- (2) Substitutions
- (3) Declarations of Interest
- (4) Minutes
- (5) Continued Business
- (6) New Business
- (7) Motions

11. Access to Meetings

11.1 All meetings of the Board will be open to the public except in the following circumstances:-

- (1) Where it is likely in view of the nature of the business to be transacted that there will be disclosure of exempt information, the public may be excluded from the meeting while that particular item of business is considered; or

- (2) The chairperson uses their power to exclude any member of the public from a meeting in order to suppress or prevent disorderly conduct or other misbehaviour which is impeding or likely to impede the work or proceedings of the Board.

11.2 Exempt information means information which falls within any of the categories set out in Appendix 1 to these Standing Orders.

11.3 No member of the public will be permitted to speak or take part in the proceedings of a meeting of the Board, other than in accordance with standing order 15.

12. Quorum

12.1 No business is to be transacted at a meeting of the Board unless at least one half of the voting members (including substitutes) is present.

13. Conduct of Meetings

13.1 At each meeting of the Board, the chairperson will preside.

13.2 If the chairperson is absent from a meeting of the Board, the vice chairperson is to preside.

13.3 If the chairperson and vice chairperson are both absent from a meeting of the Board, a voting member chosen at the meeting by the other voting members attending the meeting is to preside.

13.4 If it is necessary or expedient to do so, a meeting of the Board may be adjourned to another date, time or place.

14. Minutes

14.1 A record must be kept of the names of the members attending every meeting of the Board.

14.2 Minutes of the proceedings of each meeting of the Board including any decision made at that meeting are to be drawn up and submitted to the next ordinary meeting of the Board for agreement after which they are to be signed by the person presiding at that meeting.

15. Deputations

- 15.1 The Board can hear deputations on any matter that is included within its remit.
- 15.2 Every application for admission to the meeting as a deputation must be submitted in writing to the Chief Officer setting out the matters on which the deputation wishes to be heard.
- 15.3 Where the application relates to a matter included on the agenda for a meeting, it must be submitted not later than noon on the second last clear day before the meeting.
- 15.4 Where the application relates to a matter that will not otherwise appear on the agenda, it must be submitted at least 10 clear days before the meeting.
- 15.5 In all cases the Board shall decide whether to hear the deputation (voting on it if necessary) and no discussion of the merits of the case will take place before that decision has been taken.
- 15.6 Each deputation will not usually exceed five persons and will normally have ten minutes to present its case, unless the Chairperson determines that further time is required. If the meeting decides to hear more than one deputation on the same subject, they will be heard together. The Chairperson will decide how much time to allow.
- 15.7 Any member can put a question to the deputation that is relevant to the subject matter. The total time for such questions will not usually exceed 10 minutes. The merits of the case must not be discussed by members until the deputation has withdrawn.

16. Alteration of Standing Orders

- 16.1 The Board shall have the power to alter these Standing Orders at any of its meetings provided due intimation of such proposed alterations appears on the face of the Notice of Meeting. Any such alteration may be approved by a majority of voting members present.

17. Remote Attendance at meetings

17.1 The Board, if so determined by the Chairperson, may meet remotely in extreme circumstances.

17.2 Where video conferencing (or other similar technology which allows communication between the place where a meeting of the Board is to take place and another place) is available, a member of the Board may participate in a meeting by way of such technology although not present at the place where the meeting is to take place.

18. Conduct of Meetings at Committees

18.1 Meetings of committees will be conducted in accordance with these Standing Orders excluding SO 4, 5, 6 and 16.

Exempt Information

The following categories of information are defined as being “exempt”:-

- (i) Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office holder or applicant to become an office holder under, the Council;
- (ii) Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority;
- (iii) Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the Council;
- (iv) Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the Council;
- (v) Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement of that child made under the Children (Scotland) Act 1995;
- (vi) Information relating to the financial or business affairs of any particular person (other than the Council);
- (vii) Information relating to anything done or to be done in respect of any particular person for the purposes of any matter referred to in section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons);
- (viii) The amount of any expenditure proposed to be incurred by the Council under any particular contract for the acquisition of property or the supply of goods or services;
- (ix) Any terms proposed, or to be proposed by or to the Council, in the course of negotiations for a contract for the acquisition or disposal of any property or the supply of goods or services;
- (x) The identity of the Council (as well as any other person, by virtue of item (vi) above) as the person offering any particular tender for a contract for the supply of goods or services;
- (xi) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the Council;
- (xii) Any instructions to Counsel and any opinion of Counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:-
 - (a) any legal proceedings by or against the Council, or
 - (b) the determination of any matter affecting the Council, (whether, in either case, proceedings have been commenced or are in contemplation);

- (xiii) Information which, if disclosed to the public, would reveal that the Council proposes:-
 - (a) to give under any enactment a notice under, or by virtue of, which requirements are imposed on a person, or
 - (b) to make an order or direction under any enactment;
- (xiv) Any action taken, or to be taken in connection, with the prevention, investigation or prosecution of crime;
- (xv) The identity of a protected informant.

For the purposes of these Standing Orders, references to the Council in this appendix shall be read as including a reference to the Health Board or the Integration Joint Board as the context requires.