



MINUTES OF THE MEETING OF THE EAST LoTHIAN INTEGRATION JOINT BOARD

THURSDAY 28 JANUARY 2016
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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Voting Members Present:

Councillor S Akhtar
Mr M Ash
Councillor S Currie
Councillor J Goodfellow
Councillor D Grant
Mr A Joyce
Ms A Meiklejohn

Non-voting Members Present:

Ms M Allan
Ms F Duncan (Items 3 – 4)
Dr R Fairclough
Dr A Flapan
Mr D King
Ms A MacDonald
Mr K Maloney
Mrs M McKay
Mr T Miller (Item 4)
Mr D Small
Mr E Stark
Mr A Wilson

Officers Present:

Mr C Briggs
Ms C Lumsden
Ms J McCabe
Ms J Ogden-Smith

Clerk:

Ms F Currie

Apologies:

Mr D Small
Dr J Turvill

Declarations of Interest:

None

1. MINUTES OF THE EAST Lothian INTEGRATION JOINT BOARD MEETING OF 26 NOVEMBER 2015 (FOR APPROVAL)

The minutes of the East Lothian Integration Joint Board meeting of 26 November 2015 were approved.

2. MATTERS ARISING FROM THE MINUTES OF THE MEETING OF 26 NOVEMBER 2015

The following matters arising from the minutes of the meeting of 26 November 2015 were discussed:

Delayed Discharges – the Chair advised members that the ‘options paper’ requested by Councillor Currie would now be presented to the IJB at its meeting on 25 February 2016.

3. CHAIR’S REPORT

The Chair reported that there had been a number of meetings since November to consider the IJB’s financial settlement for 2016/17. He advised members that he would not go into details as the substance of these discussions would be covered in the next agenda item.

The Chair also provided an update on the appointment process for the Head of Adult Wellbeing. He indicated that despite two attempts to fill the post the process had been unsuccessful. A consultation was currently underway with stakeholders regarding options for filling the post and he would provide a further update to members once this was concluded.

Councillor Currie sought an assurance that the post would be filled timeously and with a long-term appointee. He asked if further information could be provided on the options being considered and the timetable for appointment.

The Chair acknowledged that the failure to appoint on two occasions was disappointing but stated that David Small had prepared three possible options for a way forward. David King suggested that this paper be circulated to members of the IJB.

Alison Meiklejohn agreed that while it was disappointing, the recruitment process had been very thorough.

Following a proposal by the Chair, members agreed that the paper containing the options for filling the Head of Adult Wellbeing post should be circulated to all IJB members.

Margaret McKay raised two queries relating to the financial settlement but was advised that these would be better addressed under the new agenda item.

4. UPDATE ON FINANCIAL ASSURANCE PROCESS

A report was submitted by the Chief Finance Officer of the IJB to update the IJB on the current progress towards completion of the financial assurance process for the IJB’s opening 2016/17 budget.

Mr King presented the report, indicating that neither NHS Lothian nor East Lothian Council were as yet in a position to make a formal offer which could be considered by the IJB. Although NHS Lothian had put forward a proposed model for each of the Lothian IJBs, he advised that this was an indicative offer and would likely remain so until after the end of the financial year. He added that the Council's formal offer would follow its budget meeting on 9 February 2016.

Mr King reminded members that the financial position for each partner body was driven by the Scottish Government budget for 2016/17 and he referred to a recent letter from John Swinney MSP outlining the settlement offer. He summarised the key factors and the implications for the IJB.

Mr King stated that further discussions would need to take place before the financial assurance process could be completed. However, the timescale was very tight and as there may not be time to call additional meetings of the IJB, he sought members' approval to delegate authority to the IJB's Chief Officer, Chief Finance Officer, Chair and Vice Chair to sign off on the agreement on the use of the Integration Fund with East Lothian Council and to report back to the next meeting of the IJB.

Mr King responded to questions from members on topics including the allocation of NRAC and its implications for drug budgets and acute services, the introduction of the Living Wage and its impact on charging thresholds for social care services and the procedures for signing off the IJB's 2016/17 budget.

Councillor Currie asked how long the figures put forward by NHS Lothian were likely to remain indicative. He reminded members that before the end of March the Audit & Risk Committee was required to make a recommendation to the IJB on the 2016/17 budget. The lack of a firm offer from NHS Lothian would make this more difficult.

Mrs McKay sought clarification on who would make the decision on charging for domiciliary care. With regard to the Living Wage, she said that public money should not be used to subsidise what was an employers' responsibility. She considered this to be a point of principle and a poor use of public funds.

The Chair acknowledged Councillor Currie's points and said that these would be addressed as part of forthcoming discussions. In response to Mrs McKay's remarks, he said that the Scottish Government's offer made clear that private third sector organisations would be expected to meet their share of the costs of paying the Living Wage. Mrs McKay responded that those who did not pay it should be subject to close scrutiny.

Maureen Allan commented that most employers did pay at or near the Living Wage but that this had to be balanced within the overall cost of their contracts.

Richard Fairclough asked about contingency plans should the monies allocated not be sufficient for the IJB to meet its obligations. Mr King pointed to the need for risk sharing and identification of key financial pressures which would allow the IJB to plan ahead and allocate appropriately. Joanne McCabe advised that there were provisions within the Integration Scheme for approaching the Council or NHS Lothian for additional funds.

The Chair drew the discussion to a close and sought members' approval of the recommendations in the report, as amended by Mr King.

Decision

The IJB agreed:

- i. to note the content of this paper; and
- ii. to delegate authority to its Chief Officer, Chief Finance Officer, Chair and Vice Chair to sign off on the agreement on the use of the Integration Fund with East Lothian Council and to report back to the next meeting of the IJB.

5. CHANGES TO THE STANDING ORDERS OF THE EAST LOTHIAN INTEGRATION JOINT BOARD

A report was submitted by the Chief Officer of the IJB to seek approval of proposed changes to the IJB Standing Orders to include the terms of reference for the newly created Audit & Risk Committee.

The Chair presented the report noting that the proposed changes were required to reflect the setting up of the new committee.

Councillor Currie, as Chair of the Audit & Risk Committee, commented that the terms of reference set out clearly the role of the Committee and its relationship with the IJB, although these may be subject to change over time. He also hoped that there would be opportunities to share information with other Audit & Risk Committees within Lothian.

Decision

The IJB agreed to approve changes to the Standing Orders as outlined in the report.

Signed

Councillor Donald Grant
Chair of the East Lothian Integration Joint Board

REPORT TO: East Lothian Integration Joint Board

MEETING DATE: 25 February 2016

BY: Chief Officer

SUBJECT: Members' Code of Conduct

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1 PURPOSE

- 1.1 To amend the Integration Joint Board Members' Code of Conduct in line with recent legislative changes.

2 RECOMMENDATIONS

It is recommended that the IJB:

- 2.1 approve the amended draft Integration Joint Board Members' Code of Conduct as detailed in Appendix 1.
- 2.2 agree that all members should abide by the terms of the updated draft Integration Joint Board Members' Code of Conduct on an interim basis, pending approval and formal adoption.

3 BACKGROUND

- 3.1 The IJB approved the draft Integration Joint Board Members' Code of Conduct at the meeting on 28 October 2015. Since this meeting further legislation has been published (The Public Bodies (Joint Working) (Integration Joint Boards and Integration Joint Monitoring Committees) (Scotland) Amendment (No. 2) Order 2015) which amends the procedure on Conflicts of Interests. It is now the declaring member's personal responsibility to make the decision about withdrawal of the meeting as per the Councillors and NHS Board members' code of conduct.
- 3.2 The updated draft Integration Joint Board Members' Code of Conduct is attached in appendix 1.

- 3.3 The Scottish Government and the Standards Commission are intending on producing a further Model Code of Conduct for Integration Joint Boards which may result in further changes being required in the future. There may also be further guidance on the role and appointment of the standards officer. Both of which will be made available to members as soon as they are published.
- 3.4 As previously indicated, there will be a lapse of time between the IJB's agreement to the terms of the Members' Code and its approval and formal adoption. As previously agreed, members shall observe and abide by the Members' Code as if it were already approved and adopted.

4 POLICY IMPLICATIONS

- 4.1 The Members' Code is required by legislation and the IJB would not comply if it did not adopt the code.

5 EQUALITIES IMPLICATIONS

- 5.1 There are no equalities issues arising from any decisions made on this report.

6 RESOURCE IMPLICATIONS

- 6.1 There are no resource implications arising from the consideration of this report.

7 BACKGROUND PAPERS

- 7.1 East Lothian Integration Joint Board Paper, Members' Code of Conduct dated 28 October 2015.
- 7.2 The Public Bodies (Joint Working) (Integration Joint Boards and Integration Joint Monitoring Committees) (Scotland) Amendment (No. 2) Order 2015.

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**CODE OF CONDUCT FOR MEMBERS OF
THE INTEGRATION JOINT BOARD**

| ~~18-JUNE~~[25 FEBRUARY] 2015

CODE OF CONDUCT FOR MEMBERS OF THE INTEGRATION JOINT BOARD

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SECTION 1: INTRODUCTION TO THE CODE OF CONDUCT

- 1.1 The Scottish public has a high expectation of those who serve on the boards of public bodies and the way in which they should conduct themselves in undertaking their duties. You must meet those expectations by ensuring that your conduct is above reproach.
- 1.2 The Ethical Standards in Public Life etc. (Scotland) Act 2000, "the Act", provides for Codes of Conduct for local authority Councillors and members of relevant public bodies; imposes on councils and relevant public bodies a duty to help their members to comply with the relevant code; and establishes a Standards Commission for Scotland, "The Standards Commission" to oversee the new framework and deal with alleged breaches of the codes.
- 1.3 The Act requires the Scottish Ministers to lay before Parliament a Code of Conduct for Councillors and a Model Code for Members of Devolved Public Bodies. The Model Code for Members of Devolved Public Bodies was first introduced in 2002 and has now been revised in December 2013 following consultation and the approval of the Scottish Parliament. These revisions will make it consistent with the relevant parts of the Code of Conduct for Councillors, which was revised in 2010 following the approval of the Scottish Parliament. The Public Bodies (Joint Working) (Scotland) Act 2014 (Consequential Amendments & Savings) Order 2015 has determined that integration joint boards are "devolved public bodies" for the purposes of the Ethical Standards in Public Life etc (Scotland) Act 2000.
- 1.4 As a member of the Integration Joint Board (IJB), it is your responsibility to make sure that you are familiar with, and that your actions comply with, the provisions of this Code of Conduct which has now been made by the IJB.

