

West Lothian Shadow Integration Joint Board

Date: 2 June 2015

Agenda Item: **6**

IJB GOVERNANCE AND DECISION-MAKING

REPORT BY DIRECTOR

A PURPOSE OF REPORT

To set out the structures and procedures which will be required of the Board in relation to governance and decision-making, both in terms of the relevant legislation and good practice.

B RECOMMENDATION

1. To note the legislative requirements for the Board's governance and decision-making processes and procedures, and the advice in relation to good practice in governance terms
2. To note that officers will develop and prepare for approval a set of Standing Orders for Board Meetings
3. To agree that those Standing Orders should include a proposal for a committee to deal with risk, audit and governance; roles and responsibilities of Board members; and roles and responsibilities for the Board's Director and Finance Officer
4. To note and agree the proposed meeting arrangements for the shadow Board and then for the Board when formally established, as set out in Appendix 1.

C TERMS OF REPORT

Introduction

In terms of statutory rules made under the Public Bodies (Joint Working)(Scotland) Act 2014 ("the 2014 Act") the Board requires to make Standing orders regulating its proceedings. Those rules also set out certain minimum requirements to be included in such Standing Orders whilst leaving other matters for inclusion at the Board's discretion. In some areas they stipulate the particular terms which must be included, and in others they leave the detail for local decision.

In addition to the statutory rules, there are other provisions which experience shows are necessary elements of Standing Orders to ensure “good” decisions are taken, not in the sense of the merits of the decisions, but in the relation to lawfulness, efficiency, speed and promptness, accuracy and on the basis of all relevant information.

Statutory requirements

The following is a summary of the content required of Standing Orders, or related governance documents, by the 2014 Act and relevant subordinate legislation, both expressly and by implication.

- Appointment, removal and replacement of Board members
- Appointment, removal, replacement and interim replacements for the Director and Finance Officer
- Accounting arrangements
- Directions to council and health board – form, content and process for making them and issuing them
- Delegation of authority to the Director
- Voting, including proxies, where temporary vacancies exist, dispute resolution mechanism in the event of a tied vote
- Payment of travel and other expenses
- Committees, if any
- Meetings – calling meetings, notice of meetings, remote participation, quorum, minutes, public access
- Code of Conduct – adoption of model Code, register of interests, declarations of interest and non-participation in items of business, minutes
- Having regard, where required, to the national health and well-being outcomes, the integration planning principles and the integration delivery principles
- Having regard to the impact of decisions on services, facilities and resources used or to be used by other integration authorities
- Having regard to and complying with the requirements of legislation, directions and statutory guidance
- Establishment of the Strategic Planning Group
- Making of significant decisions outside the strategic plan
- Review of strategic plan

- Taking into account impacts on and views of localities
- Preparation and publication of the annual performance report and financial statement

Good practice

In addition to the express and implied statutory requirements for Standing Orders, the following matters are felt to be desirable in the interests of good decision-making and good governance:-

- Addition of urgent business or additional papers to an agenda already issued
- Chair's powers in relation to procedural matters
- Chair's duties to ensure fair, efficient and competent meetings and decisions
- Meeting procedures – presenting reports, questions and answers, motions, amendments and debate
- Obstructive or offensive conduct by members
- Adjourning a meeting, or rearranging a date or time already set
- Urgent business requiring decision between meetings
- Standard report template, and requirement for a written report in all cases
- Rights of access of Chief Social Work Office and Clinical Director to Chair, members and meetings

Risk, audit and governance

It is good practice in terms of corporate governance for a public body to maintain a committee charged with consideration of risk, audit and governance issues, providing a scrutiny function with a view to investigating, considering and advising the public body and its officers on areas of concern.

Since the Board is subject to the same financial regime as a local authority, it is required to have in place an internal audit service, to conduct a periodic review of its system of internal control, to prepare an annual governance statement and to have in place a process for consideration and approval of its unaudited financial statements and governance statement and then its audited accounts and report by its external auditor.

The inclusion of such a committee in the Board's Standing Orders will ensure compliance with both statutory and good practice aspects of these governance considerations.

Role descriptions

The Board is a new and different kind of statutory body, and its members and officers are taking on roles and responsibilities which are different to those they undertake and perform in the course of their employment by council and health board. The Director's role and responsibilities will require approval by the Scottish Ministers.

The inclusion of role descriptions and responsibilities for all Board members and the two statutory officers will assist in establishing and understanding those roles and relationships amongst them.

Meeting arrangements

A programme of proposed meeting dates, times and venues has been prepared, and is attached as Appendix 1. It covers meetings of the shadow Board prior to formal establishment and thereafter. Those arrangements and the pattern and frequency of meetings can be adjusted later, in the light of experience.

D CONSULTATION

Relevant officers in council and health board in relation to form and content of proposed Standing Orders.

E REFERENCES/BACKGROUND

Public Bodies (Joint Working)(Scotland) Act 2014

Public Bodies (Joint Working)(Integration Joint Boards)(Scotland) Order 2014

F APPENDICES

1. Proposed meeting arrangements 2015/16

G SUMMARY OF IMPLICATIONS

Equality/Health	No assessment has been carried out in relation to this report, since it is not felt to be relevant or required to the subject-matter and proposed decisions.
National Health and Wellbeing Outcomes	None.
Strategic Plan Outcomes	None.
Single Outcome Agreement	None.
Impact on other Lothian IJBs	None.
Resource/finance	No impact.

Policy/Legal	Adoption of Standing Orders will ensure compliance with the 2014 Act and relevant subordinate legislation.
Risk	Failure to adopt Standing Orders puts at risk the administration of the Board and competent decision-making.

H CONTACT

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Date of meeting: 2 June 2015

APPENDIX 1

PROPOSED MEETING ARRANGEMENTS 2015/16

NOTICE OF MEETING, AGENDA AND REPORTS ISSUED	DATE OF MEETING
Wednesday 27 May	Tuesday 2 June 2015
Wednesday 19 August	Tuesday 25 August 2015
Wednesday 14 October	Tuesday 20 October 2015
Wednesday 2 December	Tuesday 8 December 2015
Wednesday 10 February	Tuesday 16 February 2016
Wednesday 30 March	Tuesday 5 April 2016
Wednesday 25 May	Tuesday 31 May 2016

All meetings at 2 pm in Strathbrock Partnership Centre, Broxburn, unless otherwise advised