
Report To:	Inverclyde Integration Joint Board	Date:	10 May 2016
Report By:	Brian Moore, Corporate Director (Chief Officer), Inverclyde Health & Social Care Partnership	Report No:	VP/ LP/061/16
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Subject:	Amendment to Standing Orders		

1.0 PURPOSE

- 1.1 The purpose of this report is to seek approval from the Inverclyde Integration Joint Board (IJB) to adopt amended Standing Orders.

2.0 SUMMARY

- 2.1 At its meeting on 10 August 2015, the IJB approved its Standing Orders to govern the conduct of its meetings.
- 2.2 As a result of amended legislation affecting IJB members declaring interests and withdrawing from meetings, Standing Order 19 - Codes of Conduct and Conflicts of Interest requires to be changed.
- 2.3 This report sets out the proposed change for the IJB's approval.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Inverclyde Integration Joint Board adopts the amended Standing Orders as detailed in Appendix 1 of this report.

4.0 BACKGROUND

- 4.1 At its meeting on 10 August 2015, the IJB approved its Standing Orders to govern the conduct of its meetings. Standing Order 19 relates to Codes of Conduct and conflicts of interest. In particular, Standing Order 19.4 sets out the process to be followed in the event a member of the IJB declares an interest, whereby having declared an interest, it is for the other IJB members to decide whether or not that member should continue to participate in the meeting. In terms of the regulations governing the IJB's Standing Orders (Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014), this was a mandatory provision which had to be included in all IJB Standing Orders.
- 4.2 It was noted that this was a discrepancy in that the Codes of Conduct with which most members will be familiar state that in certain circumstances where a member declares a conflict of interest they can still participate in the meeting and, where applicable, vote – which decision is a matter for the member in question.
- 4.3 After representations were made to the Scottish Government, they accepted that the provision went against the provisions of existing Codes of Conduct for public bodies which left it as an issue of personal responsibility for the member declaring an interest. The relevant regulations have been duly amended and IJBs are now required to amend their Standing Orders to reflect that change.
- 4.4 The proposed changes to Standing Order 19 are shown in the copy of the Standing Orders attached at Appendix 1. Additions are in bold italics and underlined. Deletions are in bold italics with strikethrough.

6.0 PROPOSALS

- 6.1 It is proposed that the IJB adopts the amended Standing Orders.

7.0 IMPLICATIONS

Finance

- 7.1 None.

Financial Implications:

One Off Costs

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

Annually Recurring Costs/ (Savings)

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

Legal

- 7.2 The IJB is required to adopt Standing Orders for meetings under the Public Bodies (Joint Working) (Integration Joint Board) (Scotland) Order 2014. The Standing Orders at Appendix 1 are drafted to comply with this obligation.

Human Resources

7.3 None.

Equalities

7.4 None.

Repopulation

7.5 There are no direct implications in respect of repopulation.

8.0 CONSULTATIONS

8.1 The Chief Officer of the Inverclyde Health & Social Care Partnership and the Head of Board Administration of Greater Glasgow and Clyde NHS Board have been consulted in the preparation of this report.

9.0 BACKGROUND PAPERS

9.1 N/A

INVERCLYDE HEALTH & SOCIAL CARE PARTNERSHIP

INVERCLYDE INTEGRATION JOINT BOARD

STANDING ORDERS FOR MEETINGS

1 General

- 1.1 These Standing Orders are made under the Public Bodies (Joint Working) (Scotland) Act 2014 and the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014. These Standing Orders shall regulate the procedure and business of the Integration Joint Board (IJB) and all meetings of the IJB or of a Committee or Sub-Committee of the IJB must be conducted in accordance with these Standing Orders.
- 1.2 In these Standing Orders “the Integration Joint Board” or “the IJB” shall mean the Inverclyde Integration Joint Board established in terms of the Public Bodies (Joint Working) (Integration Joint Board Establishment) (Scotland) Order 2015, as amended by the Public Bodies (Joint Working) (Integration Joint Board Establishment) (Scotland) Amendment Order 2015.
- 1.3 In these Standing Orders, “the Chairperson” means the Chairperson of the IJB, and in relation to the proceedings of any Committee or Sub-Committee of the IJB, means the Chairperson of that Committee or Sub-Committee.
- 1.4 Any statutory provision, regulation or direction issued by the Scottish Ministers shall have precedence if they are in conflict with these Standing Orders.

