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Agenda Item:

Integration Joint Board

Date of Meeting: 30 September 2020.

Subject: Directions.

1. Summary

1.1. The Public Bodies (Joint Working) (Scotland) Act 2014 requires Integration Joint Boards (IJBs) to make Directions to the Council and/or Health Board, and the Integration Joint Board should be provided with an annual report on the monitoring of Directions. Statutory Guidance on Directions introduced in January 2020 requires specific actions to be introduced to improve practice relating to Directions.

2. Purpose

2.1. To note that the current Directions have been monitored and to agree the specific actions required by the Statutory Guidance on Directions, together with the standard format for the IJB's directions to both delivery bodies.

3. Recommendations

The Integration Joint Board is invited to:

3.1. Note that the current Directions, attached as Appendix 1 to this report, have been monitored.

It is recommended:

3.2. That the key actions within the 2020 Statutory Guidance, listed in section 6 of this report, be approved.

3.3 That the proposed direction template, attached as Appendix 2 to this report, be approved.

4. Background

4.1. The Public Bodies (Joint Working) (Scotland) Act 2014 places a duty on Integration Authorities to develop a Strategic Plan for the functions and budgets under their control.

4.2. Integration Authorities require a mechanism to action their Strategic Plans. This mechanism takes the form of legally binding directions from the Integration Authority to one or both of the Local Authority and/or Health Board. Sections 26 to 28 of the Act lay out the legislative framework within which Directions are made.

4.3. The Scottish Government has published Statutory Guidance for Integration Authorities with regard to Directions which can be found at the following link: <https://www.gov.scot/publications/statutory-guidance-directions-integration-authorities-health-boards-local-authorities/>

4.4. The Act distinguishes between matters which “**must**” and which “**may**” be included within Directions. For clarity these terms are highlighted in bold throughout this report.

5. Legislative Requirements

5.1. Directions **must** set out how each integrated health and social care function is to be exercised, and the budget associated with that function.

5.2. Directions **must** be in writing. Directions **may** also vary or revoke other directions previously given to the Council and/or Health Board.

5.3. Section 27(4) of the Act prescribes that the Council and Health Board **must** comply with any direction from the IJB. There is no provision by which the Council or Health Board can appeal, ignore, amend or veto any direction given.

5.4. Where the IJB directs both the Council and Health Board to carry out a function, it **may** direct that the function is carried out:

- Wholly and jointly by the Council and Health Board.
- With specific aspects of the functions carried out by either the Council or Health Board, as specified in the direction.
- With specific direction as to what both the Council and Health Board must do in relation to carrying out the function.

5.5. Directions from the IJB **may** also prescribe the manner in which the function is to be carried out, to whatever level of specificity the IJB sees fit. The exercise of each function can for example be described in terms of delivery of services, achievement of outcomes, or by reference to the Strategic Plan.

5.6. The IJB **may** direct the Health Board to use a portion of the “set aside” budget to carry out a function delegated to the IJB for which said budget has been set aside by the Health Board. If the Health Board does not use all of the amount specified within the direction, the IJB **may** request that the Health Board pay the balance to the IJB. If the Health Board requires more resource to deliver the function than allocated in the direction, it **may** require the IJB to reimburse the difference.

6. Statutory Guidance

6.1. Key actions identified within the statutory guidance which officers will implement as consistent practice are set out as follows.

6.1.1. A standard covering report format will be introduced, which will include a brief section requiring the report author to decide and record if the report needs a direction to be issued to the Health Board, the Local Authority or both, or that no direction is required.

6.1.2. There will be detail on the required delivery of the function and financial resources.

6.1.3. The content of a direction should be informed by the content of a report on the function(s) approved by the IJB and should be contained in the same report, using the standard format set out at Appendix 2.

6.1.4. Directions should be issued as soon as practicable following approval by the IJB, usually by the IJB Chief Officer to the Chief Executive of either the Health Board or the Local Authority, or both, each in their role as accountable officers to the relevant statutory body.

6.1.5. A log of all directions issued, revised, revoked and completed will be maintained. This log should be periodically reviewed by the IJB and used as part of performance management processes, including audit and scrutiny.

7. Format of Directions

7.1. No template or model text for directions has been published by the Scottish Government, and none is in development. The format of directions is therefore a matter for local determination, subject to the legislative requirements outlined in section 3.

7.2. A draft template for directions from the IJB to the Council and Health Board, is attached as Appendix 2 to this report. Completion of this template will ensure that directions from the IJB comply with statutory requirements.

8. Monitoring of Current Directions

8.1 The current Directions have been monitored and no changes are proposed at present. However, it is the intention of the Chief Officer to introduce more regular use of proposed Directions in keeping with the 2020 Statutory Guidance. Once the new template for Direction is approved the current Directions will be updated.

9. Contribution to quality

Please indicate which of the Orkney Community Plan 2019 to 2022 visions are supported in this report adding Yes or No to the relevant area(s):

Resilience: To support and promote our strong communities.	Yes.
Enterprise: To tackle crosscutting issues such as digital connectivity, transport, housing and fuel poverty.	No.
Equality: To encourage services to provide equal opportunities for everyone.	Yes.

Fairness: To make sure socio-economic and social factors are balanced.	Yes.
Innovation: To overcome issues more effectively through partnership working.	No.
Leadership: To involve partners such as community councils, community groups, voluntary groups and individuals in the process.	Yes.
Sustainability: To make sure economic and environmental factors are balanced.	Yes.

10. Resource implications and identified source of funding

10.1. There are no financial implications directly arising from this report.

10.2. Directions must include the budget allocation made available to the Council and/or the Health Board to deliver the relevant function(s).

11. Risk and Equality assessment

11.1. The IJB is required to direct the Council and/or the Health Board to deliver the services to support delivery of the Strategic Plan.

11.2. There are no equality implications directly arising from this report.

12. Direction Required

Please indicate if this report requires a direction to be passed to:

NHS Orkney.	No.
Orkney Islands Council.	No.
Both NHS Orkney and Orkney Islands Council.	No.

13. Escalation Required

Please indicate if this report requires escalated to:

NHS Orkney.	No.
Orkney Islands Council.	No.
Both NHS Orkney and Orkney Islands Council.	No.

14. Author

14.1. Gillian Morrison (Interim Chief Officer), Integration Joint Board.

15. Contact details

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16. Supporting documents

- 16.1. Appendix 1: Directions Database.
- 16.2. Annex 1: Council Direction.
- 16.3. Annex 2: NHSO Direction.
- 16.4. Annex 3: NHSO Direction.
- 16.5. Annex 4: Council Direction.
- 16.6. Annex 5: Council Direction.
- 16.7. Annex 6: Council Direction.
- 16.8. Annex 7: NHSO Direction.
- 16.9. Annex 8: Council Direction.
- 16.10. Annex 9: Council Direction.
- 16.11. Annex 10: NHSO Direction.
- 16.12. Annex 11: NHSO Direction.
- 16.13. Appendix 2: Directions Template.