Appointments to the Boards of Public Bodies

- 1.5 Public bodies in Scotland are required to deliver effective services to meet the needs of an increasingly diverse population. In addition, the Scottish Government's equality outcome on public appointments is to ensure that Ministerial appointments are more diverse than at present. In order to meet both of these aims, a board should ideally be drawn from varied backgrounds with a wide spectrum of characteristics, knowledge and experience. It is crucial to the success of public bodies that they attract the best people for the job and therefore it is essential that a board's appointments process should encourage as many suitable people to apply for positions and be free from unnecessary barriers. You should therefore be aware of the varied roles and functions of the public body on which you serve and of wider diversity and equality issues. You should also take steps to familiarise yourself with the appointment process that your board will have agreed with the Scottish Government's Public Appointment Centre of Expertise.
- 1.6 You should also familiarise yourself with how the public body's policy operates in relation to succession planning, which should ensure public bodies have a strategy to make sure they have the staff in place with the skills, knowledge and experience necessary to fulfil their role economically, efficiently and effectively.

Guidance on the Code of Conduct

- 1.7 You must observe the rules of conduct contained in this Code. It is your personal responsibility to comply with these and review regularly, and at least annually, your personal circumstances with this in mind, particularly when your circumstances change. You must not at any time advocate or encourage any action contrary to the Code of Conduct.
- 1.8 The Code has been developed in line with the key principles listed in Section 2 and provides additional information on how the principles should be interpreted and applied in practice. The Standards Commission may also issue guidance. No Code can provide for all circumstances and if you are uncertain about how the rules apply, you should seek advice from the public body. You may also choose to consult your own legal advisers and, on detailed financial and commercial matters, seek advice from other relevant professionals.
- 1.9 You should familiarise yourself with the Scottish Government publication "On Board - a guide for board members of public bodies in Scotland". This publication will provide you with information to help you in your role as a member of a public body in Scotland and can be viewed on the Scottish Government website.

Enforcement

- 1.10 Part 2 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 sets out the provisions for dealing with alleged breaches of this Code of Conduct and where appropriate the sanctions that will be applied if the Standards Commission finds that there has been a breach of the Code. Those sanctions are outlined in **Annex A**.

SECTION 2: KEY PRINCIPLES OF THE CODE OF CONDUCT

- 2.1 The general principles upon which this Code is based should be used for guidance and interpretation only. These general principles are:

Duty

You have a duty to uphold the law and act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the public body of which you are a member and in accordance with the core functions and duties of that body.

Selflessness

You have a duty to take decisions solely in terms of public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends .

Integrity

You must not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

Objectivity

You must make decisions solely on merit and in a way that is consistent with the functions of the public body when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

Accountability and Stewardship

You are accountable for your decisions and actions to the public. You have a duty to consider issues on their merits, taking account of the views of others and must ensure that the public body uses its resources prudently and in accordance with the law.

Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

You have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the public body and its members in conducting public business.

Respect

You must respect fellow members of your public body and employees of the body and the role they play, treating them with courtesy at all times. Similarly you must respect members of the public when performing duties as a member of your public body.

- 2.2 You should apply the principles of this Code to your dealings with fellow members of the public body, its employees and other stakeholders. Similarly you should also observe the principles of this Code in dealings with the public when performing duties as a member of the public body.

SECTION 3: GENERAL CONDUCT

- 3.1 The rules of good conduct in this section must be observed in all situations where you act as a member of the public body.

Conduct at Meetings

- 3.2 You must respect the Chair, your colleagues and employees of the public body in meetings. You must comply with rulings from the chair in the conduct of the business of these meetings.

Relationship with Board Members and Employees of the Public Body (including those employed by contractors providing services)

3.3 You will treat your fellow board members and any staff employed by the body with courtesy and respect. It is expected that fellow board members and employees will show you the same consideration in return. It is good practice for employers to provide examples of what is unacceptable behaviour in their organisation. Public bodies should promote a safe, healthy and fair working environment for all. As a board member you should be familiar with the policies of the public body in relation to bullying and harassment in the workplace and also lead by exemplar behaviour.

Remuneration, Allowances and Expenses

3.4 You must comply with any rules of the public body regarding remuneration, allowances and expenses.

Gifts and Hospitality

3.5 You must not accept any offer by way of gift or hospitality which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour, or disadvantage, to any individual or organisation. You should also consider whether there may be any reasonable perception that any gift received by your spouse or cohabitee or by any company in which you have a controlling interest, or by a partnership of which you are a partner, can or would influence your judgement. The term "gift" includes benefits such as relief from indebtedness, loan concessions or provision of services at a cost below that generally charged to members of the public.

3.6 You must never ask for gifts or hospitality.

3.7 You are personally responsible for all decisions connected with the offer or acceptance of gifts or hospitality offered to you and for avoiding the risk of damage to public confidence in your public body. As a general guide, it is usually appropriate to refuse offers except:

- (a) isolated gifts of a trivial character, the value of which must not exceed £50;
- (b) normal hospitality associated with your duties and which would reasonably be regarded as appropriate; or
- (c) gifts received on behalf of the public body.

3.8 You must not accept any offer of a gift or hospitality from any individual or organisation which stands to gain or benefit from a decision your body may be involved in determining, or who is seeking to do business with your organisation, and which a person might reasonably consider could have a bearing on your judgement. If you are making a visit in your capacity as a member of your public body then, as a general rule, you should ensure that your body pays for the cost of the visit.

- 3.9 You must not accept repeated hospitality or repeated gifts from the same source.
- 3.10 Members of devolved public bodies should familiarise themselves with the terms of the Bribery Act 2010 which provides for offences of bribing another person and offences relating to being bribed.

Confidentiality Requirements

- 3.11 There may be times when you will be required to treat discussions, documents or other information relating to the work of the body in a confidential manner. You will often receive information of a private nature which is not yet public, or which perhaps would not be intended to be public. You must always respect the confidential nature of such information and comply with the requirement to keep such information private.
- 3.12 It is unacceptable to disclose any information to which you have privileged access, for example derived from a confidential document, either orally or in writing. In the case of other documents and information, you are requested to exercise your judgement as to what should or should not be made available to outside bodies or individuals. In any event, such information should never be used for the purposes of personal or financial gain, or for political purposes or used in such a way as to bring the public body into disrepute.

Use of Public Body Facilities

- 3.13 Members of public bodies must not misuse facilities, equipment, stationery, telephony, computer, information technology equipment and services, or use them for party political or campaigning activities. Use of such equipment and services etc. must be in accordance with the public body's policy and rules on their usage. Care must also be exercised when using social media networks not to compromise your position as a member of the public body.

Appointment to Partner Organisations by the IJB

- 3.14 You may be appointed, or nominated by your public body, as a member of another body or organisation. If so, you are bound by the rules of conduct of these organisations and should observe the rules of this Code in carrying out the duties of that body.
- 3.15 Members who become directors of companies as nominees of their public body will assume personal responsibilities under the Companies Acts. It is possible that conflicts of interest can arise for such members between the company and the public body. It is your responsibility to take advice on your responsibilities to the public body and to the company. This will include questions of declarations of interest.

SECTION 4: REGISTRATION OF INTERESTS

- 4.1 The following paragraphs set out the kinds of interests, financial and otherwise which you have to register. These are called "Registerable Interests". You must, at all times, ensure that these interests are registered, when you are appointed and whenever your circumstances change in such a way as to require change or an addition to your entry in the body's Register. It is your duty to ensure any changes in circumstances are reported within one month of them changing.
- 4.2 The Regulations¹ as amended describe the detail and timescale for registering interests. It is your personal responsibility to comply with these regulations and you should review regularly and at least once a year your personal circumstances. Annex B contains key definitions and explanatory notes to help you decide what is required when registering your interests under any particular category. The interests which require to be registered are those set out in the following paragraphs and relate to you. It is not necessary to register the interests of your spouse or cohabitee.

Category One: Remuneration

- 4.3 You have a Registerable Interest where you receive remuneration by virtue of being:
- employed;
 - self-employed;
 - the holder of an office;
 - a director of an undertaking;
 - a partner in a firm; or
 - undertaking a trade, profession or vocation or any other work.
- 4.4 In relation to 4.3 above, the amount of remuneration does not require to be registered and remuneration received as a member does not have to be registered.
- 4.5 If a position is not remunerated it does not need to be registered under this category. However, unremunerated directorships may need to be registered under category two, "Related Undertakings".
- 4.6 If you receive any allowances in relation to membership of any organisation, the fact that you receive such an allowance must be registered.
- 4.7 When registering employment, you must give the name of the employer, the nature of its business, and the nature of the post held in the organisation.
- 4.8 When registering self-employment, you must provide the name and give details of the nature of the business. When registering an interest in a partnership, you must give the name of the partnership and the nature of its business.

¹ SSI - The Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003 Number 135, as amended.

- 4.9 Where you undertake a trade, profession or vocation, or any other work, the detail to be given is the nature of the work and its regularity. For example, if you write for a newspaper, you must give the name of the publication, and the frequency of articles for which you are paid.
- 4.10 When registering a directorship, it is necessary to provide the registered name of the undertaking in which the directorship is held and the nature of its business.
- 4.11 Registration of a pension is not required as this falls outside the scope of the category.

Category Two: Related Undertakings

- 4.12 You must register any directorships held which are themselves not remunerated but where the company (or other undertaking) in question is a subsidiary of, or a parent of, a company (or other undertaking) in which you hold a remunerated directorship.
- 4.13 You must register the name of the subsidiary or parent company or other undertaking and the nature of its business, and its relationship to the company or other undertaking in which you are a director and from which you receive remuneration .
- 4.14 The situations to which the above paragraphs apply are as follows :
- you are a director of a board of an undertaking and receive remuneration declared under category one - and
 - you are a director of a parent or subsidiary undertaking but do not receive remuneration in that capacity.

Category Three: Contracts

- 4.15 You have a registerable interest where you (or a firm in which you are a partner, or an undertaking in which you are a director or in which you have shares of a value as described in paragraph 4.19 below) have made a contract with the public body of which you are a member:
- (i) under which goods or services are to be provided, or works are to be executed; and
 - (ii) which has not been fully discharged.
- 4.16 You must register a description of the contract, including its duration, but excluding the consideration.

Category Four: Houses, Land and Buildings

- 4.17 You have a registerable interest where you own or have any other right or interest in houses, land and buildings, which may be significant to, of relevance to, or bear upon, the work and operation of the body to which you are appointed.

4.18 The test to be applied when considering the appropriateness of registration is to ask whether a member of the public acting reasonably might consider any interests in houses, land and buildings could potentially affect your responsibilities to the organisation to which you are appointed and to the public, or could influence your actions, speeches or decision making.

Category Five: Interest in Shares and Securities

4.19 You have a registerable interest where you have an interest in shares comprised in the share capital of a company or other body which may be significant to, of relevance to, or bear upon, the work and operation of (a) the body to which you are appointed and (b) the nominal value of the shares is:

- (i) greater than 1% of the issued share capital of the company or other body;
or
- (ii) greater than £25,000.

4.20 Where you are required to register the interest, you should provide the registered name of the company in which you hold shares; the amount or value of the shares does not have to be registered.

Category Six: Gifts and Hospitality

4.21 You must register the details of any gifts or hospitality received within your current term of office. This record will be available for public inspection. It is not however necessary to record any gifts or hospitality as described in paragraph 3.7 (a) to (c) of this Code.