2 Membership

- 2.1 The IJB shall have two categories of members:
 - i. Voting Members from Inverclyde Council (“the Council”) and Greater Glasgow and Clyde NHS Board (“the Health Board”) as set out in Standing Order 2.2; and
 - ii. Non-Voting Members as set out in Standing Order 2.3

For the avoidance of doubt, any reference to “Member” or “Members” throughout these Standing Orders, unless otherwise stated includes both Voting Members and Non-Voting Members.

- 2.2 Voting membership of the IJB shall comprise four persons appointed by the Council and four persons nominated by the Health Board. If the Health Board is unable to fill its places with Non-Executive Directors it can nominate other appropriate people, who must be members of the Health Board to fill their spaces, but at least two must be Non-Executive Directors.
- 2.3 Non-voting membership of the IJB shall comprise:
 - a) the Chief Social Work Officer of the Council;
 - b) the Chief Officer of the IJB;
 - c) the Proper Officer of the IJB appointed under section 95 of the Local Government (Scotland) Act 1973;
 - d) a registered medical practitioner 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 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 employed by the Health Board and not providing primary medical services.
- g) One member in respect of staff of the constituent authorities engaged in the provision of services provided under integration functions;
- h) One member in respect of third sector bodies carrying out activities related to health or social care in the area of the local authority;
- i) One member in respect of service users residing in the area of the local authority;
- j) One member in respect of persons providing unpaid care in the area of the local authority; and
- k) Such additional members as the Integration Board sees fit. Such additional members may not be a councillor or a non-executive director of the Health Board.

2.4 The Members appointed under Standing Order 2.3 (d) to (f) must be determined by the Health Board.

2.5 The acts, meetings or proceedings of the IJB shall not be invalidated by any defect in the appointment of any Member.

3 Term of Office of Members

3.1 A Member of the IJB in terms of Standing Order 2.3 (a) to (c) will remain a Member for as long as they hold the office in respect of which they are appointed. Otherwise, the term of office of Members of the IJB shall be for two years or until the day of the next ordinary Elections for Local Government Councillors in Scotland, whichever is shorter.

3.2 Where a Member resigns or otherwise ceases to hold office, the person appointed in his/her place shall be appointed for the unexpired term of the Member they replace.

3.3 At the expiry of a Member's term of office, the Member may be reappointed for a further term of office provided that he/she remains eligible and is not otherwise disqualified from appointment.

3.4 A Voting Member ceases to be a Member of the IJB if they cease to be either a Councillor or a non-executive Director of the Health Board or an Appropriate Person in terms of the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014.

4 Proxies

4.1 Named Proxy Members for Voting Members of the IJB may be appointed by the constituent authority which nominated the Voting Member. The appointment of such Proxies will be subject to the same rules and procedures for Members. Proxies shall receive papers for meetings of the IJB but shall be entitled to attend or vote at a meeting only in the absence of the principal Voting Member they represent.

- 4.2 If the Chairperson or Vice-Chairperson is unable to attend a meeting of the IJB, any Proxy Member attending the meeting may not preside over that meeting.
- 4.3 If a Non-Voting Member is unable to attend a meeting of the IJB that Non-Voting Member may arrange for a suitably experienced Proxy to attend the meeting.

