



REPORT TO: East Lothian Integration Joint Board

MEETING DATE: 27 February 2020

BY: Chief Officer

SUBJECT: Integration Scheme Review

1 PURPOSE

- 1.1 To inform the Integration Joint Board (IJB) of the statutory requirement for East Lothian Council and Lothian Health Board to carry out a full review of the Integration Scheme for the East Lothian Integration Joint Board.

2 RECOMMENDATIONS

The IJB is asked to:

- 2.1 Note the statutory requirement of the Public Bodies (Joint Working) (Scotland) Act 2014 to fully review the Integration Joint Board Integration Scheme every five years.
- 2.2 Note that although Scottish Government advice was that the introduction of Carers Legislation, which required a revision to the East Lothian IJB's Integration Scheme in 2019, would 'reset' the timeframe for a comprehensive review to 2014, this is no longer the case.
- 2.3 Note that, as a result of the removal of the 'reset' date, the East Lothian Integration Scheme needs to be fully reviewed at the 5th anniversary of the original scheme's approval, requiring this to be completed by 27th June 2020.
- 2.4 Note that the Strategic Planning Group supported this proposal at its meeting on 19th February 2020.
- 2.5 Agree the indicative review process.

3 BACKGROUND

- 3.1 The Public Bodies (Joint Working) Scotland Act 2014 imposed statutory duties on councils and health boards to integrate specified health and

social care services. These were to be achieved by formal delegation through an 'Integration Scheme' of statutory duties by each council and relevant health board to an integration authority (IJB). The integration authority then has responsibility for making a strategic plan, receiving budget payments from the council and health board and directing the council and health board on how to deliver the delegated functions and the resources required. The integration authority has oversight of the delivery of those functions and has to publish a statutory performance report each year.

- 3.2 East Lothian Council and Lothian Health Board agreed an Integration Scheme for East Lothian IJB which delegated functions for adults and older people and retained children's services and criminal justice services within the Council and Health Board. It was approved at Lothian Health Board on 4th March 2015 and at East Lothian Council Executive on 10th March 2015. Following submission to the Scottish Ministers, it was duly approved on 27th June 2015. The East Lothian Integration Joint Board was formally established on 1st July 2015. It has since then carried out its statutory duties of strategic planning, oversight and direction of the delegated health and social care services.
- 3.3 There is a legal requirement to review the Integration Scheme under which the East Lothian IJB was established and is run. This duty lies with East Lothian Council and Lothian Health Board, not with the IJB.
- 3.4 The review must be carried out within 5 years of Scottish Ministers giving the Scheme formal approval. As noted, the current Scheme, dated 29th May 2015, was approved by Scottish Ministers on 27th June 2015. Since there is a statutory process of review, and since that process includes obtaining Ministerial approval prior to publication, the review must be completed in that 5 year period. The mandatory review must therefore be completed on or before 27th June 2020.
- 3.5 In 2019, East Lothian Council and Lothian Health Board went through the formal process of reviewing the Integration Scheme to make a reference in it to duties created in the Carers' (Scotland) Act 2016. A revised Scheme was approved by Scottish Ministers on 8th July 2019. However, this review did not constitute a full review as required by the legislation. It therefore remains that this must be carried out and concluded on or before 27th June 2020.
- 3.6 The review process is set out in the 2014 Act and must be carried out by the Council and Health Board, not by the Integration Joint Board. It is a three-stage process, and in summary:

Stage 1:

- Consultation must take place with the persons and groups specified by the Ministers and with others identified by the relevant Council and Health Board.
- The Council and Health Board must take account of views expressed before proceeding to decide if changes are required.

Stage 2, if East Lothian Council and Lothian Health Board decide changes are required:

- The Council and Health Board prepare a revised Scheme
- The Council and Health Board consult again with the same people and groups
- The Council and Health Board must take account of views expressed before proceeding to finalise the Scheme

Stage 3:

- The Council and Health Board submit the revised Scheme to the Scottish Ministers for approval.
- Once approved, the amended Scheme is republished and the changes take effect

3.7 The current [Integration Scheme](#)¹ contains a mechanism for dispute resolution.

3.7.1 In the event of a failure by the Council and Health Board to reach agreement between or amongst themselves in relation to any aspect of the Scheme or the integrated functions, the Chief Officer shall use their best endeavours to reach a resolution through discussion and negotiation with both parties.

3.7.2 In the event that the matter remains unresolved, a meeting to seek a resolution shall take place amongst the Chief Executives of the Council and Health Board, the Chair of the Health Board, the Leader of the Council, the Chief Officer and the Chair and Vice-Chair of the Integration Joint Board within 21 days.

3.7.3 In the event that the matter remains unresolved after this stage the parties will proceed to mediation.

3.7.4 In the event that mediation is unsuccessful then the parties can choose to resubmit the current version of the Scheme for approval or will notify

¹ https://www.eastlothian.gov.uk/downloads/file/28529/east_lothian_revised_integration_scheme

Scottish Ministers and seek a direction in accordance with s52 of the Act.

- 3.8 Legislation contains a list of professional and representative groups and stakeholders who must be consulted in the review of the Integration Scheme. There must be a public consultation as part of the review process, with anyone able to participate and express views. The East Lothian IJB will be asked to contribute. All views expressed must and will be considered and taken into account before proceeding.
- 3.9 Because the statutory duty to review the East Lothian Integration Scheme rests with East Lothian Council and Lothian Health Board, the consultation will be carried out jointly. Each organisation will have to comply with its own internal decision-making arrangements.
- 3.10 Co-ordination between East Lothian Council and Lothian Health Board will be required. Each body will have to plan for consideration at Council, Health Board and other Committees as relevant before completing the process. The indicative timeline is shown in Appendix 1, although it may be subject to changes depending on the issues raised and the need to coordinate reporting within and to the Council and the Health Board.
- 3.11 The four IJB Chief Officers are jointly reviewing this process and the required timetable which will be forthcoming in due course.

4. ENGAGEMENT

- 4.1 Engagement will be informed by the requirements of the Scottish Government and in line with legislative requirements.

5. POLICY IMPLICATIONS

- 5.1 These will be known once the Scheme has been reviewed.

6. INTEGRATED IMPACT ASSESSMENT

- 6.1 Integrated Impact Assessments will be carried out as necessary where service delivery arrangements are varied or changed as a result of actions arising from the Integration Scheme review.

7. RESOURCE IMPLICATIONS

- 7.1 There will be resource implications arising from the officer time required to support the review of the scheme and to carry out engagement.
- 7.2 Support from legal colleagues will be required in the drafting of the reviewed scheme. The four Lothian IJBs are currently considering how

to secure this support in the most cost effective way to jointly review, where possible, the four Integration Schemes.

8. BACKGROUND PAPERS

- 8.1 [East Lothian Integration Scheme 2015²](#)
- 8.2 [Public Bodies \(Joint Working\) \(Scotland\) Act 2014, ss 45-47, incorporating ss 3-6](#)
- 8.3 [Public Bodies \(Joint Working\) \(Health Professionals and Social Care Professionals\) \(Scotland\) Regulations 2014](#)
- 8.4 [Public Bodies \(Joint Working\) \(Prescribed Consultees\) \(Scotland\) Regulations 2014](#)
- 8.5 [East Lothian Council Management Team approval of the revised Integration Scheme on 25th June 2019](#) and [Lothian Health Board approval on 3rd April 2019](#)
- 8.6 [East Lothian Integration Scheme 2019 \(Revised\)](#)

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² https://www.eastlothian.gov.uk/downloads/file/28529/east_lothian_revised_integration_scheme