Category Seven: Non-Financial Interests

4.22 You may also have a registerable interest if you have non-financial interests which may be significant to, of relevance to, or bear upon, the work and operation of the body to which you are appointed. It is important that relevant interests such as membership or holding office in other public bodies, clubs, societies and organisations such as trades unions and voluntary organisations, are registered and described.

4.23 In the context of non-financial interests, the test to be applied when considering appropriateness of registration is to ask whether a member of the public might reasonably think that any non-financial interest could potentially affect your responsibilities to the organisation to which you are appointed and to the public, or could influence your actions, speeches or decision-making.

SECTION 5: DECLARATION OF INTERESTS

General

5.1 The key principles of the Code, especially those in relation to integrity, honesty and openness, are given further practical effect by the requirement for

with the rules on registration of interests, this ensures transparency of your interests which might influence, or be thought to influence, your actions.

- 5.2 Public bodies inevitably have dealings with a wide variety of organisations and individuals and this Code indicates the circumstances in which a business or personal interest must be declared. Public confidence in the public body and its members depends on it being clearly understood that decisions are taken in the public interest and not for any other reason.
- 5.3 In considering whether to make a declaration in any proceedings, you must consider not only whether you will be influenced but whether anybody else would think that you might be influenced by the interest. You must, however, always comply with the objective test ("the objective test") which is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a member of a public body.
- 5.4 As a member of a public body you might serve on other bodies. In relation to service on the boards and management committees of limited liability companies, public bodies, societies and other organisations, you must decide, in the particular circumstances surrounding any matter, whether to declare an interest. You must always remember the public interest points towards transparency and, in particular, a possible divergence of interest between your public body and another body. Keep particularly in mind the advice in paragraph 3.15 of this Code about your legal responsibilities to any limited company of which you are a director.
- 5.5 It is your responsibility to judge whether an interest is sufficiently relevant to particular proceedings to require a declaration and you are advised to err on the side of caution. If you are unsure as to whether a conflict of interest exists, you should seek advice from the IJB chair.
- 5.6 The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) (Order) 2014 states:

"5.—(1) 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 integration joint board, or a committee of the integration joint board, before taking part in any discussion on that item.

(2) Where an interest is disclosed under sub-paragraph (1), the member disclosing the interest is to decide whether, in the circumstances, it is appropriate for that member to take the other members present at the meeting in question must decide whether the member declaring the interest is to be prohibited from taking part in discussion of or voting on the item of business."

~~5.7 The above provision makes this Code of Conduct different from the codes of conduct for councils and other devolved public bodies. Once you have declared an interest, it is not for you to determine whether or not you may remain in the meeting and participate in the discussion and voting (should you be a voting member). The other voting members will determine this.~~

~~5.85.7~~ Only if you believe that, in the particular circumstances, the nature of the interest is so remote or without significance, should it not be declared. The following section describes the interests which are not subject to your own judgement and must always be declared.

~~5.~~

Interests which must be declared

5.8 Interests which must be declared if known to you may be financial or non-financial. They may or may not cover interests which are to be registered under Section 4 of this Code. Most of the interests to be declared will be your personal interests but, on occasion, you will have to consider whether the interests of other persons require you to make a declaration. The following paragraphs deal with (a) your financial interests (b) your non-financial interests and (c) the interests, financial and non-financial, of other persons.

5.9 You will also have other private and personal interests and may serve, or be associated with, bodies, societies and organisations as a result of your private and personal interests and not because of your role as a member of a public body. In the context of any particular matter you will need to decide whether to declare an interest. You should declare an interest unless you believe that, in the particular circumstances, the interest is too remote or without significance. In reaching a view on whether the objective test applies to the interest, you should consider whether your interest (whether taking the form of association or the holding of office) would be seen by a member of the public acting reasonably in a different light because it is the interest of a person who is a member of a public body as opposed to the interest of an ordinary member of the public.

a) Your Financial Interests

5.10 You must declare, if it is known to you, any financial interest (including any financial interest which is registerable under any of the categories prescribed in Section 4 of this Code).

5.11 If under Category One ("Remuneration") or Category Seven ("Non Financial Interests") you have registered an interest as :

- a) An employee of the IJB, or one of its constituent authorities (i.e. Lothian NHS Board or the relevant local authority)
- b) A councillor from the local authority or a member of Lothian NHS Board which has appointed you as a voting member of the IJB

then you do not, for that reason alone, have to declare that interest. You should however always consider whether your activities in the above roles have a direct bearing on a specific item of business that the integration joint board or one of its committees is

considering, e.g. you may have had a high degree of personal involvement in preparing or approving the item before it was presented. In those circumstances you are advised to declare the interest.

b) Your Non-Financial Interests

5.10 You must declare, if it is known to you, any non-financial interest if:

- (i) that interest has been registered under category seven (Non- Financial Interests) of Section 4 of the Code; or
- (ii) that interest would fall within the terms of the objective test.

c) The Interests of Other Persons

5.11 The Code requires only ~~your~~ financial interests to be registered. You also, however, have to consider whether you should declare any financial interest of certain other persons.

You must declare if it is known to you any financial interest of:-

- (i) a spouse, a civil partner or a co-habitee;
- (ii) a close relative, close friend or close associate;
- (iii) an employer or a partner in a firm;
- (iv) a body (or subsidiary or parent of a body) of which you are a remunerated member or director;
- (v) a person from whom you have received a registerable gift or registerable hospitality;
- (vi) a person from whom you have received registerable expenses.

5.12 This Code does not attempt the task of defining "relative" or "friend" or "associate". Not only is such a task fraught with difficulty but is also unlikely that such definitions would reflect the intention of this part of the Code. The key principle is the need for transparency in regard to any interest which might (regardless of the precise description of relationship) be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a member of the public body and, as such, would be covered by the objective test.

5.13 You must declare if it is known to you any non-financial interest of:-

- (i) a spouse, a civil partner or a co-habitee;
- (ii) a close relative, close friend or close associate;
- (iii) an employer or a partner in a firm;
- (iv) a body (or subsidiary or parent of a body) of which you are a remunerated member or director;
- (v) a person from whom you have received a registerable gift or registerable hospitality;

(vi) a person from whom you have received registerable election expenses.
There is no need to declare the interest if it is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

Making a Declaration

- 5.14 You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether agendas for meetings raise any issue of declaration of interest. Your declaration of interest must be made as soon as practicable at a meeting where that interest arises. If you do identify the need for a declaration of interest only when a particular matter is being discussed you must declare the interest as soon as you realise it is necessary.
- 5.15 The oral statement of declaration of interest should identify the item or items of business to which it relates. The statement should begin with the words "I declare an interest". The statement must be sufficiently informative to enable those at the meeting to understand the nature of your interest ~~but need not give a detailed description of the interest, and determine whether or not you may continue to participate in the discussion and voting, if you are a voting member, on the item.—~~

What Happens when you make a Declaration

- ~~5.16 You must withdraw from the meeting room until discussion of and voting on the relevant item where you have a declarable interest is concluded. There is no need to declare an interest if it is so remote or insignificant that it could not reasonably be taken to fall within the objective test.5.16—
The JJB (or if relevant, the committee) will consider your declared interest and decide whether you are to be prohibited from taking part in the discussion of or voting on the item of business.~~
- ~~5.17 If it is decided that you are to be prohibited, then you must withdraw from the meeting room until the discussion of the relevant item where you have a declarable interest is concluded.~~

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Frequent Declarations of Interest

- 5.17 Public confidence in a public body is damaged ~~by~~ perception that decisions taken by that body are substantially influenced by factors other than the public interest. If you would have to declare interests frequently at meetings in respect of your role as a board member you should not accept a role or appointment with that attendant consequence. If members are frequently declaring interests at meetings then they should consider whether they can carry out their role effectively and discuss with their chair. Similarly, if any appointment or nomination to another body would give rise to objective

concern because of your existing personal involvement or affiliations, you should not accept the appointment or nomination.

Dispensations

- 5.18 In some very limited circumstances dispensations can be granted by the Standards Commission in relation to the existence of financial and non-financial interests which would otherwise prohibit you from taking part and voting on matters coming before your public body and its committees.
- 5.19 Applications for dispensations will be considered by the Standards Commission and should be made as soon as possible in order to allow proper consideration of the application in advance of meetings where dispensation is sought. You should not take part in the consideration of the matter in question until the application has been granted.

SECTION 6: LOBBYING AND ACCESS TO MEMBERS OF PUBLIC BODIES

Introduction

- 6.1 In order for the public body to fulfil its commitment to being open and accessible, it needs to encourage participation by organisations and individuals in the decision-making process. Clearly however, the desire to involve the public and other interest groups in the decision-making process must take account of the need to ensure transparency and probity in the way in which the public body conducts its business.
- 6.2 You will need to be able to consider evidence and arguments advanced by a wide range of organisations and individuals in order to perform your duties effectively. Some of these organisations and individuals will make their views known directly to individual members. The rules in this Code set out how you should conduct yourself in your contacts with those who would seek to influence you. They are designed to encourage proper interaction between members of public bodies, those they represent and interest groups.

Rules and Guidance

- 6.3 You must not, in relation to contact with any person or organisation that lobbies do anything which contravenes this Code or any other relevant rule of the public body or any statutory provision.
- 6.4 You must not, in relation to contact with any person or organisation who lobbies, act in any way which could bring discredit upon the public body.
- 6.5 The public must be assured that no person or organisation will gain better access to or treatment by, you as a result of employing a company or individual to lobby on a fee basis on their behalf. You must not, therefore, offer or accord any preferential access or treatment to those lobbying on a fee basis on behalf of clients compared with that which you accord any other person or organisation who lobbies or approaches you. Nor should those lobbying on a fee basis on behalf of clients be given to understand that preferential access or treatment, compared to that accorded to any other person or organisation, might be forthcoming from another member of the public body.
- 6.6 Before taking any action as a result of being lobbied, you should seek to satisfy yourself about the identity of the person or organisation that is lobbying and the motive for lobbying. You may choose to act in response to a person or organisation lobbying on a fee basis on behalf of clients but it is important that you know the basis on which you are being lobbied in order to ensure that any action taken in connection with the lobbyist complies with the standards set out in this Code.
- 6.7 You should not accept any paid work:-
 - (i) which would involve you lobbying on behalf of any person or organisation or any clients of a person or organisation.
 - (ii) to provide services as a strategist, adviser or consultant, for example, advising on how to influence the public body and its members. This does not prohibit you from being remunerated for activity which may arise

because of, or relate to, membership of the public body, such as journalism or broadcasting, or involvement in representative or presentational work, such as participation in delegations, conferences or other events.

- 6.8 If you have concerns about the approach or methods used by any person or organisation in their contacts with you, you must seek the guidance of the public body.