5 Temporary Vacancies in Voting Membership.

- 5.1 Where there is a temporary Voting Member vacancy, the vote which would be exercisable by a Voting Member appointed to that vacancy may be exercised jointly by the other Voting Members nominated by the relevant constituent authority.
- 5.2 In the event that due to two or more temporary vacancies, a constituent authority is consequently able to nominate only one or no Voting Members and where that constituent authority also appointed the Chairperson, the Chairperson of the IJB must be temporarily appointed by the other constituent authority.
- 5.3 Where a temporary vacancy, or the circumstances in which Standing Order 5.2 applies, persist for longer than six months the Chairperson of the IJB must notify the Scottish Ministers in writing of the reasons why the vacancy remains unfilled.

6 Effect of Vacancy in Membership

- 6.1 A vacancy in the membership of the IJB will not invalidate anything done or any decision made by the IJB.

7 Resignation of Members

- 7.1 A Member may resign their membership of the IJB at any time during their term of office by giving notice in writing to the IJB. The resignation shall take effect from the date notified in the notice or on the date of receipt if no date is notified.
- 7.2 If a Voting Member gives notice under Standing Order 7.1 the IJB must inform the constituent authority which nominated that Voting Member.
- 7.3 Standing Order 7.1 does not apply to a Member appointed under Standing Order 2.3 (a) to (c).

8 Removal of Members

- 8.1 If a Member has not attended three consecutive ordinary meetings of the IJB, and their absence was not due to illness or other reasonable cause as determined by the IJB, the IJB may remove the Member from office by providing the Member with one month's notice in writing.

- 8.2 If a Member acts in a way which brings the IJB into disrepute or in a way which is inconsistent with the proper performance of the functions of the IJB, the IJB may remove the Member from office with effect from such date as the IJB may specify in writing.
- 8.3 If a Member is disqualified under Article 8 of the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 during a term of office they are to be removed from office immediately.
- 8.4 If a Voting Member who is a Councillor appointed on the nomination of the local authority ceases, for any reason, to be a Councillor during a term of office they are to be removed from office with effect from the day that they cease to be a Councillor.
- 8.5 Subject to paragraphs 8.1 to 8.4, a constituent authority may remove a Member which it nominated by providing one month's notice in writing to the Member and the IJB.
- 8.6 Where the Health Board or the Council remove an IJB Member, they should nominate a new Member at the earliest opportunity. The ability of the Health Board and Council to remove Members includes all Members nominated by them including the Chairperson and the Vice-Chairperson. The Health Board and the Council are not required to provide reasons for removing a Member nominated by them and can do so at any time but must provide the Member with one month's notice of the decision.
- 8.7 The Health Board and the Council may not remove IJB Members that are drawn from each other's organisations, so the Health Board may not remove a Councillor who has been chosen to serve as a Member by the Council and the Council may not remove a non-executive director who has been chosen to serve as a Member by the Health Board.

9 Chairperson and Vice-Chairperson

- 9.1 The Chairperson and Vice-Chairperson will be drawn from the Health Board and the Council Voting Members of the IJB. If a Voting Member appointed by the Council is to serve as Chairperson then the Vice-Chairperson will be a Voting Member nominated by the Health Board and vice versa. The first Chair of the IJB will be appointed on the nomination of the Council.
- 9.2 The Council may appoint as Chairperson or Vice-Chairperson only a Councillor nominated by it as a Voting Member of the IJB.
- 9.3 The Health Board may appoint as Chairperson or Vice-Chairperson only a non-executive director nominated by it as a Voting Member of the IJB.
- 9.4 The appointment to Chairperson and Vice-Chairperson is time limited to a period not exceeding two years, with the roles carried out on a rotational basis between the Council and the Health Board. The term of office of the first Chairperson will be for the period to the next local government elections in 2017, thereafter the term of office of the Chairperson will be for a period of two years. The Council or Health Board may change their appointee as Chairperson or Vice-Chairperson during an appointing period.
- 9.4 At each meeting of the IJB, the Chairperson, if present, shall preside.

- 9.5 If the Chairperson is absent from any meeting of the IJB the Vice-Chairperson, if present, shall preside.
- 9.6 If both the Chairperson and Vice-Chairperson are absent from any meeting of the IJB, a Voting Member chosen at the meeting by the other Voting Members attending the meeting is to preside. In the event of a Proxy Member attending a meeting in place of a Voting Member, Standing Order 4.2 will apply.

