

ANNEX 1(D)

PRESCRIBED GROUPS WHICH MUST BE CONSULTED WHEN PREPARING OR REVISING INTEGRATION SCHEMES; PREPARING DRAFT STRATEGIC PLANS; AND WHEN MAKING DECISIONS AFFECTING LOCALITIES RELATING TO THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

CONSULTATION QUESTIONS

1. Do these draft Regulations include the right groups of people?

Yes

No

2. If no, what other groups should be included within the draft Regulations?

3. Are there any further comments you would like to offer on these draft Regulations?

We agree with the proposals in Set 2 Annex 1 subject to the following caveats and comments:

1. Specific references should be made to the role of Community Councils in relation to Locality plans and community planning partners in this context.
2. The format and detail within the Strategic Plan should be determined by the integration authority.
3. It should be acknowledged within the Regulations that consultation should be proportionate to the issue being considered.
4. Further clarity and consideration should be given to the way in which a number of the potential consultees can be engaged. For example, it is not clear how a single representative of commercial providers of healthcare or social care would be identified, how they could represent other providers, or how you would define these groups.
5. We would welcome guidance that obliged the engagement of key stakeholders in the planning process without being over-prescriptive on the process for engagement to allow for flexibility relevant to the local context. We would expect regulations or guidance to specifically refer to and take account of relevant current policy e.g. on major health service change; CEL 4 (2010)¹ refers.

ANNEX 2(D)

MEMBERSHIP, POWERS AND PROCEEDINGS OF INTEGRATION JOINT BOARDS ESTABLISHED UNDER THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

CONSULTATION QUESTIONS

1. Are there any additional non-voting members who should be included in the Integration Joint Board?

Yes

No

2. If you answered 'yes', please list those you feel should be included:

3. Are there any other areas related to the operation of the Integration Joint Board that should also covered by this draft Order?

4. Are there any further comments you would like to offer on this draft Order?

We agree with the proposals in Set 2 Annex 2 subject to the following comments:

1. Standing orders should include the requirement for an annual business programme to be published locally and specify the minimum frequency of meetings of the Integration Joint Board, however, this should be left to local discretion rather than specified in regulations or guidance.
2. Otherwise the level of detail within the section on Standing Orders provides far too much detail which should be left to agreement between the constituent authorities. The regulations should only specify a level of detail where it is clear this is necessary to ensure common principles of engagement on health and social care matters under the terms of the Act.
3. Given that the current Draft Regulations allows the Health Board to nominate additional appropriate persons if they are unable to fill all their places on a Joint Integration Board, we are seeking clarification on the voting status of these additional members in light of the statements that say: *“that the voting members are either democratically elected members of the Council or appointed by Scottish Ministers, via the Public Appointments system, to the Health Board”*, and also *“Therefore members who are appointed due to their professional role, or those representing other stakeholders, will not vote on decisions of the integration joint board.”* We would therefore seek confirmation of our understanding that:
 - (a) Where Health Board Executive Directors are appointed as “additional members” to provide equal membership of the committee that they will be “voting” members
 - (b) That NHS Stakeholder Non Executives (i.e. Chair of the Area Clinical Forum & Employee Directors) should be treated in the same way as any other Non Executive Director and could be nominated as a Non Executive Director on the committee (or voting additional member).

ANNEX 3(D)

ESTABLISHMENT, MEMBERSHIP AND PROCEEDINGS OF INTEGRATION JOINT MONITORING COMMITTEES ESTABLISHED UNDER THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

Consultation Questions

1. Do you agree with the proposed minimum membership of the integration joint monitoring committee, as set out in the draft Order?

Yes

No

2. If you answered 'no', please list those you feel should be included:

3. Are there any other areas related to the operation of the integration joint monitoring committee that should also covered by the draft Order?

4. Are there any further comments you would like to offer on this draft Order?

We agree with the proposals in Set 2 Annex 3 subject to the following comments:

1. Standing orders should include the requirement for an annual business programme to be published locally and specify the minimum frequency of meetings of the Integration Joint Board however this should be left to local discretion rather than specified in regulations or guidance.
2. Otherwise the level of detail within the section on Standing Orders provides far too much detail which should be left to agreement between the constituent authorities. The regulations should only specify a level of detail where it is clear this is necessary to ensure common principles of engagement on health and social care matters under the terms of the Act.
3. Given that the current Draft Regulations allows the Health Board to nominate additional appropriate persons if they are unable to fill all their places on a Joint Integration Board, we are seeking clarification on the voting status of these additional members in light of the statements that say: *“that the voting members are either democratically elected members of the Council or appointed by Scottish Ministers, via the Public Appointments system, to the Health Board”*, and also *“Therefore members who are appointed due to their professional role, or those representing other stakeholders, will not vote on decisions of the integration joint board.”* We would therefore seek confirmation of our understanding that:
 - (a) Where Health Board Executive Directors are appointed as “additional members” to provide equal membership of the committee that they will be “voting” members
 - (b) That NHS Stakeholder Non Executives (i.e. Chair of the Area Clinical Forum & Employee Directors) should be treated in the same way as any other Non Executive Director and could be nominated as a Non Executive Director on the committee (or voting additional member).

ANNEX 4(D)

PRESCRIBED MEMBERSHIP OF STRATEGIC PLANNING GROUPS ESTABLISHED UNDER THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

CONSULTATION QUESTIONS

1. The draft Regulations prescribe the groups of people that should be represented on the strategic planning group. Do you think the groups of people listed are the right set of people that need to be represented on the strategic planning group?

Yes ✓

No

2. If no, what changes would you propose?

3. Are there any further comments you would like to offer on these draft Regulations?

We support the principles outlined in the proposals in Set 2 Annex 4 subject to the following comments:

1. Staff of the local authority housing service should be represented on the strategic planning group alongside non-commercial providers of social housing.
2. Further clarity should be provided / considered on how we define / represent Commercial / Non commercial providers of Healthcare and Social Care. See also the comments on Set 1 Annex 1 above.
3. We would like the Regulations to recognize the engagement necessary for effective strategic planning and to oblige the engagement of key stakeholders in the planning process without being over-prescriptive on the process for engagement (for instance in terms of prescribing the membership of the Strategic Planning Group) to allow for flexibility relevant to the local context.

**PRESCRIBED FORM AND CONTENT OF PERFORMANCE REPORTS
RELATING TO THE PUBLIC BODIES (JOINT WORKING)
(SCOTLAND) ACT 2014**

CONSULTATION QUESTIONS

1. Do you agree with the prescribed matters to be included in the performance report?

Yes ✓

No

2. If no, please explain why:

3. Are there any additional matters you think should be prescribed in the performance report?

Yes

No ✓

4. If yes, please tell us which additional matters should be prescribed and why:

5. Should Scottish Ministers prescribe the form that annual performance reports should take?

Yes

No ✓

6. If you answered yes, what form should Scottish Ministers prescribe?

7. Are there any further comments you would like to offer on these draft Regulations?

1. Having specified the minimum content of the annual performance report, the Scottish Government should leave the form of the report to each integration authority to determine.

2. The regulations require the Performance Report to include information on the proportion of their spend that has been spent on hospital services. This will only be relevant where the Integration authority has specific funding devolved for this purpose. It should also be recognised this will not be comparable between partnerships because of the different nature of service arrangements that do and will exist between different partnerships.