ANNEX A

SANCTIONS AVAILABLE TO THE STANDARDS COMMISSION FOR BREACH OF THE CODE

- (a) Censure - the Commission may reprimand the member but otherwise take no action against them;
- (b) Suspension - of the member for a maximum period of one year from attending one or more, but not all, of the following:
 - (i) all meetings of the public body;
 - (ii) all meetings of one or more committees or sub-committees of the public body;
 - (iii) all meetings of any other public body on which that member is a representative or nominee of the public body of which they are a member.
- (c) Suspension - for a period not exceeding one year, of the member's entitlement to attend all of the meetings referred to in (b) above;
- (d) Disqualification - removing the member from membership of that public body for a period of no more than five years.

Where a member has been suspended, the Standards Commission may direct that any remuneration or allowance received from membership of that public body be reduced, or not paid.

Where the Standards Commission disqualifies a member of a public body, it may go on to impose the following further sanctions:

- (a) Where the member of a public body is also a councillor, the Standards Commission may disqualify that member (for a period of no more than five years) from being nominated for election as, or from being elected, a councillor. Disqualification of a councillor has the effect of disqualifying that member from their public body and terminating membership of any committee, sub-committee, joint committee, joint board or any other body on which that member sits as a representative of their local authority.
- (b) Direct that the member be removed from membership, and disqualified in respect of membership, of any other devolved public body (provided the members' code applicable to that body is then in force) and may disqualify that person from office as the Water Industry Commissioner.

In some cases the Standards Commission do not have the legislative powers to deal with sanctions, for example if the respondent is an executive member of the board or appointed by the Queen. Sections 23 and 24 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 refer.

Full details of the sanctions are set out in Section 19 of the Act.

ANNEX B DEFINITIONS

"**Chair**" includes Board Convener or any person discharging similar functions under alternative decision making structures.

"**Code**" code of conduct for members of devolved public bodies

"**Cohabitee**" includes a person, whether of the opposite sex or not, who is living with you in a relationship similar to that of husband and wife.

"**Group of companies**" has the same meaning as "group" in section 262(1) of the Companies Act 1985. A "group", within s262 (1) of the Companies Act 1985, means a parent undertaking and its subsidiary undertakings.

"**Parent Undertaking**" is an undertaking in relation to another undertaking, a subsidiary undertaking, if a) it holds a majority of the rights in the undertaking; or b) it is a member of the undertaking and has the right to appoint or remove a majority of its board of directors; or c) it has the right to exercise a dominant influence over the undertaking (i) by virtue of provisions contained in the undertaking's memorandum or articles or (ii) by virtue of a control contract; or d) it is a councillor of the undertaking and controls alone, pursuant to an agreement with other shareholders or councillors, a majority of the rights in the undertaking.

"**A person**" means a single individual or legal person and includes a group of companies.

"**Any person**" includes individuals, incorporated and unincorporated bodies, trade unions, charities and voluntary organisations .

"**Public body**" means a devolved public body listed in Schedule 3 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, as amended.

"**Related Undertaking**" is a parent or subsidiary company of a principal undertaking of which you are also a director. You will receive remuneration for the principal undertaking though you will not receive remuneration as director of the related undertaking.

"**Remuneration**" includes any salary, wage, share of profits, fee, expenses, other monetary benefit or benefit in kind. This would include, for example, the provision of a company car or travelling expenses by an employer.

"**Spouse**" does not include a former spouse or a spouse who is living separately and apart from you.

"**Undertaking**" means:

- a) a body corporate or partnership; or
- b) an unincorporated association carrying on a trade or business, with or without a view to a profit.

ANNEX C

CONTACT INFORMATION

This Annex does not form part of the Code of Conduct, but is provided for reference.

Standards Commission for Scotland
Room T2.21,
Scottish Parliament
Edinburgh
EH99 1SP

Telephone 0131-348-6666

Fax 0131-557-9243

E-mail ~~enquiries@standar.org.uk~~ enquiries@standardscommission.org.uk

Standards Officer: David Small, Chief Officer

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REPORT TO: East Lothian Integration Joint Board
MEETING DATE: 25 February 2016
BY: Chief Officer
SUBJECT: Audit Scotland Report: Health and Social Care Integration

5

1 PURPOSE

- 1.1 To provide the Integration Joint Board with a summary of the Audit Scotland report on Health and Social Care Integration.

2 RECOMMENDATIONS

The IJB are recommended to

- 2.1 Note the Audit Scotland report
- 2.2 Agree that the report should be remitted to the IJB's Audit and Risk Committee and a response brought back to the IJB for further consideration.
- 2.3 Note that a second report in the Audit Scotland series on integration will be published in April 2016 in which East Lothian feature as an exemplar of good practice.

3 BACKGROUND

- 3.1 [Health and Social Care Integration](#) is the first of three planned audits by Audit Scotland on the major reform programme linked to integration. This first audit provides a progress report at what is explicitly recognised as being a relatively early stage in the process and during a transitional period.
- 3.2 The Public Bodies (Joint Working) (Scotland) Act 2014 enacts a key government policy and sets out the framework for integrating adult health and social care services against a background of changing demography, rising demand for services and constrained budgets.

- 3.3 The report's key messages are:
- 3.3.1 The Act introduces a significant change programme affecting most health and care services and over £8 billion of public money. The reforms are far reaching and ambitious and create opportunities to overcome previous barriers to change.
 - 3.3.2 Across Scotland, the required arrangements to allow Integration Authorities (IAs) and their Integration Joint Boards (IJBs) to be operational by the statutory deadline of April 1st 2016 are well embedded.
 - 3.3.3 The report notes, however, that the required governance arrangements are complex: IJBs are responsible for the planning of integrated services but are not entirely independent of councils and NHS boards.
 - 3.3.4 IJB members will need support to understand and respect significant differences in organisational cultures and background and to robustly manage conflicts of interest.
 - 3.3.5 Greater clarity and a clear understanding of who is accountable for service delivery needs to be built into arrangements, specifically roles and responsibilities and the management of the risk of service failure;
 - 3.3.6 Clearer procedures are required for clinical and care governance;
 - 3.3.7 Councils and NHS Boards across Scotland are finding it challenging to agree budgets for the new integration authorities. This is hindered by different planning cycles and complexities of "set-aside" (acute hospital) budgets.
 - 3.3.8 Difficulties in agreeing budgets and uncertainty about longer-term funding mean that IAs have not yet set out comprehensive strategic plans with clear targets and timescales showing how they will make a difference to people who use health and social care services. These issues need to be addressed by April 2016 if IAs are to take a lead in improving local services.
 - 3.3.8 Most integration authorities have still to produce robust supporting strategies for key areas such as workforce, risk management and data sharing. Audit Scotland notes that the lack of such support brings into question the likely effectiveness of the integration authorities, at least in their first year.
 - 3.3.9 The proposed national performance indicators do not allow clear measurement of the progress required to transfer the balance of care to the community, and the linking of indicators to outcomes is incomplete such that it will be difficult to measure success.

3.3.10 The role of localities still needs to be fully developed.

3.4 Based on this, the Audit Scotland report outlines three key recommendations:

3.4.1 Partners need to set out clearly how governance arrangements will work in practice, and particularly when disagreements arise, as there is a risk that this could hamper the ability of an IA to make decisions about the changes involved in redesigning services. NHS Boards and Councils therefore need to be clear about how local arrangements will work in practice, including developing a shared understanding of roles and responsibilities and an effective system for scrutiny.

In addition, Integration Joint Board members will need comprehensive training and development in order to help them effectively fulfil their role.

3.4.2 IAs must have strategic plans that do more than set out the local context for the reforms. To deliver care in different ways, that better meets people's needs and improves outcomes, IAs need to set out clearly:

- a. the total resources, including funding, assets and skills, that they need
- b. what success will look like
- c. how they will monitor and publicly report on the impact of their plans.

3.4.3 NHS boards and councils must work with IAs to agree budgets. This should cover both their first year and the next few years in order to give them the continuity and certainty they need to develop and implement strategic plans. IAs should be clear about how they will use resources to integrate services and improve outcomes.

3.5 The Audit Scotland report highlights the complexity of the change programme supporting health and social care integration and notes that, if reform is to be successful, key issues still need to be addressed. As these relate primarily to governance and resources the report should be considered by the IJB's Audit and Risk Committee for consideration and mitigation, and a further report prepared and brought forward for the IJB.

3.6 This report is the first in a suite of three from Audit Scotland. The second in the series is due for publication in April 2016 and focuses on changing models of health and social care. East Lothian Health and Social Care Partnership worked with Audit Scotland on this and are cited as exemplars of good practice in a number of areas. A further report on this will be brought forward post publication.

4 POLICY IMPLICATIONS

- 4.1 The Audit Scotland report highlights the need to establish robust governance, planning and monitoring arrangements for the establishment and effective working of the new Integration Authority in East Lothian. The role of East Lothian Council, NHS Lothian and key stakeholders in supporting and promoting this in order to ensure the objectives of health and social integration are achieved is recognised.

5 EQUALITIES IMPLICATIONS

- 5.1 There are no equalities issues arising from any decisions made in this report and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - none

7 BACKGROUND PAPERS

- 7.1 [Audit Scotland: Health and Social Care Integration \(December 2015\)](#)

AUTHOR'S NAME	Carol Lumsden
DESIGNATION	Transformation and Integration Manager
CONTACT INFO	Carol.lumsden@nhslothian.scot.nhs.uk
DATE	13 February 2016

REPORT TO: East Lothian Integration Joint Board

MEETING DATE: 25 February 2016

BY: Chief Officer

SUBJECT: Delayed Discharges

6

1 PURPOSE

- 1.1 This report updates the Integration Joint Board (IJB) on performance on delayed discharges in East Lothian and asks the IJB to agree further actions.

2 RECOMMENDATIONS

- 2.1 That the IJB notes the improving trend on performance and recent actions.
- 2.2 That the IJB agrees that the Chief Officer should identify what resources are available to further improve performance.
- 2.3 That the IJB agree that the Chief Officer develop specific actions to improve care at home capacity within the resources available.

3 BACKGROUND

- 3.1 The IJB has a key strategic objective to minimise the total number of delays, meet the current two week target and work towards the 72 hour target. No date has been set for achievement of the 72 hour target.
- 3.2 Performance for the validated census in January 2016 is reported below. This improved significantly since the last report to the IJB in November 2015 which showed a total of 37 for October 2015.

