

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

INTEGRATION SCHEME REVIEW – PHASE 1 CONSULTATION

REPORT BY DEPUTE CHIEF EXECUTIVE (HEALTH & SOCIAL CARE PARTNERSHIP)

A. PURPOSE OF REPORT

To ensure compliance with the council's duty to carry out a full review of the Integration Scheme for the West Lothian Integration Joint Board and to report the outcome of the first stage of consultation.

B. RECOMMENDATIONS

1. To note the statutory requirement, and the related statutory process, to fully review the Integration Scheme for the West Lothian Integration Joint Board every five years
2. To note that the indicative timeline and process for the review was agreed at Council Executive on 17 August
3. To note that the phase 1 consultation has concluded and to note the responses received
4. To note that responses will be considered and draft amendments to the Integration Scheme will be made before phase 2 consultation is commenced
5. To note that the outcome of phase 2 consultation and a finalised amended Integration Scheme will be reported to Council Executive for approval at its meeting of 7 December.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable; making best use of our resources; working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Public Bodies (Joint Working) (Scotland) Act 2014, sections 44-47; West Lothian Integration Scheme; Annual Governance Statement 2020/21
III	Implications for Scheme of Delegations to Officers	None

IV	Impact on performance and performance Indicators	N/A
V	Relevance to Single Outcome Agreement	N/A
VI	Resources - (Financial, Staffing and Property)	No implications
VII	Consideration at PDSP	Not required
VIII	Other consultations	NHS Lothian; West Lothian Integration Joint Board; Governance Manager

D. TERMS OF REPORT

1 Background

- 1.1 The Public Bodies (Joint Working) Scotland Act 2014 imposed statutory duties on councils and health boards to integrate specified health and social care services. That was to be achieved by formal delegation through an integration scheme of statutory duties by council and health board to an integration authority. The integration authority then has responsibility for making a strategic plan, receiving budget payments from council and health board and directing councils and health boards how to deliver the delegated functions and with what resources. The integration authority has oversight of the delivery of those functions and has to publish a statutory performance report each year.
- 1.2 The council and NHS Lothian (health board) agreed an Integration Scheme 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 Council Executive in May 2015 and then submitted to the Scottish Ministers for approval. It was duly approved in June 2015 and the West Lothian Integration Joint Board (IJB) was formally established by the Scottish Parliament in September 2015. It has since then carried out its statutory duties of strategic planning, oversight and direction of the delegated health and social care services.
- 1.3 There is a legal requirement to review the Integration Scheme. This duty lies on the council and the health board. The IJB does not share that duty. The review must be carried out within 5 years of the Ministers giving the Scheme formal approval. The current Scheme was approved by the Ministers on 16 June 2015.
- 1.4 An initial review process was agreed at Council Executive on 21 January 2020 which would have ensured legal compliance. The review was interrupted by the coronavirus pandemic. The diversion of resources to tackle the pandemic meant that conducting the review as agreed and within the statutory timescale was impossible. The failure to meet the statutory deadline has incurred no legal penalty and the IJB has continued to operate under the present Scheme.
- 1.5 Council Executive agreed a new process and indicative timeline for the review at its meeting of 17 August 2021. This is attached for information at Appendix 1.
- 1.6 Liaison meetings continue between the health board and the three councils within its geographical area.

2 The statutory review process

2.1 The review process is set out in the 2014 Act. It is carried out by the council and health board and not by the IJB. It is a three-stage process, and in summary:-

2.2 Stage 1:-

- Consultation must take place with the persons and groups specified by the Ministers and with others identified by council and health board
- Council and health board must take account of views expressed before proceeding to decide if changes are required

2.3 Stage 2, if council and health board decide changes are required:-

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

2.4 Stage 3:-

- 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 Phase 1 Consultation

3.1 Because the statutory duty to review the Scheme lies on council and health board, the consultation is being carried out jointly.

