

**REPORT TO:** East Lothian Council

**MEETING DATE:** 10 March 2015

**BY:** Director of Health and Social Care Partnership

**SUBJECT:** Health and Social Care Integration: East Lothian Integration Scheme – Approval of Final Draft

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## **1 PURPOSE**

- 1.1 To invite the Council to approve for submission to Scottish Government the East Lothian Integration Scheme required to establish the East Lothian Integration Joint Board. The Council approved for consultation the East Lothian Integration Scheme on 16 December 2014.

## **2 RECOMMENDATIONS**

Members are asked to:

- 2.1 Approve the changes to the East Lothian Integration Scheme as a result of the consultation and further guidance.
- 2.2 Approve for submission to Scottish Ministers the East Lothian Integration Scheme which has been lodged in the Members' Library Service (Ref: 29/15, March 2015 Bulletin), which can be accessed via this link:  
[http://www.eastlothian.gov.uk/meetings/meeting/5672/members\\_library\\_service](http://www.eastlothian.gov.uk/meetings/meeting/5672/members_library_service)
- 2.3 Approve that the Chief Executive and Leader of the Council are given delegated authority to agree any amendments which may be required to be made to the East Lothian Integration Scheme as a result of comments by the Scottish Government made after submission of the Scheme.
- 2.4 Note that NHS Lothian has approved the inclusion of School Nursing and Health Visiting within the health services being delegated.
- 2.5 Note that NHS Lothian has approved the submission of the East Lothian Integration Scheme.

### **3 BACKGROUND**

#### **Legislation**

- 3.1 The Public Bodies (Joint Working) (Scotland) Act 2014 received Royal Assent on 1 April 2014 with a requirement for Local Authorities and Health Boards to jointly submit Integration Schemes for Ministerial approval by 31 March 2015. East Lothian Council is required to jointly prepare and submit an Integration Scheme with NHS Lothian.
- 3.2 The Integration Scheme must include all matters described in the Public Bodies (Joint Working) (Integration Scheme) (Scotland) Regulations 2014. The prescribed information is to be agreed between the Health Board and the relevant Local Authority.
- 3.2.1 NHS Lothian must also approve the Integration Scheme and will intend to do so on 4 March 2015.

#### **Consultation**

- 3.3 In East Lothian the Integration Scheme has been developed jointly by senior officers from NHS Lothian and East Lothian Council. There has been consultation with senior staff in NHS Lothian and local authorities across Lothian to develop the draft Pan-Lothian Integration Schemes and a public consultation on the content of the draft Integration Scheme.
- 3.4 The Integration Scheme and supporting documents were available online on the Council and NHS Lothian Internet and Intranet between 17 December 2014 and 17 February 2015. There were 9 responses to the consultation in East Lothian, with 142 Lothian wide. Most responses to the consultation were received through this mechanism. The Scheme was also discussed with key groups and committees (e.g. Audit and Governance, Shadow Board). Scottish Government were also consulted informally on the Scheme and provided valuable feedback on the changes they considered to be required to improve the content of the Integration Scheme.
- 3.5 The main themes to emerge from the consultation were:
- The need for strong representation from third sector organisations on the IJB and Strategic Planning Groups which the IJB will need to consider once established
  - Support for the approach to use existing structures for clinical and care governance structures but also concern that this may not deliver an integrated approach to governance. This section has been refined to respond to the consultation process.
  - Support for the delegation of additional functions but some concerns about the impact on the relationship with functions that will not be delegated (e.g. education services). The IJB and the parties of the Integration Scheme will need to ensure that relationships are maintained with functions that have not been delegated.
  - Support for joint working and streamlining services and recognised the importance of co-location, communication and IT infrastructure

- Difficulty in understanding a complex legal document and some complaints on the short length of the consultation which was driven by the national process

### **Delegation of additional health functions**

- 3.6 During the consultation process it was determined that there are additional health functions which should be delegated to the East Lothian IJB. These are School Nursing and Health Visiting. NHS Lothian intend to approve this on 4 March 2015 and this will be confirmed verbally at the meeting. The same health functions are also being delegated to the Midlothian IJB.

### **Operational Oversight of the Integration Joint Board**

- 3.7 The expectation of Scottish Government is that the Integration Joint Board is fully responsible for the carrying out of functions that have been delegated to it. However, as it cannot employ or contract staff, it requires to direct the Health Board and the Council to deliver services on its behalf. The Health Board and the Council will therefore always be responsible in law for the delivery of services. The effect of this is that the operational governance of integration functions will be a combination of the governance activities of the Integration Joint Board and the governance activities of the Health Board and the Council.