	Edinburgh	East Lothian	Midlothian	West Lothian	Non - Lothian
Overall	122	19	3	14	3
Over 4 Weeks	36	5	0	3	3
Over 2 Weeks	61	8	0	4	3

3.3 At the time of writing the February 2016 census result was not known. This will be reported verbally at the meeting.

3.4 Performance on total number of validated delays for East Lothian since April 2013 is shown below.

Apr 13	May 13	Jun 13	July 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14	Mar 14
30	28	29	30	21	22	15	24	22	19	16	17

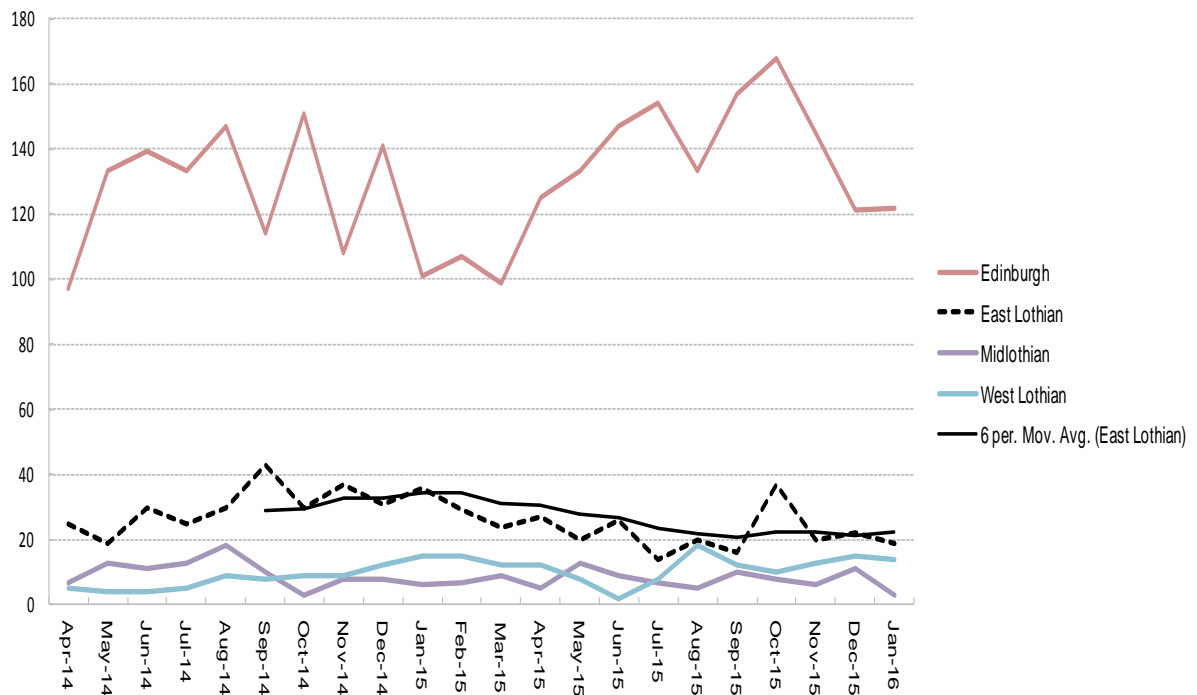
Apr 14	May 14	Jun 14	July 14	Aug 14	Sep 14	Oct 14	Nov 14	Dec 14	Jan 15	Feb 15	Mar 15
25	19	30	25	30	43	30	37	31	36	29	24

Apr 15	May 15	Jun 15	July 15	Aug 15	Sep 15	Oct 15	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16
27	20	26	14	20	16	37	20	22	19		

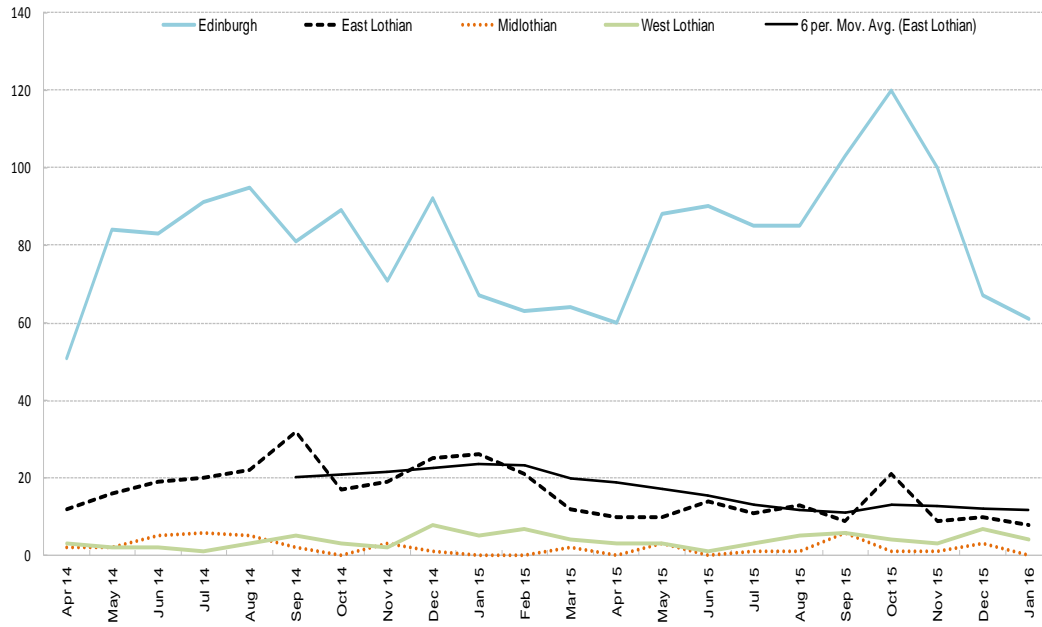
3.5 This illustrates that the October 2015 total number of 37 was clearly against the trend.

3.6 The charts below show the total numbers and performance against national standards with a six month trend line shown for East Lothian.

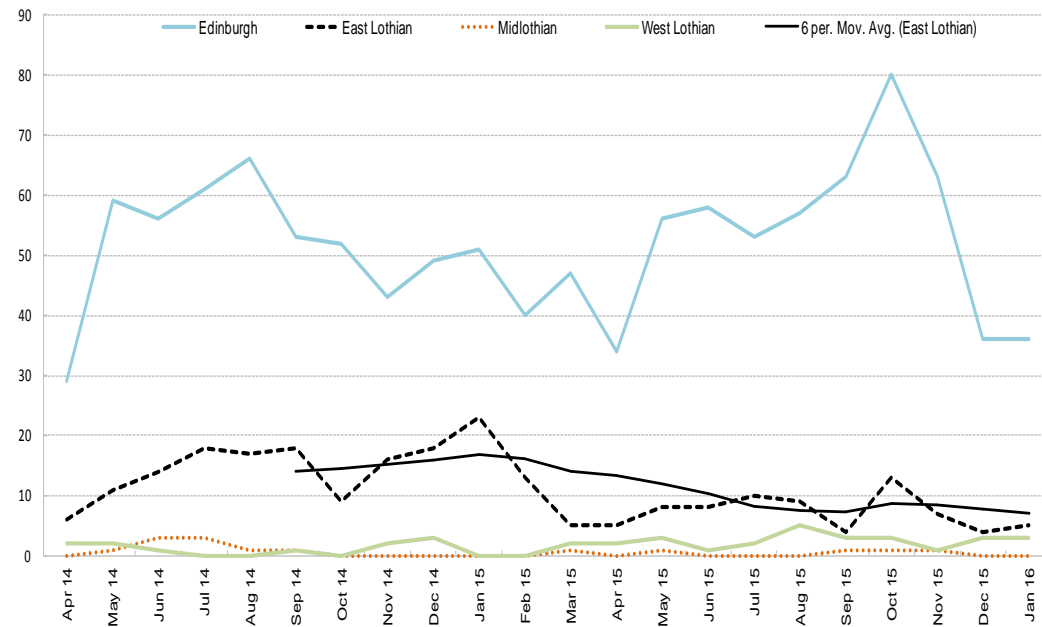
Overall Number of Patients Delayed by LA



Number of Patients Delayed Over 2 Weeks by LA



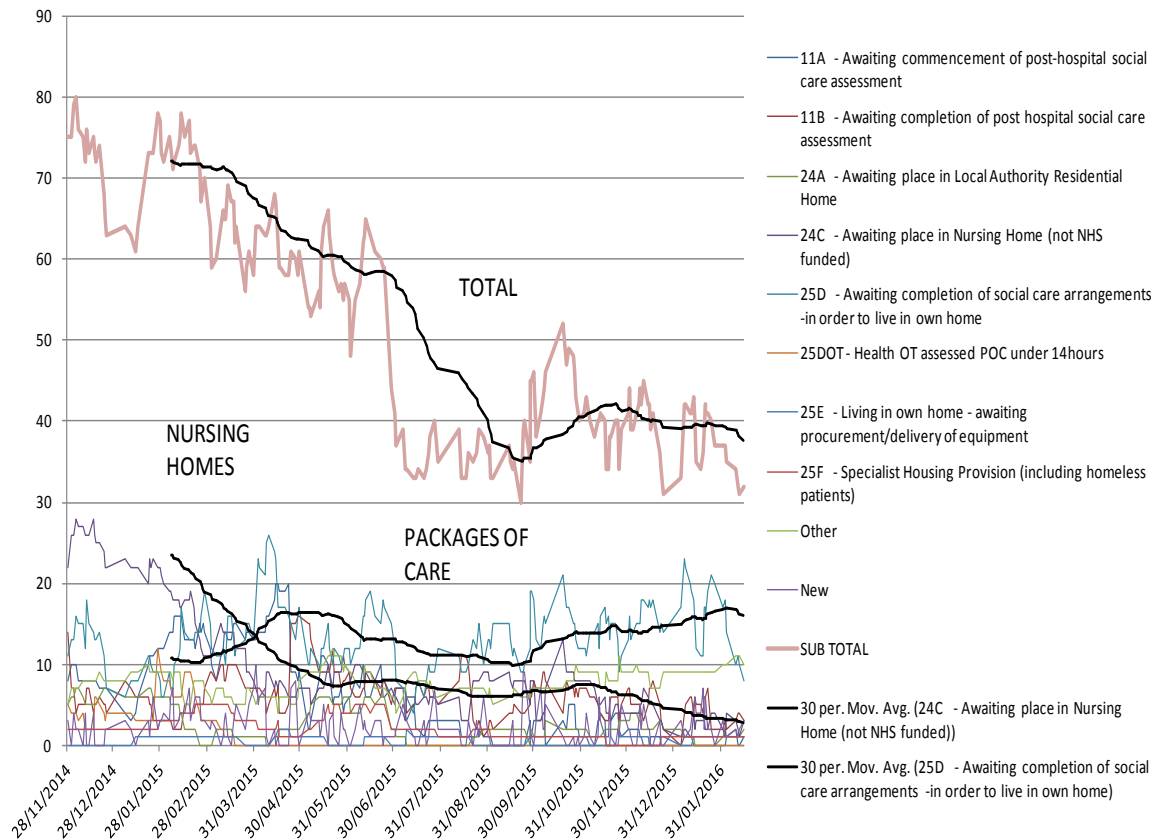
Number of Patients Delayed Over 4 Weeks by LA



3.7 These charts illustrate continued steady improvement on all measures.

3.8 The chart below shows more detail for East Lothian using the live EDISON database. The numbers on EDISON always exceed the numbers in the validated census since it includes delays for issues such as guardianship that are excluded from the census. However, EDISON does illustrate the reasons for delay in East Lothian.

3.9 To simplify the chart, trend lines in black have been inserted for the three key numbers. Total, nursing homes and packages of care.



