



COUNCIL EXECUTIVE

INTEGRATION SCHEME REVIEW

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 in relation to statutory requirements.

B. RECOMMENDATIONS

1. To note the requirement of the Public Bodies (Joint Working) (Scotland) Act 2014 to fully review the Integration Scheme for the West Lothian Integration Joint Board every five years
2. To note the statutory requirements for such a review process
3. To agree the indicative review process and timeline for the review

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
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

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 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.

2 Requirement to review

2.1 There is a legal requirement to review the Integration Scheme under which the West Lothian IJB was established and is run. This duty lies on the council and the health board. The IJB does not share that duty.

2.2 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. Since there is a statutory process of review, and since that process includes obtaining Ministerial approval and publication, the review must be completed in that 5 year period. The mandatory review must therefore be completed on or before 16 June 2020.

2.3 The council and 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 and a revised Scheme was approved by Ministers on 19 September 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 before 16 June 2020.

3 The proposed review

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

3.2 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

3.3 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

3.4 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

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

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.

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 Board within 21 days.

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

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

3.6 Legislation contains a list of professional and representative groups and stakeholders who must be consulted. There will be a public consultation as part of the review process and anyone is able to participate and express views. The West Lothian IJB will be asked to contribute. All views expressed must and will be considered and taken into account before proceeding.

- 3.7 Because the statutory duty to review the Scheme lies on council and health board, the consultation will be carried out jointly. Each organisation will have to comply with its own internal decision-making arrangements.
- 3.8 Coordination between council and health board will be required. Each body will have to plan for several touches at council, board or committee before completing the process. The indicative timeline is as follows, although it may be subject to slight changes depending on the issues raised and the need to coordinate reporting with the health board. The health board have agreed to the indicative timeline:-

COUNCIL EXECUTIVE TIMELINE	
Council Executive, 21 January	Authority sought to commence Stage 1 of the consultation process following initial discussions between Chief Executives of council and health board
31 March 2020	Close of Stage 1 consultation, report prepared for committee
Council Executive, 21 April 2020	Consideration of responses and draft amendments to Integration Scheme
27 April 2020	Commencement of Stage 2 of the consultation process
25 May 2020	Close of Stage 2 of the consultation process, report prepared for committee
Council Executive, 9 June 2020	Outcome of review process reported and authority sought for finalised amended Integration Scheme
10 June 2020	Submission of revised Integration Scheme to Scottish Ministers

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/9964/West-Lothian-Integration-Scheme/pdf/Integration_Scheme_between_West_Lothian_Council_and_NHS_Lohtian.pdf?m=637140804108030000
- 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

Appendices: None

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Date of meeting: 21 January 2020