
Report To:	Inverclyde Council	Date:	19 February 2015
Report By:	Head of Legal & Property Services	Report No:	LP/33/15
Contact Officer:	Gerard Malone	Contact No:	01475 712710
Subject:	Health and Social Care Integration Appointment of Elected Members to Integration Joint Board		

1.0 PURPOSE

1.1 The purpose of this report is to request the Council to appoint representatives to the Inverclyde Integration Joint Board.

2.0 SUMMARY

2.1 At the previous meeting of 29 January 2015, the Council approved the Integration Scheme for submission to the Scottish Government for approval in line with the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014.

2.2 Once the Integration Scheme has been approved by the Scottish Ministers, the Inverclyde Integration Joint Board will be established by Order of the Scottish Ministers.

2.3 In order to be ready for establishment both NHS Greater Glasgow and Clyde and Inverclyde Council need to appoint their Integration Joint Board Members.

2.4 The Integration Scheme proposes that each party will appoint four voting representatives.

3.0 RECOMMENDATION

3.1 It is recommended that the Council:

- (1) appoints four of its Elected Members to serve on the Inverclyde Integration Joint Board, having due regard to paragraph 5.4 of the Council's Scheme of Administration (political balance); and
- (2) appoints proxies for each of its four Integration Joint Board members.

Gerard Malone
Head of Legal & Property Services

4.0 BACKGROUND

- 4.1 The Public Bodies (Joint Working) (Scotland) Act 2014 (“the Act”) establishes the legal framework for integrating health and social care in Scotland and requires each Health Board and Local Authority to delegate some of their functions to a third party, known as an Integration Joint Board, in order to deliver nationally agreed outcomes for health and social care.
- 4.2 The Council has committed to the creation of the Inverclyde Integration Joint Board. This will be a new legal entity to which the Council’s functions in respect of adult and children’s social care services will be transferred.
- 4.3 The Act requires that the Council and the Health Board jointly prepare an Integration Scheme setting out the local arrangements made to integrate health and social care functions in the partnership area
- 4.4 The Council approved Inverclyde’s Integration Scheme for submission to the Scottish Government on 29 January 2015.
- 4.5 Once the Scheme has been approved by the Scottish Ministers, the Inverclyde Integration Joint Board (which has distinct legal personality) will be established by Order of the Scottish Ministers. It is anticipated that the Integration Joint Board will be established for 1 April 2015 or soon thereafter, but this is dependent upon Scottish Government approval.

5.0 MEMBERSHIP AND MEETINGS

- 5.1 In order to be ready for establishment on 1 April 2015 both NHS Greater Glasgow and Clyde and Inverclyde Council need to appoint their Integration Joint Board Members.
- 5.2 Members should note that while serving on the Integration Joint Board, its Members carry out their functions under the Act and associated Regulations on behalf of the Integration Joint Board itself, and not as delegates of their respective Health Board or Local Authority.
- 5.3 Legal & Property Services are preparing Standing Orders and a Scheme of Administration to be agreed at the first meeting of the Integration Joint Board. These will be prepared in accordance with the Act, associated regulations and guidance issued by the Scottish Government.
- 5.4 Final guidance on Integration Joint Boards is due to be issued by the Scottish Government in March 2015.
- 5.5 Inverclyde’s Integration Scheme proposes that each partner will appoint four voting representatives to serve the Integration Joint Board. The Integration Joint Board will seek to appoint the first Chair from the Council Elected Members and the first Vice-Chair from the Health Board Non-Executive Director Members.

6.0 SUBSTITUTES

- 6.1 The relevant regulations governing the proceedings of Integration Joint Boards do not make explicit provision for the appointing of “substitutes” for those Elected Members who are appointed to the Integration Joint Board. In the background to the draft regulations there was specification of “deputies” who would fulfil this function but the regulations, as enacted, have altered this wording and used the term “proxies”.
- 6.2 A proxy is usually an appointee to take the place of a representative who cannot attend a specific meeting (as opposed to a person who is appointed to fulfil the role of a substitute for a period of time). The purpose of the above alteration in wording from “deputy” to “proxy” could be to underline the importance of continuity of attendance and the personal nature of that attendance for each and every member of the Integration Joint Board. Nevertheless, the regulations do take into account that there will have to be arrangements in place for those

occasions where Elected Members are simply unable to attend a meeting of the Integration Joint Board. It is interesting to note that the regulations explicitly provide that it is the “constituent authority” who appoints the proxy as opposed to the Elected Member who is unable to attend the intended meeting.

6.3 In order to address the responsibilities of the “constituent authority” it is recommended that the Council appoint proxies for each of the Elected Members who are appointed to the Integration Joint Board. In that way there can be provision for attendance, where necessary, which meets the standards required by the legislation.

6.4 The specific terms of the regulations currently in force are as follows:-

(1) “If a voting member is unable to attend a meeting of the Integration Joint Board the constituent authority which nominated the member, is to use its best endeavours to arrange for a suitably experienced proxy, 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.

(2) 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 proxy to attend the meeting.

(3) A proxy attending a meeting of the Integration Joint Board by virtue of paragraph (1) may vote on decisions put to that meeting.

(4) If the chairperson or vice chairperson is unable to attend a meeting of the Integration Joint Board, any proxy attending the meeting may not preside over that meeting.”

6.5 As can be noted the above comments about the “constituent authority” apply only to the voting Members on the Integration Joint Board being Council appointees and Health Board appointees. Those Members on the Board who are non-voting may arrange, as is specified above, for their own separate representatives to be present.

6.6 It should be noted that the proxy attending the meeting in place of the voting member may not preside over the meeting.

7.0 PROPOSALS

7.1 It is recommended that the Council appoints four Elected Members to the Inverclyde Integration Joint Board. In making these appointments, the Council must have regard to the balance of political representation. This means, in this instance, that the Administration is entitled to nominate two representatives.

7.2 It is also recommended that the Council appoints specific, named proxies for each of the four Council representatives.

8.0 IMPLICATIONS

Finance

8.1 None

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

Legal

- 8.2 The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 makes provision for the persons who must be included in the membership of the Integration Joint Board; this includes a set number of Elected Members nominated by the local authority.

Human Resources

- 8.3 None

Equalities

- 8.4 None

Repopulation

- 8.5 None

9.0 CONSULTATIONS

- 9.1 The Corporate Director Inverclyde Community Health and Care Partnership has been consulted in the preparation of this report.

10.0 LIST OF BACKGROUND PAPERS

- 10.1 Integration Scheme V12 – 28th January 2015.
- 10.2 Public Bodies (Joint Working) (Scotland) Act 2014.
- 10.3 Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014.