



REPORT TO: East Lothian Integration Joint Board

MEETING DATE: 29 October 2020

BY: Chief Officer

SUBJECT: Inclusion of IJBs as Category 1 Responders

1 PURPOSE

- 1.1 To advise the Integration Joint Board (IJB) of the Scottish Government's intention to make changes to the Civil Contingencies Act 2004 to include Integration Joint Boards as Category 1 responders.
- 1.2 To advise the IJB of the current consultation exercise taking place in relation to the proposed changes.

2 RECOMMENDATIONS

The IJB is asked to:

- 2.1 Note the proposed changes to the Civil Contingencies Act 2004 in relation to the inclusion of IJBs in the list of Category 1 responders.
- 2.2 Agree to the submission of a consultation response on behalf of the IJB, by the 2nd November deadline. The response will include the identification of potential impacts on the IJB, including any resource, personnel or other implications.

3 BACKGROUND

- 3.1 The Scottish Government has advised of its intention to make changes to the Civil Contingencies Act 2004 in order to add Integration Joint Boards (IJBs) to the list of Category 1 responders.
- 3.2 The Civil Contingencies Act 2004 forms the legal basis for emergency preparedness in Scotland and the UK. The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 provides more detail on the application of the Act in Scotland including the roles and duties of responders.
- 3.3 Two categories of responders are identified in the Act, and specific roles and duties are assigned to each of these. Category 1 responders

currently include the emergency services, local authorities and NHS Health Boards; whilst Category 2 responders include a range of utility and transport providers, as well as NHS National Services Scotland. Currently, Integration Joint Boards do not fall into either of these responder categories.

- 3.4 The following requirements are listed for Category 1 responders:
- Assess the risk of emergencies occurring and use this to inform contingency planning
 - Put in place emergency plans
 - Put in place business continuity management arrangements
 - Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency
 - Share information with other local responders to enhance co-ordination
 - Co-operate with other local responders to enhance coordination and efficiency
 - Provide advice and assistance to businesses and voluntary organisations about business continuity management (local authorities only)
- 3.5 Although not identified as Category 1 responders, IJBs already share responsibility for developing local emergency and resilience plans with Health Boards and local authorities. This means there is already an expectation that the IJB Chief Officer and their team will work alongside local authority and Health Board colleagues to carry out duties related to the Civil Contingency Act.
- 3.6 To date, IJB Chief Officers have only formally contributed to local emergency and resilience planning in their role as directors of Health Boards or local authorities. The proposal to include IJBs as Category 1 responders would formalise the Chief Officer's role, which in turn will help to ensure that formal coordinated and appropriate arrangements are in place in the event of emergencies that impacts on IJB delegated functions.
- 3.7 The Scottish Government suggests that it does not anticipate Category 1 responder status causing 'significant additional burden' to IJBs. However, there is an expectation expressed that Chief Officers will draw on resources from their integrated teams to support this work.
- 3.8 The Scottish Government anticipates that this change will come into effect by spring 2021. A period of consultation is currently underway in order to gather the views of stakeholders from across the health and

social care sector. The consultation¹ was launched on the 12th October and will close on the 2nd November.

4 ENGAGEMENT

- 4.1 The Scottish Government is carrying out consultation with Integration Joint Boards on this matter. Consultation with local communities is not deemed necessary in relation to the proposals.

5 POLICY IMPLICATIONS

- 5.1 The proposed identification of Integration Joint Boards as Category 1 responders may have implications for local policy.

6 INTEGRATED IMPACT ASSESSMENT

- 6.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or the economy.

7 DIRECTIONS

- 7.1 The development of additional directions may be required in relation to the proposed changes.

8 RESOURCE IMPLICATIONS

- 8.1 Financial – there may be financial implications associated with the IJB assuming the status of Category 1 responder, this should be explored to help inform the IJB's consultation response.
- 8.2 Personnel – there may be financial implications associated with the IJB assuming the status of Category 1 responder, this should be explored to help inform the IJB's consultation response.
- 8.3 Other – Legal - Category 1 responder status would impose additional statutory responsibilities on the IJB, the implications of these should be considered.

¹ <https://consult.gov.scot/health-and-social-care-integration/consultation-to-amend-the-civilcontingencies-act/>

9 BACKGROUND PAPERS

- 9.1 Appendix 1 – Consultation to amend the Civil Contingencies Act 2004 to include Integration Joint Boards

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DATE	16 October 2020

Consultation to amend the Civil Contingencies Act 2004 to include Integration Joint Boards

October 2020

Consultation to amend the Civil Contingencies Act 2004 to include Integration Joint Boards

Integration Joint Boards

The integration of health and social care is one of the most significant reforms since the establishment of the NHS. It is about ensuring that those who use services get the right care and support whatever their needs, at any point in their care journey. With a greater emphasis on community-based and more joined-up, anticipatory and preventative care, integration aims to improve care and support for those who use health and social care services and equips Scotland's services for the challenges the future will bring.