3.2 A public consultation was held and anyone was able to participate and express views. IJB members were also asked to contribute. All views expressed must and will be considered and taken into account during the review process.

3.3 The wording of the consultation was agreed with NHS Lothian colleagues and the consultation was open for two weeks from Tuesday 28 September. This was advertised on social media channels, the health and social care partnership's website and issued to staff, service user, service provider and partner networks. Efforts were made to target all of the statutory consultees.

3.4 Three responses were received and the comments are as follows:

	Comment	Responder
1	<p>I welcome the emphasis on preventative health in the opening statement but wonder if this theme needs to be reinforced and given greater emphasis throughout the document in terms of the IJB's role</p> <p>In the Appendices, Part 2 – delegated services, p 52 – would the bullet point be strengthened by adding</p>	Service Provider

	physical activity and wellbeing i.e. 'physical activity, health improvement and wellbeing services'	
2	The one thing that sticks out for me is oral health – I think that the whole of the oral health service shouldn't be delegated in that the Edinburgh Dental Institute and the acute dental surgery services that are managed through there should not be delegated. This would leave only part of oral health being delegated – the public dental service and the oral health improvement plan.	NHS Lothian staff
3	I received the emails regarding the review of the West Lothian IJB and just wanted to respond to say I appreciate the opportunity to comment thank you. I don't have any specific feedback, but I will look forward to ongoing joint working with colleagues in social care for the benefit of people in West Lothian with a Learning Disability. As with all other services, I think the pressures of the pandemic have made strategic planning more difficult, but I am hopeful that we will be able to undertake more of this in the coming months.	NHS Lothian staff

3.3 The responses will be shared with NHS Lothian and considered during the drafting of any recommended amendments to the Integration Scheme before phase 2 consultation commences.

3.4 Because of the nature of the review process and the need for partnership working with the health board there is a chance that reporting dates may slip. Committee will be informed if there are any substantial changes to these indicative reporting dates and completion of the review process.

E. CONCLUSION

1 Carrying out the statutory review process will ensure compliance with the council's statutory duties and will inform decision-making about amending the Integration Scheme in relation to these duties.

F. BACKGROUND REFERENCES

- 1 West Lothian Integration Scheme - https://westlothianhscp.org.uk/media/44617/Integration-Scheme-between-West-Lothian-Council-and-NHS/pdf/Integration_Scheme_between_West_Lothian_Council_and_NHS_Lothian.pdf?m=637321499590870000
- 2 Public Bodies (Joint Working) (Scotland) Act 2014, ss45-47, incorporating ss3-6
- 3 Public Bodies (Joint Working) (Health Professionals and Social Care Professionals) (Scotland) Regulations 2014
- 4 Public Bodies (Joint Working) (Prescribed Consultees) (Scotland) Regulations 2014

- 5 Council Executive, 26 March 2019 and 23 April 2019; 21 January, 20 May and 15 December 2020; 18 May 2021, 17 August 2021

Appendices: 1. Council Executive Timeline

Contact Person: Lorna Kemp, Project Officer – IJB, lorna.kemp@westlothian.gov.uk, 01506 283519

Alison White, Depute Chief Executive

Date of meeting: 26 October 2021

Appendix 1

COUNCIL EXECUTIVE TIMELINE	
Council Executive, 17 August 2021	Authority sought to commence Stage 1 of the consultation process following initial discussions between Chief Executives of council and health board
Council Executive, 26 th October 2021	Close of Stage 1 consultation, report prepared for committee
Early November	Consideration of responses and draft amendments to Integration Scheme
Mid November	Commencement of Stage 2 of the consultation process
Late November	Close of Stage 2 of the consultation process, report prepared for committee
Council Executive, 7 th December 2021	Outcome of review process reported and authority sought for finalised amended Integration Scheme
Late December	Submission of revised Integration Scheme to Scottish Ministers
Date not yet known	Confirmation of approval of revised Scheme by Scottish Ministers and its commencement date