9.7 Powers, Authority and Duties of Chairperson and Vice-Chairperson

The Chairperson shall amongst other things:-

- a) Preserve order and ensure that every member has a fair hearing;
 - b) Decide on matters of relevancy, competency and order, and whether to have a recess during the meeting, having taken into account any advice offered by the Chief Officer or other relevant officer in attendance at the meeting;
 - c) Determine the order in which speakers can be heard;
 - d) Ensure that due and sufficient opportunity is given to Members who wish to speak to express their views on any subject under discussion;
 - e) If requested by any Member ask the mover of a motion, or an amendment, to state its terms;
 - f) Maintain order and at his/her discretion, order the exclusion of any member of the public who is deemed to have caused disorder or misbehaved.
- 9.8 The decision of the Chairperson on all matters within his/her jurisdiction shall be final. However, on all matters on which a vote may be taken, Standing Order 17.4 applies. This means that where there is an equality of voting, the Chairperson does not have a second or casting vote.
- 9.9 Deference shall at all times be paid to the authority of the Chairperson. When he/she speaks, the Chairperson shall be heard without interruption and members shall address the Chairperson while speaking.

10 Meetings

- 10.1 The first meeting of the IJB is to be convened at a time and place determined by the Chairperson. Thereafter, the IJB shall meet at such place and such frequency as may be agreed by the IJB.
- 10.2 The Chairperson may convene Special Meetings if it appears to him/her that there are items of urgent business to be considered. Such meetings will be held at a time, date and venue as determined by the Chairperson. If the office of Chairperson is vacant or if the Chairperson is unable to act for any reason, the Vice-Chairperson may at any time call such a meeting.

- 10.3 A request for a special meeting of the IJB 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.
- 10.4 If a request is made under Standing Order 10.3 and the Chairperson refuses to call a meeting, or does not call a meeting within 7 days after the making of the request, the Voting Members who signed the requisition may call a meeting.
- 10.5 The business which may be transacted at a meeting called under Standing Order 10.4 is limited to the business specified in the requisition.
- 10.6 Adequate provision will be made to allow for Members to attend a meeting of the IJB either by being present together with other Members in a specified place, or in any other way which enables Members to participate despite not being present with other Members in a specified place.

11 Notice of Meeting

- 11.1 Before each meeting of the IJB, a notice of the meeting specifying the time, place and business to be transacted at it and approved by the Chairperson, shall 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.
- 11.2 Members may opt in writing addressed to the Chief Officer to have notice of meetings delivered to an alternative address. Such notice will remain valid until rescinded in writing.
- 11.3 A failure to serve notice of a meeting on a Member in accordance with Standing Orders 11.1 and 11.2 shall not affect the validity of anything done at that meeting.
- 11.4 In the case of a meeting of the IJB called by Members the notice is to be signed by the Members who requisitioned the meeting in accordance with Standing Order 10.3.
- 11.5 At all meetings of the IJB, no business other than that on the agenda shall be discussed or adopted except where by reason of special circumstances, which shall be specified in the minutes, the Chairperson is of the opinion that the item should be considered at the meeting as a matter of urgency.

12 Quorum

- 12.1 No business shall be transacted at a meeting of the IJB unless there are present, and entitled to vote both Council and Health Board Voting Members and at least one half of the Voting Members are present.
- 12.2 If within ten minutes after the time appointed for the commencement of a meeting of the IJB a quorum is not present, the meeting will stand adjourned to such date and time as may be fixed and the minute of the meeting will disclose the reason for the adjournment.