- 3.8 This means that governance responsibility lies across three organisations (the Health Board, the Council and the Integration Joint Board). In preparing the Scheme cognisance has been made to this arrangement whilst seeking to minimise duplication of governance functions. Therefore the principle followed in developing the Integration Scheme has been that existing governance structures will be amended to provide governance for the IJB and that the IJB will have the authority to develop additional governance committees if these are required.

- 3.9 The Integration Scheme sets out detailed measures on the governance of integration functions throughout the text. Over and above those measures, the Health Board and the Council will ensure that the IJB members are involved in overseeing the carrying out of integration functions through the following measures:

- The terms of reference and membership of the relevant committees of the Health Board and the Council shall be reviewed, and the IJB will be consulted as part of this process (and all future reviews).
- In order to develop a sustainable long-term solution for the oversight of the integration functions by the IJB, a working party will be convened, with membership from all four Lothian IJBs and the parties. This working party will develop recommendations for approval by the Lothian IJBs.

### **Next stage**

- 3.10 Providing NHS Lothian and the Council approve the Integration Scheme it will be submitted to Scottish Government before 1 April 2015, the deadline set in the Regulations.

- 3.11 Scottish Government has advised that the process to approve the Integration Scheme will take 12 weeks. During this period Scottish Government will review the Scheme and liaise with the Council and Health Board to obtain information or clarity. The Cabinet Secretary will sign off the Integration Scheme at week 8 and then the Order will be laid in Parliament for 28 days. After this the IJB can be legally constituted.
- 3.12 There may be further changes required to the Integration Scheme as a result of the Scottish Government process. Any changes are likely to be minor because Scottish Government has been informally advising on the content of the draft Integration Scheme. In order to facilitate this process the Council is requested to delegate authority to agree any changes to the Chief Executive and the Leader of the Council.

#### **4 POLICY IMPLICATIONS**

- 4.1 The Council agreed in March 2013 and June 2014 to the integration of Adult Wellbeing services and NHS services in a body corporate model.
- 4.2 The Council has already agreed the position on the integration of Children's services.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 An Equalities Impact Assessment was completed on 10 February 2015 between representatives from NHS Lothian the four local authorities in Lothian. The Impact Assessment will be published on the NHS Lothian website. The main negative impacts identified from the EQIA were:

- The objective to reduce use of hospital-based services will increase the burden of care in the community. This may have a negative impact on carers and especially women who make up a higher proportion of informal carers in Lothian.
- The ambition to reduce inequalities is unlikely to be achieved by IJBs alone because of the wider determinants of ill health. Community Planning will have a much greater influence in reducing inequalities so the relationship between the Community Planning Partnership and the IJB will be important. This issue will be raised by NHS Lothian with the IJBs with the recommendation that IJB members ensure there is a robust and effective relationship between the IJB, its Strategic Planning Group and the Community Planning Partnership.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - There are no resource implications from this report but there are substantial resource implications from the implication of the Act and the changes being proposed in terms of establishing governance and

management arrangements. These require to be worked through during the course of establishing the Integration Joint Board and the setting agreed budgets for the first year, which we are describing as a transitional year.

6.2 Personnel - there are no direct implications of this paper.

6.3 Other – none

## 7 BACKGROUND PAPERS

7.1 East Lothian Council Cabinet paper September 2012 – Response to the Scottish Government Consultation on Integration of Health and Social Care

7.2 East Lothian Council paper February 2013 - Integration of Health and Social Care Update

7.3 East Lothian Council Paper June 2014 – Integration of Health and Social Care

7.4 East Lothian Council Paper December 2014 - Health and Social Care Integration: East Lothian Integration Scheme – consultation draft

7.5 [Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#)

7.6 [Regulations made under the Public Bodies \(Joint Working\)\(Scotland\) Act 2014](#)

7.7 NHS Lothian Board Paper – Integration of Health and Social Care - October 2014

7.8 NHS Lothian Board Paper – Integration of health and Social Care: Integration Schemes – March 2015

<b>AUTHOR'S NAME</b>	Joanne McCabe
<b>DESIGNATION</b>	Senior Solicitor
<b>CONTACT INFO</b>	7378
<b>DATE</b>	02/03/2015