3.10 This shows that total numbers on EDISON have been decreasing in line with the census numbers.

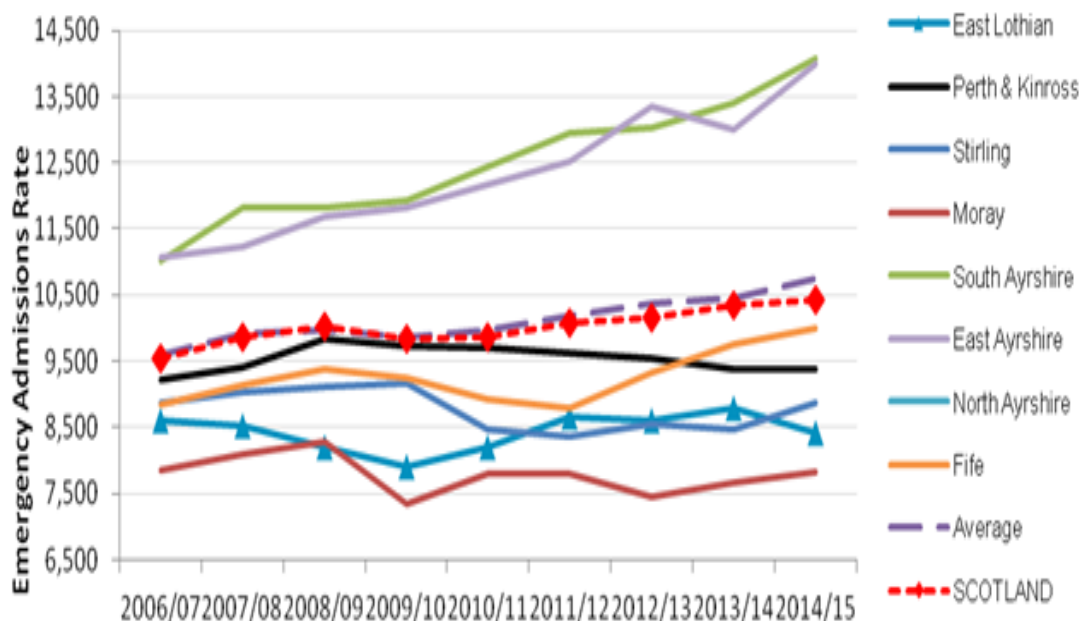
3.11 It also shows that the reasons for delay have changed significantly. In early 2015 the main reason was access to nursing homes. This has changed to access to care at home.

3.12 Significant efforts have been made to support care homes in East Lothian through Adult Wellbeing, General Practices and the NHS Care Home Liaison Service.

3.13 The charts above all illustrate that performance has improved significantly over recent months. However, it could be argued that East Lothian's performance has levelled off at around 20 total delays and 10 over two weeks.

3.14 Delayed discharges are part of a picture of the health of the whole system. Account also needs to be taken of hospital admissions and

length of stay in hospital. East Lothian's performance in relation to emergency admissions has been improving as shown in the chart below (East Lothian is the line with triangles). However, our residents in hospital have more occupied bed days than our peer partnerships which is partly a reflection of our historically poorer performance on delayed discharges. Thus improving delayed discharge performance will reduce our utilisation of acute hospital beds.



- 3.15 Having significantly improved the position with care homes and the assessment process through the use of the delayed discharge fund (as previously reported to the IJB), the Partnership now needs to take steps to tackle the root cause of most remaining delays which is access to care at home.
- 3.16 The current Help to Live at Home framework is currently unable to provide around 1,460 hours of care each week (as of 6 February 2016). Not all of this represents people without care, since some relates to people waiting to change provider or for a change in an existing package. Of these hours, 585 hours related to people in hospital. This represented 39 people (not all of whom are classified as delayed).
- 3.17 In order to address this, the Partnership has taken the following actions so far.
- 3.18 Funded "Hospital to Home" in which NHS clinical support workers provide personal care packages to people coming out of hospital until framework providers can provide the package.
- 3.19 Funded additional staffing in the in house Domiciliary Care Service to recruit 10 additional staff. However, recruitment only filled 2 of the 10 posts.
- 3.20 Supported the development of "At Home In East Lothian" (AHIEL), a social enterprise care provider, in order to grow the market. AHIEL is

now providing care for c 40 clients with a focus on the east of East Lothian which has been the most difficult area to source care.

- 3.21 Introduced a “collaborative allocation” process between providers allowing providers to share packages rather than clients waiting till one provider can provide the whole of a package.
- 3.22 Introduced and expanded East Lothian Service for Integrated Care of the Elderly (ELSIE) to avoid hospital admission and speed discharge home with healthcare support.
- 3.23 However, there remains the core problem of c 300 hours of demand for people delayed in hospital that is not being met by the current framework.
- 3.24 East Lothian Council agreed its three year budget for 2016/17 to 2018/19 on 9 February 2015. This includes a net increase in the Adult Wellbeing budget of £1.995m for 2016/17.
- 3.25 It includes investment in service pressures that will support the care at home sector (such as the living wage and payment of travel time) and in demographic pressures.
- 3.26 NHS Lothian has not yet set its budget. It is not anticipated that there will be increases in NHS funding in this area, however it is likely that the Delayed Discharge fund will become recurrent. This is helpful in planning for the long term.
- 3.27 With the knowledge of East Lothian Council budget now clear, it is proposed that the Chief Officer should lead work to implement the living wage and travel time in care at home which should improve recruitment and retention of staff in the independent sector. The Chief Officer should also lead work to develop and cost detailed proposals to increase the total capacity available in care at home within the budgets that will be available to the IJB.
- 3.28 It should be noted that the Help to Live at Home framework will be retendered over the next 18 months and a new model for the service will be developed as part of that process. Therefore some of the actions required in the short term will be subsumed into the new model for the service.

4 POLICY IMPLICATIONS

- 4.1 There are no policy implications of this paper.

5 EQUALITIES IMPLICATIONS

- 5.1 There are no equalities implications of this paper.

6 RESOURCE IMPLICATIONS

- 6.1 Resource implications above those already committed through the Delayed Discharge Fund will be analysed in detail and included in a proposal to the IJB. This will be in the context of the financial assurance to be discussed at the Audit and Risk Committee and the final analysis of the resources available to the IJB.

7 BACKGROUND PAPERS

- 7.1 East Lothian Council [Budget Papers](#) 9 February 2016

AUTHOR'S NAME	David Small
DESIGNATION	Chief Officer
CONTACT INFO	01620 827778 david.a.small@nhslothian.scot.nhs.uk
DATE	16 February 2016

REPORT TO: East Lothian Integration Joint Board

MEETING DATE: 25 February 2016

BY: Chief Finance Officer

SUBJECT: Budget Allocations Update

8

1 PURPOSE

- 1.1 This report summarises the current position on the Financial Assurance process for the IJB's proposed budget for 2016/17.

2 RECOMMENDATIONS

- 2.1 To note the content of this paper
- 2.2 To update the IJB on the two matters to which it delegated authority to progress to the Chair, the Vice Chair, the Chief Officer and the Chief Finance Officer at its previous meeting.
- 2.2 To receive a report at the March meeting of the IJB laying out a conclusion to this process for the 2016/17 budget.

3 BACKGROUND

- 3.1 A range of reports have been presented to the IJB both discussing this process and updating the IJB on the position at that date.
- 3.2 In summary the IJB has been delegated a range of functions by East Lothian Council and NHS Lothian and these partners must now propose the financial resources (the 'budget') that will allow the IJB to deliver these functions. This budget will be laid out in the IJB's Strategic Plan being the resources that the IJB will use to deliver that plan and will be the basis for the directions issued by the IJB to its partners to deliver the Strategic Plan.
- 3.3 This opening budget (for 2016/17) now requires to be considered and examined in terms of how the values were arrived at and what the underlying issues are. This process of financial assurance (which was also referred to in previous reports as 'due diligence') has been developed over the past few months and is, of course, informed by the

analyses that have been carried out by the partners as part of their own financial assurance processes.

3.4 A detailed report was considered by the IJB's Audit and Risk committee at its meeting of 10 February 2016. This report considered:-

- The impact of the Scottish Government's budget settlement (December 2015)
- The (then) current position within the financial planning processes for both East Lothian Council and NHS Lothian
- The underlying governance around the financial assurance process
- The method that had been followed
- An examination of some of the key issues – 'income' non-cash limited expenditure, efficiency plans etc.
- The budget setting models
- The method and processes to be followed
- A consideration and examination of the risks.

3.5 This report was the first step in the final financial assurance process for the 2016/17 budget and the following further tasks were identified:-

- Final propositions from both East Lothian Council and NHS Lothian to the IJB regarding the financial resources for 2016/17.
- Assurance that these budgets represent the functions delegated to the IJB through the Integration Schemes.
- Financial Analyses of the previous performance of those budgets and the financial planning assumptions for 2016/17.
- Analysis of the efficiency programmes embedded in the budgets proposed to the IJBs
- A further review of the above by the Chief Finance Officer
- A review of the financial assurance by the Chief Internal Auditor
- A review of this overall work by the Audit and Risk Committee

3.6 East Lothian Council set a budget at its meeting of 9 February 2016. This will now allow the Council to make a formal offer of a budget to the IJB. This will include East Lothian's share of the Scottish Government's Integration fund (a national total of £250m, East Lothian Share being £4.4m) and, as reported previously that will include the formal agreement by the IJB of the use of these funds. That discussion is currently being concluded and the IJB agreed at its previous meeting to delegate the authority to sign off that agreement to the Chair, the Vice Chair, the Chief Officer and the Chief Finance Officer.

- 3.7 As was reported previously NHS Lothian proposed a budget setting model to the IJB. The IJB delegated the authority to reply on its behalf to the Chair and a copy of that reply is attached to this report.
- 3.8 Its now clear from the work carried out to date and detailed dialogues with NHS Lothian that any financial proposition by NHS Lothian for 2016/17 will have to be made on an indicative basis and details of that proposition are currently being finalised with NHS Lothian as a result of the correspondence discussed above. It's important to note that in order to make an indicative settlement with any IJB; NHS Lothian will have to agree a similar approach with all the IJBs. This dialogue is not yet completed.
- 3.9 As the information requested above is delivered by the partners and until a final offer from NHS Lothian is received the financial assurance process cannot be completed. That said, it is proposed that a final report be brought to the IJB at its March meeting to recommend the appropriate progress on this matter.

4 POLICY IMPLICATIONS

- 4.1 These are covered through the IJB's Integration Scheme which is itself based on the Public Bodies (Joint Working) Act 2012.

5 EQUALITIES IMPLICATIONS

- 5.1 There are no equalities implications arising from this report.

6 RESOURCE IMPLICATIONS

- 6.1 The resources Implications are discussed above.

7 BACKGROUND PAPERS

- 7.1 Previous finance reports to the IJB and the report to the Audit and Risk committee of 10 February 2016.

AUTHOR'S NAME	David King
DESIGNATION	Chief Finance Officer
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DATE	16 February 2016



REPORT TO: East Lothian Integration Joint Board

MEETING DATE: 25 February 2016

BY: Chief Officer

SUBJECT: Strategic Plan

9

1 PURPOSE

- 1.1 This report provides a synopsis of the development of East Lothian Integration Joint Board's Strategic Plan for adult services. It supplements the comprehensive reports of [29 October](#) and [27 August 2015](#)

Any member wishing additional information should contact the author of the report in advance of the meeting.