13 Committees

- 13.1 The IJB may establish committees and sub-committees of its Members for the purpose of carrying out such of its functions as the IJB may determine. When the IJB establishes such a committee or sub-committee, it must determine the membership, Chairperson, remit, powers and quorum of that committee or sub-committee.
- 13.2 A committee established under Standing Order 13.1 must include Voting Members, and must include an equal number of the Voting Members appointed by the Health Board and the Council.
- 13.3 Any decision of a committee or sub-committee established under Standing Order 13.1 must be agreed by a majority of the votes of the Voting Members who are members of the committee or sub-committee.
- 13.4 The IJB may establish working groups but any working group shall have a limited time span determined by the IJB.
- 13.5 The IJB must determine the membership, Chairperson, remit, powers and quorum of any working group it establishes.

14 Alteration, Deletion and Rescission of Decisions of the Integration Board

- 14.1 Except insofar as required by reason of illegality, no motion to alter, delete or rescind a decision of the IJB will be competent within six months from the decision, unless a decision is made prior to consideration of the matter to suspend this Standing Order in terms of Standing Order 15.

15 Suspension, Deletion or Amendment of Standing Orders

- 15.1 Any one or more of the Standing Orders in the case of an emergency as determined by the Chairperson upon motion may be suspended, amended or deleted at any meeting so far as regards any business at such a meeting provided that two thirds of the Voting Members of the IJB present and entitled to vote shall so decide. Any motion to suspend Standing Orders shall state the number or terms of the Standing Order(s) to be suspended.

16 Motions, Amendment and Debate

- 16.1 It will be competent for any Member of the IJB at a meeting of the IJB to move a motion directly arising out of the business before the meeting.
- 16.2 The mover of a motion or an amendment will not speak for more than ten minutes, except with the consent of the IJB. Each succeeding speaker will not speak for more than five minutes. When the mover of a motion or amendment has spoken for the allotted time he/she will be obliged to finalise speaking, otherwise the Chairperson will direct the Member to cease speaking and to resume his or her seat.
- 16.3 Subject to the right of the mover of a motion, and the mover of an amendment, to reply, no Member will speak more than once on the same question at any meeting of the IJB except:-

- On a question of Order
- With the permission of the Chairperson
- In explanation, or to clear up a misunderstanding in some material part of his/her speech.

16.4 In all of the above cases no new matter will be introduced.

16.5 The mover of an amendment and thereafter the mover of the original motion will have a right of reply for a period of not more than 5 minutes. He/she will introduce no new matter and once a reply is commenced, no other Member will speak on the subject of debate except as provided for in Standing Order 16.3. Once these movers have replied, the discussion will be held closed and the Chairperson will call for the vote to be taken.

16.6 Amendments must be relevant to the motions to which they relate and no Member will be permitted to move more than one amendment to any motion, unless the mover of the proposed amendment receives no votes in support of the proposed amendment.

16.7 It will be competent for any Member who has not already spoken in a debate to move the closure of such debate. A vote will be taken, and if a majority of the Voting Members present vote for the motion, the debate will be closed. However, closure is subject to the right of the mover of the motion and of the amendment(s) to reply. Thereafter, a vote will be taken immediately on the subject of the debate.

16.8 Any Member may indicate his/her desire to ask a question or offer information immediately after a speech by another Member and it will be the option of the Member to whom the question would be directed or information offered to decline or accept the question or offer of information.

16.9 When a motion is under debate, no other motion or amendment will be moved except in the following circumstances:

- to adjourn the debate in terms of Standing Order 18; or
- to close the debate in terms of Standing Order 16.7.

16.10 A motion or amendment once moved cannot be altered or withdrawn unless with the consent of the majority of those Voting Members present at the meeting.

17 Voting

17.1 Every effort shall be made by Voting Members of the IJB to ensure that as many decisions as possible are made by consensus.

17.2 Only the four Members nominated by the Health Board, and the four Members appointed by the Council shall be entitled to vote.

17.3 Each question put to a meeting of an IJB is to be decided by a majority of the votes of the Voting Members attending and who are entitled to vote on the question. In the case of an equality of votes the Chairperson shall not have a second or casting vote.

17.4 Where there is an equality of votes, if the Members still wish to pursue the issue voted on the Chairperson may either adjourn consideration of the matter to the next meeting of the IJB or to a special meeting of the IJB to consider the matter further or refer the matter to dispute resolution as provided for in the Integration Scheme. Otherwise, the matter shall fall.