An Integration Joint Board is the decision making and governance body for all delegated functions, services and budgets, identified in individual integration schemes, jointly agreed by the relevant Local Authority and Health Board. The Integration Joint Board is a statutory body, constituting a separate legal entity to Local Authorities and Health Boards. Each Integration Joint Board is statutorily required to appoint a Chief Officer (and a Chief Finance Officer) to support it in delivering its functions.

Civil Contingencies Act 2004

The [Civil Contingencies Act \(2004\)](#) makes the following requirements for those listed as Category 1 responders:

1. Assess the risk of emergencies occurring and use this to inform contingency planning.
2. Put in place emergency plans.
3. Put in place business continuity management arrangements.
4. Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency.
5. Share information with other local responders to enhance co-ordination.
6. Co-operate with other local responders to enhance co-ordination and efficiency.
7. Provide advice and assistance to businesses and voluntary organisations about business continuity management (Local Authorities only).

Background

Integration Joint Boards, Health Boards and Local Authorities share a joint responsibility and accountability for drawing up suitable plans which take account of functions managed by each individual body. Therefore, the Integration Joint Board Chief Officer and their team are expected to work alongside Health Board and Local Authority colleagues when carrying out the duties relevant to the Civil Contingencies Act 2004.

Whilst Chief Officers have already been contributing to local emergency and resilience planning, they have only formally done so through their roles as directors of Health Boards and Local Authorities and without the appropriate reference to their

accountable officer status within the Integration Joint Boards. By including Integration Joint Boards as Category 1 responders, it ensures that where there is a risk of an emergency which will impact functions delegated to the Integration Joint Board, there will be formal coordinated and appropriate arrangements in place for: emergency planning; information sharing and cooperation with other responders; and joined up information sharing and advice for the public.

The Integration Joint Boards' key resource are the Chief Officers who hold multi-faceted roles as the accountable officer of the Integration Joint Board and as directors of Health Boards and Local Authorities. The Chief Officer would lead for the Integration Joint Board and can draw on resource from their integrated teams (both Health Board and Local Authority employed staff). It would be expected that the Chief Executives of the Health Board and Local Authority be involved, or have put in place appropriate representation to ensure the views of those bodies are well covered.

The Scottish Government does not envisage that including Integration Joint Boards as Category 1 responders under the Civil Contingencies Act 2004 will cause significant additional burden to them. Although the Act sets out a number of requirements, the main addition will be the formal inclusion of Integration Joint Board Chief Officers in emergency planning, not just in their role as a director within a Health Board or Local Authority, but also in their role as the accountable officer of the Integration Joint Board. As highlighted above, to meet their requirements, we would expect the Chief Officer to draw on resources from their integrated teams, many of whom will already be involved in this work as Health Board and Local Authority staff.

Why are we consulting

The Scottish Government are consulting to ensure that there are no unintended or unexpected consequences to Integration Joint Boards becoming Category 1 responders under Schedule 2 of the Civil Contingencies Act 2004.

Consultation question

The Scottish Government intends to pass legislation that will include Integration Joint Boards as Category 1 responders under Schedule 2 of the Civil Contingencies Act 2004. Do you, or the organisation that you represent, envisage this change to have any significant wider impacts or unintended consequences under the Equality Act 2010 including the Fairer Scotland Duty? These include but are not limited to protected characteristics of race, gender, age, religion, sexual orientation, disability, gender reassignment, religion or belief, pregnancy or maternity, low income, low wealth or living or growing-up in areas of deprivation. Please consider these for:

- yourself,
- your organisation,
- people who use health and social care services,
- people who work in the health and social care sector, or,
- any other persons or organisations in the wider health and social care sector?

Responding to this Consultation

We are inviting responses to this consultation by 2 November 2020.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/health-and-social-care-integration/consultation-to-amend-the-civil-contingencies-act/>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 2 November 2020.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to:

Integration Policy and Support Team
Scottish Government
ConsultationJBCCA@gov.scot

Please note that due to COVID-19 Scottish Government teams are remote working and will not have access to written correspondence.

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at ConsultationJBCCA@gov.scot.

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Consultation to amend the Civil Contingencies Act 2004 to include Integration Joint Boards

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

If you are responding on behalf of an organisation please tell us the type of organisation you are responding on behalf of.

Integration Joint Board	
Health Board	
Local Authority	
Third Sector	
Trade Union	
Partner Organisation	
Staff Group / Employee	
Supplier	

Service User	
Community Group	
Other	

If other please state:

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No



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