2 RECOMMENDATIONS

The Integration Joint Board is recommended to:

- 2.1 Note that feedback from a second consultation exercise held between December 2015 and January 2016 has been used to inform the final version of the Strategic Plan
- 2.2 Note that the Strategic Planning Group has recommended adoption of the Strategic Plan
- 2.3 Note that directions aligned to the Strategic Plan will be scrutinised by the IJB Audit and Risk Committee in advance of issue to East Lothian Council and NHS Lothian and produced as an addendum to the Strategic Plan.
- 2.4 Agree to adopt the Strategic Plan as the blueprint for transformational change and the delivery of health and social care services in East Lothian.

3. BACKGROUND

- 3.1 The [Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#) places a duty on Integration Authorities to develop a Strategic Plan for integrated functions and budgets under their control which is designed in collaboration with their partners.
- 3.2 The Act requires each Integration Authority to establish a Strategic Planning Group (SPG) whose role is in developing and finalising the Strategic Plan and in continuing to review progress, measured against the statutory outcomes for health and wellbeing and associated indicators. The SPG is well established in East Lothian and has been actively involved in the process of the Strategic Plan development to date.
- 3.3 The first Strategic Plan of the IJB must be prepared and adopted before the integration start date, which is the date on which the Health Board and the Local Authority delegate functions, based on directions aligned to the Strategic Plan. In East Lothian the start date is agreed as 1 April 2016.
- 3.4 The second consultation exercise on the draft Strategic Plan ended on 26 January 2016 and analysis of the feedback presented to the Strategic Planning Group meeting on 8 February. No substantive changes to the content of the draft Plan previously presented to the IJB for consideration were proposed and the SPG formally agreed to commend adoption of the Strategic Plan to the IJB.
- 3.5 Both East Lothian Council and NHS Lothian have been formally consulted on the draft Strategic Plan. Whilst neither body can veto the Plan the IJB is statutorily obliged to take cognisance of any views expressed. Minor editorial amendments have been made to the final Plan in recognition of this feedback and with particular reference to uplifts to set aside budgets.
- 3.6 Final development of the aligned financial framework for delivery of the Strategic Plan has been constrained by the budget setting timeframes of parent organisations, particularly NHS Lothian. Indicative budgets have therefore been applied for the health elements of delegated functions in order to meet the statutory deadline of 1 April 2016.
- 3.7 Lothian Health Board and East Lothian Council will make payments to the IJB in respect of all delegated functions and from 1 April 2016 the IJB, via the mechanism of the Strategic Plan, will give directions and make payment where relevant to the Health Board and Local Authority for delivery of those services in line with the Strategic Plan. The detail of directions aligned to the final version of East Lothian's plan is being finalised with the Chief Officer and Chief Finance Officer.

3.8 Directions will be scrutinised by the IJB Audit and Risk committee as an integral element of due diligence. Directions will then be issued by the Chief Officer and produced as an addendum to the adopted Strategic Plan.

4 POLICY IMPLICATIONS

4.1 The implementation of recommendations made in this report will ensure that the IJB complies with legal requirements.

5 EQUALITIES IMPLICATIONS

5.1 The Strategic Plan places a strong and explicit emphasis on designing services and approaches which will more effectively address the continuing health inequalities in East Lothian. An equality impact assessment has been completed and the findings and recommendations incorporated in the final Strategic Plan.

6 RESOURCE IMPLICATIONS

6.1 There are no resource implications directly associated with this report.

7 BACKGROUND PAPERS

7.1 IJB Strategic Plan reports, 29 October and 27 August 2015.

7.2 East Lothian Strategic Plan: Second consultation working draft.

AUTHOR'S NAME	Carol Lumsden
DESIGNATION	Transformation and Integration Manager
CONTACT INFO	Carol.lumsden@nhsllothian.scot.nhs.uk
DATE	8 February 2016

REPORT TO: East Lothian Integration Joint Board

MEETING DATE: 25 February 2016

BY: Chief Officer

SUBJECT: Equalities Legislation and the Integration Joint Board

10

1 PURPOSE

- 1.1 The purpose of this report is to provide the Integration Joint Board (IJB) with an understanding of what is required of them under the Equality Act 2010, the Equality Act (Specific Duties) (Scotland) Regulations 2012, and the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2015.

2 RECOMMENDATIONS

- 2.1 The IJB is asked to note and approve the contents of this report, and to embrace and implement the principles of the Equality Act 2010 and its associated Regulations which include the Equality Act (Specific Duties) (Scotland) Regulations 2012, and the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2015.
- 2.2 The IJB is asked to note that following this report an Equality Outcomes and Equality Mainstreaming Report will be laid before them for approval at their meeting of 28 April 2016.

3 BACKGROUND

- 3.1 In October 2010 the Equality Act 2010 (the Act) came into force. This was a consolidating piece of legislation gathering together 40 years of previous discrimination legislation.
- 3.2 On 05 April 2011 the Public Sector Equality Duty (PSED) came into force. The PSED replaced the separate duties on public bodies relating to race, disability and gender equality.
- 3.3 The new PSED extended the scope of equality legislation to include not only race, disability and gender but also age, gender re-assignment,

marriage and civil partnership, pregnancy and maternity, religion or belief, and sexual orientation.

- 3.4 These nine categories are now known as the protected characteristics.
- 3.5 The PSED as set out in the Act is known as the 'general equality duty' (GED).
- 3.6 The GED requires public listed authorities in the planning and exercising of their public duties and functions to have 'due regard' to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;
 - Advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and
 - Foster good relations between people who share a relevant protected characteristic and those who do not.
- 3.7 These three areas are sometimes known as the 'three needs'.
- 3.8 Having 'due regard' in relation to advancing equality of opportunity includes:
- Removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic;
 - Taking steps to meet the needs of persons with protected characteristics that are different from persons who do not share it; and
 - Encouraging participation in public life and other areas where representation is disproportionately low
- 3.9 Having 'due regard' in relation to the need to foster good relations includes:
- Tackling prejudice; and
 - Promoting understanding
- 3.10 As previously noted there are nine protected characteristics and there is no hierarchy to those nine. In alphabetical order they are:
- Age
 - Disability (learning difficulties, mental health, physical and sensory)
 - Gender re-assignment
 - Marriage and civil partnership (restricted to elimination of unlawful discrimination in employment)

- Pregnancy and Maternity
 - Race
 - Religion or Belief
 - Sex (formerly known as gender)
 - Sexual orientation
- 3.11 On 27 May 2012 the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 came into force.
- 3.12 These Regulations imposed duties on listed public bodies for the purpose of enabling the better performance by the listed authority of the duty imposed by section 149(1) of the Equality Act 2010, the PSED.
- 3.13 These duties are to:
- Report progress on mainstreaming the equality duty;
 - Publish equality outcomes and report progress;
 - Assess and review policies and practices;
 - Gather and use employee information;
 - Publish gender pay gap information;
 - Publish statements on equal pay, etc;
 - Consider award criteria and conditions in relation to public procurement;
 - Publish in a manner that is accessible, etc;
 - Consider other matters; and
 - Scottish Ministers to publish proposals to enable better performance
- 3.14 The 2012 Regulations dictate when reports and progress reports have to be published (outcome reports every four years, progress reports every two years starting on 30 April 2013). The Regulations also state that all new and/or revised policies must be impact assessed against the needs of the GED, and that workforce profiling, gender pay gap and equal pay statements should form part of the mainstreaming report for organisations who have more than 150 employees at prescribed times. Finally, the Regulations look for listed bodies to improve their procurement activities and to publish all materials in a manner that is accessible to all.
- 3.15 On 11 June 2015 the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2015 came into force.

- 3.16 This set of Regulations increased the number of listed bodies who are required to adhere to the Act and includes **Integration Joint Boards** established by order under section 9(2) of the Public Bodies (Joint Working) (Scotland) Act 2014 (3).
- 3.17 This means that the **East Lothian Integration Joint Board (ELIJB) is now subject to the duties and responsibilities of the Equality Act 2010 and its subsequent Regulations** with the following tight timeline in place:
- Report progress on mainstreaming the equality duty to make it integral to the exercise of the functions of the ELIJB by **30 April 2016 and every two years thereafter** ;
 - Publish equality outcomes that the ELIJB sets in order to better perform the GED by **30 April 2016** and report progress by **30 April 2018**. Set a new set of Outcomes by **30 April 2018** and report progress by **30 April 2020** and so on;
 - Assess and review all new or revised policies and practices against the needs of the GED, **ongoing**;
 - Gather and use employee information with regard to the workforce composition, recruitment, development and retention once the ELIJB employs 150 and more employees ;
 - Publish gender pay gap information subject to the 150 plus employee rule;
 - Publish statements on equal pay, etc subject to the 150 plus employee rule;
 - Consider award criteria and conditions in relation to public procurement giving due regard to whether the reward criteria should include equality considerations to permit the ELIJB to do a better job; and
 - Publish in a manner that is accessible to all members of our communities
- 3.18 At present the ELIJB has no Equality, Diversity and Human Rights Officer who would normally be responsible for the development and production of statutory reports, mainstreaming activities, equality training and communications, equality impact assessing and development and co-ordination of equality initiatives which would ensure the ELIJB is compliant-plus in terms of the Act and subsequent Regulations.
- 3.19 NHS Lothian currently has no such Officer in place but East Lothian Council does.
- 3.20 Informal discussions have taken place with East Lothian Council and it has been agreed that the Council's Corporate Equality, Diversity &

Human Rights Officer will undertake the above duties on behalf of the ELIJB in the interim.

- 3.21 It may be that a more formal discussion would be of benefit to both parties in the long-term.
- 3.22 The Council's Corporate Equality, Diversity & Human Rights Officer has now started preparing the Equality Outcome and Equality Mainstreaming Reports which are due to be published by 30 April 2016.
- 3.23 The Equality Officer is also currently developing three equality initiatives for East and Midlothian Councils. One is regarding mental health issues, one contact with the Lesbian, Gay, Bisexual and Transgender (LGBT) community, and one regarding Transgender issues faced by individuals in the workplace.
- 3.24 The ELIJB has been asked if they would consider being involved in these projects as this would certainly demonstrate their commitment to mainstreaming equality. Approval at this meeting is sought in order that these initiatives can be written into the 2016 Mainstreaming report.
- 3.25 The Equality Outcome and Equality Mainstreaming report in final draft form will be brought to the ELIJB with a recommendation for approval on 28 April 2016.

4 POLICY IMPLICATIONS

- 4.1 Compliance with the Equality Act 2010 and its subsequent Regulations in 2012 and 2015 is mandatory for East Lothian Integration Joint Board. Compliance-plus as outlined in this report will demonstrate that the Board is fully committed to embracing and implementing the principles and ethos of the Act and subsequent Regulations in 2012 and 2015.