18 Adjournment of Meetings

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

18.2 A meeting of the IJB may be adjourned by a motion. Such a motion shall be put to the meeting without discussion. If such a motion is carried by a simple majority of those Voting Members present and entitled to vote, the meeting shall be adjourned to another day, time and place specified in the motion.

19 Codes of Conduct and Conflicts of Interest

19.1 All Members of the IJB shall subscribe to and comply with the terms of the Model Code of Conduct for Members of Devolved Public Bodies and the Guidance relating to that Code of Conduct, both of which are deemed to be incorporated into these Standing Orders. All Members who are not already bound by its terms shall be obliged, before taking up membership, to agree in writing to be bound by the terms of the Model Code of Conduct for Members of Devolved Public Bodies.

19.2 The Chief Officer shall keep a Register in which all Members shall record their interests and hospitality offered by virtue of their membership of the IJB.

19.3 A Member must disclose any direct or indirect pecuniary or other interest **which the Member considers should be disclosed** in relation to an item of business to be transacted at a meeting of the IJB, before taking part in any discussion on that item.

19.4 Where an interest is disclosed under Standing Order 19.3 the ~~other Members present at the meeting in question must decide whether the Member declaring the interest is to be prohibited from taking~~ **the Member disclosing the interest is to decide whether, in the circumstances, it is appropriate for that Member to take** part in discussion of, or voting on, the item of business.

20 Disclosure of Information

20.1 No Member or officer shall disclose to any person any information which falls into the following categories:-

- a) Confidential information within the meaning of Section 50(a)(2) of the Local Government (Scotland) Act 1973.
- b) The full or any part of any document marked "not for publication by virtue of the appropriate paragraph of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 unless and until the document has been made available to the public or press under section 50B of the said 1973 Act.

- c) Any information regarding proceedings of the IJB from which the public have been excluded unless or until disclosure has been authorised by the Council or the Health Board or the information has been made available to the press or to the public under the terms of the relevant legislation.

20.2 Without prejudice to the foregoing no Member shall use or disclose to any person any confidential and/or exempt information coming to his/her knowledge by virtue of his/her office as a Member where such disclosure would be to the advantage of the Member or of anyone known to him/her or which would be to the disadvantage of the IJB, the Council or the Health Board.

21 Recording of Proceedings

21.1 No sound, film, video tape, digital or photographic recording of the proceedings of any meeting shall be made without the prior written approval of the IJB.

22 Minutes

22.1 The names of the Members and others present at a meeting of the IJB shall be recorded in the minutes of the meeting.

22.2 Minutes of the proceedings of each meeting of the IJB, including any decision made at that meeting, shall be drawn up and submitted to the next ensuing meeting of the IJB for agreement after which they must be signed by the person presiding at that meeting. A minute purporting to be so signed shall be received in evidence without further proof.

23 Admission of Press and Public

23.1 Subject to the extent of the accommodation available and except in relation to items certified as exempt and items likely to involve the disclosure of confidential information, meetings of the IJB shall be open to the public. The Chief Officer shall be responsible for giving public notice of the time and place of each meeting of the IJB by posting on the websites of constituent bodies not less than five clear days before the date of each meeting.

23.2 The IJB may by resolution at any meeting exclude the press and public therefrom during consideration of an item of business where it is likely in view of the nature of the business to be transacted or of the nature of proceedings that if members of the press and public were present there would be a disclosure to them of exempt information as defined in Schedule 7A to the Local Government (Scotland) Act 1973 or it is likely that confidential information would be disclosed in breach of an obligation of confidence.

23.3 Every meeting of the IJB shall be open to the public but these provisions shall be without prejudice to the IJB's powers of exclusion in order to suppress or prevent disorderly conduct or other misbehaviour at a meeting. The IJB may exclude or eject from a meeting a member or members of the Public and Press whose presence or conduct is impeding the work or proceedings of the IJB.