5 EQUALITIES IMPLICATIONS

- 5.1 This report is a position statement relating to the Equality Act 2010, the Equality Act (Specific Duties) (Scotland) Regulations 2012, and the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2015. As such no Integrated Impact Assessment is required at this stage. Actions resulting from this report will be subject to an Integrated Impact Assessment.

6 RESOURCE IMPLICATIONS

- 6.1 None – time required by East Lothian Council's Corporate Equality, Diversity & Human Rights Officer to develop the reports will be borne by East Lothian Council

- 6.2 It should be noted that failure to comply with the Equality Act 2010, the Equality Act (Specific Duties) (Scotland) Regulations 2012, and the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2015 would result in possible court action, heavy fine and reputational damage.

7 BACKGROUND PAPERS

- 7.1 None

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DATE	17 February 2016

REPORT TO: East Lothian Integration Joint Board
MEETING DATE: 25 February 2016
BY: Chief Officer
SUBJECT: Update on Actions deriving from the Integration Scheme

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1 PURPOSE

- 1.1 This report updates the IJB on the actions that East Lothian Council and NHS Lothian must take to support the IJB as laid out in the Integration Scheme

2 RECOMMENDATIONS

It is recommended that the IJB:

- 2.1 To note the contents of this report;
- 2.2 To request a further, more detailed report to be taken to the Audit and Risk committee to consider what has been done and what further actions are required; and
- 2.3 To receive a further update report at an IJB meeting early in the new financial year.

3 BACKGROUND

- 3.1 The IJB was created through an Integration Scheme which was drawn up by NHS Lothian and East Lothian Council in response to the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014.
- 3.2 The Integration Scheme laid out a series of actions to be undertaken by East Lothian Council and NHS Lothian (the partners). These can be broadly categorised into :-
- Governance - existing governance structures will be utilised to provide governance for the IJB and that the IJB will have the authority to develop additional governance committees if these are required.
 - Corporate Support Services - the partners agree to provide corporate support services to the IJB in order for it to discharge its duties. In the short term to utilise the support currently available but

in the long term to understand the needs of the IJB; what professional, technical and administrative services are required; systems to appoint Chief Officer and Chief Finance Officers; and preparing a pragmatic and sustainable solution.

- Strategic Planning – the partners will support the process of preparing the Strategic Plan and liaise with neighbouring IJBs and Lothian Hospitals Strategic Plan.

3.3 The following actions have been taken to date

- Governance –
 - NHS Lothian have undertaken work to review the remit of its committee structures;
 - East Lothian Council has updated its Scheme of Delegation to take account of the role of the Chief Officer and joint appointments under the new partnership structure. The Council's structure is different from NHS Lothian and does not have any specific social work committee, however work is currently being undertaken to review the structure and if any changes are required in light of the delegation of functions to the IJB.
- Corporate Support Services –
 - The following appointments have been made:
 - Chief Officer;
 - Chief Finance Officer;
 - Chief Internal Auditor;
 - Professional Advisors on the IJB
 - Chief Nurse
 - Medical Advisor (Consultant)
 - Medical Advisor (GP)
 - Chief Social Worker
 - East Lothian Council are providing secretariat support to the IJB;
 - Both NHS Lothian and East Lothian Council have continued their support in the development of the IJB and officers have been available to aid the implementation of the IJB including providing advice on finance arrangements, governance and professional support. This will be reviewed in the early part of the next financial year.

- Strategic Planning –
 - NHS Lothian and East Lothian Council have continued their support to the preparation of the strategic plan and the strategic planning group;
 - NHS Lothian have reviewed its strategic planning services and further support is being made available to all IJBs within Lothian. This process is ongoing;
 - East Lothian Council and the wider Health and Social Care Partnership are currently undergoing a restructure which will include a review of the current planning functions and support to the IJB.

3.4 This is an evolving process and an update report will be brought to the IJB early in the next financial year.

4 POLICY IMPLICATIONS

4.1 The partners are required to provide support as detailed in the Integration Scheme and expectations from the Scottish Government.

5 EQUALITIES IMPLICATIONS

5.1 Any changes to workforce arrangements will be subject to equality impact assessments.

6 RESOURCE IMPLICATIONS

6.1 In agreeing the support services to the IJB, both NHS Lothian and East Lothian Council will need to agree the financial implications and come to some agreement to balance the impact on both partners.

7 BACKGROUND PAPERS

7.1 East Lothian Integration Scheme

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DATE	17/02/16

REPORT TO: East Lothian Integration Joint Board

MEETING DATE: 25 February 2016

BY: Chief Officer

SUBJECT: Position Statement on Contracted Services – Adult Wellbeing

13

1 PURPOSE

- 1.1 This report is to inform the Integration Joint Board of the current position with regard to Section 10 grant awards within Adult Wellbeing and the proposed way forward which will ensure compliance with the recommendations of the recent internal audit report

2. RECOMMENDATIONS

The IJB are recommended to:

- 2.1 Approve continuation of current Section 10 Grants for the 12 months from April 2016 to March 2017 noting the commitment to review all grant funding within that year.
- 2.2 Note that a detailed action plan has been developed and agreed with senior management in order to implement the suite of key recommendations from the recent internal audit process.
- 2.3 Note that a series of reviews is now underway for funded organisations and will be modelled in line with the ELC partnership funding review process.
- 2.4 Note that future recommendations on Section 10 grant funding will also be considered by the IJB's Audit and Risk Committee.

3. BACKGROUND

- 3.1 East Lothian Health and Social Care Partnership, via Adult Wellbeing services, fund a range of providers across health and social care through formal contractual arrangements. These range from nationally agreed frameworks to locally remodelled services to obtain best value, promote service user choice and reflect changes towards personalised services.

- 3.2 Partnership working with the third and independent sectors is central to the achievement of positive outcomes for adults who need social care supports in East Lothian. Throughout 2015/16 Adult Wellbeing has continued to work alongside the sectors to review the impact and effectiveness of this investment and throughout the coming year will continue to work to ensure the maximisation of deployed resources. All disbursement of grants will, as required by best value principles, be supported by robust evidence and evaluation to establish strategic fit and need for any continued funding.

OVERVIEW

- 3.3 East Lothian Council currently manages and commissions in the following contract areas for adult wellbeing services:

3.3.1 National Care Home Contract

East Lothian has twelve Care Homes on this schedule which are subject to the National Care Home Contract agreement. The total contract value is circa £12.5m and contract extensions are currently made yearly through national negotiations and contract variations.

3.3.2 Older People's Day Centres

East Lothian has contracts with 10 older people's Day Centres with Service Level Agreements valid until April 2017 and with a total contract value of £692,246. Day centres are currently involved in a development programme which includes reviewing the model of care, training, transport and funding. Many day centres have now been awarded additional sums from a short term development fund in recognition that funding has not kept pace with the level of service now required and offered.

3.3.3 Help to Live at Home Framework (HTLAH)

This Framework is currently being remodelled and includes all service users aged over 16, including older people and those with physical and/or mental health needs and/or other support requirements relating to the Help to Live at Home Services. The current HTLAH Framework will run until March 2017 with an approximate contract value circa £6m.

3.3.4 Housing Support

A mix of contracts and SLAs with housing support providers are in the process of being reviewed to keep pace with changing needs and models of care

3.3.5 National Frameworks

Two main contracts are in place via Scotland Excel: Community meals commenced in October 2015 to provide frozen meals to individuals and supply to Day Centres. A further scoping exercise is underway to cost care packages through the new Scotland Excel Framework for learning disability care homes.

3.3.6 Specialist care at home provision

A two year commissioning project to modernise care and support services in the specialist framework will run until November 2017. The project sits within the context of a broader transformation change programme of specialist services which will achieve a range of improvements and better outcomes for people with specialist support needs. Currently 367 service users are supported through this framework with total on and off framework costs for specialist provision of £10.26m

3.3.7 Voluntary Sector (Section 10) Grant Funding

In addition, Section 10 of the Social Work (Scotland) Act 1968 enables East Lothian Council to award grants to voluntary sector organisations to support the achievement of positive outcomes for adults who need social care support. Current Section 10 funding has been subject to recent internal audit processes within East Lothian Council and key gaps, priorities for action and recommendations for improvement include:

- To ensure detailed guidance on systems and processes for grant funding is in place and that grant payments are only made to organisations where formal approval has been given
- To ensure that all recommendations for awards are given Cabinet approval, especially where Service Level Agreements will cover more than one year
- To ensure collation of clear and robust evidence that demonstrates the basis on which the award is being made
- To set up and embed structured programmes of review for all third sector organisations receiving funding.

3.3.8 Each recommendation is being implemented as part of an Adult Wellbeing service improvement plan overseen by senior management within an agreed timeframe. A series of rigorous review methods is underway to gather the necessary evidence, with all reviews being modelled on the East Lothian Council partnership funding review process

3.3.9 Section 10 Grants approved for 2015/16 include:

Supplier	Contract value
Alzheimer's Scotland	£4,548
CAPS	£57,830
*Capability Scotland (New Trinity)	£85,637
Carers of East Lothian	£63,503

Changes	£41,263
Deaf Action	£50,025
East Lothian Community Care Forum	£53,154
East Lothian Council on Alcohol	£10,755
Haddington CAB	£8,500
Lothian Centre for Integrated Living	£42,201
Macmerry Lunch Club	£742
North Berwick Voluntary Car scheme	£943
Partners In Advocacy (Individual Advocacy)	£37,800
Pencaitland Lunch Club	£1,626
RNIB	£61,887
Scottish Huntington's Association	£7,159
Stepping Out	£60,207
STRIVE	£14,359
Whitecraig & Wallyford Lunch Club	£789
WRVS	£14,677
(Pink Ladies) Mental Health and Substance Use	£5,000
***East Lothian & Midlothian Women's Aid (EMLWA)	£15,000
****Young Carers	£10,693
TOTAL	<u>£648,298</u>

*Service re-provision planned for 2016/17

***Non recurring to adjust shortfall in SG funding for 16/17.

**** Following outcome of service review £10,693 has been paid out of Adult Wellbeing Section10 budget for 2015/16. ELYC will not automatically receive this funding for 2016/2017.

3.3.10 Current payments of Section 10 grants are broadly in line with the strategic intent and key objectives agreed in the IJB's Strategic Plan and will be subject to directions from the IJB to East Lothian Council. Ongoing monitoring of strategic fit with the Strategic Plan and its ambition of Best Health, Best Care, Best Value will be a key component of audit and review during 2016.

3.3.11 Future recommendations on grant funding will be considered by the IJB's Audit and Risk Committee

4 POLICY IMPLICATIONS

4.1 There are no policy implications for this recommendation.

5 EQUALITIES IMPLICATIONS

5.1 An equality impact assessment will be carried out as part of the review process.

6 RESOURCE IMPLICATIONS

6.1 Financial – none. The review process will be completed within the anticipated staffing resources over the course of 2016/17.

7 BACKGROUND PAPERS

7.1 ELC: Audit Report on Payments to Third Sector Organisations (Internal).

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DATE	13 February 2016

