

**20 January 2026**

**Clare Haughey MSP & Stuart McMillan MSP**

Health, Social Care & Sport Committee & Delegated Powers & Law Reform Committee

By email: hscs.committee@parliament.scot & dplr.committee@parliament.scot

The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Amendment Order 2025

Dear Clare & Stuart,

Public services work best when they are accountable. Councillors are elected by the public and are held accountable to communities for decisions taken. **On 19 December 2025, the Scottish Government introduced a Scottish Statutory Instrument which will dilute political accountability for social care services, ensuring democratically elected councillors will constitute a minority on Integration Joint Boards from September 2026.**

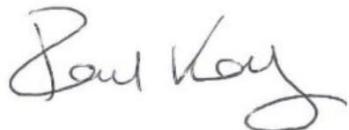
COSLA, alongside individual local authorities, integration authorities and partners shared concerns and areas for consideration during the Scottish Government's short consultation window ahead of laying the instrument. COSLA made clear that it was not supportive of the proposed regulations. Given the rapidity of this process, it is not clear whether responses from partners received sufficient consideration.

Local Government is committed to strengthening participation, inclusion and engagement. We know that people with lived experience, unpaid carers and our third sector partners offer significant and insightful contributions, and that everyone should be able to shape and influence decisions that affect their lives and those around them.

We do, nonetheless, have significant concerns that the SSI laid will weaken democratic accountability for decision-making, and that careful consideration is required to altering the governance around discharging public obligations.

**Local Government asks that Parliament provide the SSI with the scrutiny such a change of this nature merits.** I also offer COSLA's assistance as you deem appropriate and include further detail of COSLA's concerns in the subsequent pages.

Yours sincerely,



**Councillor Paul Kelly**  
COSLA Health and Social Care Spokesperson

## **Democratic Accountability**

1. Public services work best when they are accountable. Local councillors are elected by the public and are accountable to the wider public and communities for decisions taken. Accountability within social care will be diluted as a result of this SSI, as it will place elected councillors within a minority on local Integration Joint Boards.
2. The proportional reduction of councillors on local boards to a minority position undermines the legitimate democratic mandate and accountability held by Scottish local government and de-values the role of locally elected members and Local Government as an equal sphere of democracy in Scotland.

## **Integration**

3. Integration Authorities are distinct legal entities with prescribed duties, with the current structure of boards designed to reflect equal participation by the constituent partners. Changes to this structure necessitates careful consideration of the risks, implications and complexities for the Integration Authority, local authority and health board, and the potential impact on the fulfilment of existing statutory responsibilities for all three public bodies.
4. [The Public Bodies \(Joint Working\) \(Membership and Procedures of Integration Joint Boards\) \(Scotland\) Order 2014](#) (the Order) sets out current requirements about the membership of an Integration Joint Board (IJB), while [The Public Bodies \(Joint Working\) \(Integrated Joint Monitoring Committees\) \(Scotland\) Order 2014](#) sets out requirements for an Integrated Joint Monitoring Committee. The membership reflects equal participation by the Health Board and Local Authority to ensure that there is joint decision making and accountability, as a legal entity which binds the Health Board and local authority in a joint arrangement.
5. Reflecting the importance that decision-making is informed by appropriate professional advice and wider experience, the Order sets out minimum professional and stakeholder (non-voting) membership on IJBs. In addition to Health Board and local authority representatives, the IJB membership must also include:
  - The Chief Social Work Officer
  - A General Practitioner representative
  - A Secondary Medical Care Practitioner representative
  - A Nurse representative
  - A staff-side representative
  - A third sector representative
  - A carer representative
  - A service user representative
  - The Chief Officer
  - The Section 95 Officer

6. Voting members from the Council and the Health Board engage in IJB business to represent the interests of the IJB as the strategic planning body for the functions delegated to it and are not there to represent the interests of either the Council or the Health Board. [Guidance from the Standards Commission](#) suggests that councillors and health board members have a duty to represent the best interests of the IJB (when acting as members of the IJB) and not the interests of the body who appointed them. There requires careful consideration – and a clear message – about the roles and responsibilities of IJB members if votes are extended beyond Councillor and Health Board members.
7. Schedule 3 of the [Ethical Standards in Public Life \(Scotland\) Act 2000](#) establishes that Integration Joint Boards are “devolved public bodies” for the purposes of the Act, and IJBs are required to produce a Code of Conduct for members based on the [Model Code of Conduct for Members of Devolved Public Bodies](#). Additionally, Councillors must follow the [Codes of Conduct](#) issued by Scottish Ministers, this includes setting out responsibilities around the registration and declaration of interests, community engagement and lobbying. The Code sets out expectations regarding decision-making for quasi-judicial or regulatory applications, and recognises that Councillors may be asked to develop strategy which forms the framework under which individual applications may be subsequently decided, and as such Councillors are not to do anything or be motivated to do anything that is connected or linked in any way to their personal involvement in a policy or strategy issue.
8. COSLA recommended the Scottish Government seek a view from the Standards Commission ahead of introducing the SSI, reflecting their role to encourage high ethical standards in public life. This suggestion was made considering the scenario that voting responsibilities could be extended to those who may neither be elected councillors, nor public appointments, and may have no clear accountability mechanism. Additionally, the Scottish Government’s change includes third sector providers (who currently contribute as non-voting members) having the ability to vote on budget decisions, where they may be commissioned by the Integration Authority to provide services.
9. The discharging of public obligations, monies and services is done so with responsibilities and expectations, including legal obligations on Integration Authorities to set a balanced budget and a duty on the Section 95 officer for the proper management of the financial affairs of the IJB. While IJBs have generally worked on a consensus basis among all members, votes have become more common in light of the significant financial challenges faced across integrated health and social care, and the accompanying legal responsibility to set a balanced budget. The responsibility of discharging public obligations should not be underestimated, nor viewed as symbolic, and consideration is required to the impacts of extending such obligations to volunteer roles.

#### **Enhanced engagement, participation & inclusion**

10. There is a need to consider the purpose of the instrument and whether the solution presented is the correct one. Local Government is committed to strengthening

inclusive practice within local Integration Authorities and welcomes the opportunity for continued working with partners to progress meaningful change in this area. Carer, service user, third sector and public partners make significant contributions to the work, business and decision-making within local integration authorities. While there may be differing views around whether public partners assume a voting role within boards, including among some lived experience representatives, there is a need to build on existing good practice to strengthen participation. This should include reflecting on recommendations made by organisations such as the [Health & Social Care ALLIANCE](#) & [Coalition of Carers in Scotland](#), to work together to improve accessibility, recruitment, induction and succession planning, capacity, opportunities for involvement, as well as ongoing support to enable lived experience volunteers to undertake their role and ensure contributions are valued.

11. Enhanced engagement locally must also include considering mechanisms for wider community involvement in decision-making & promoting active citizenship. Everyone should be able to contribute to and influence decisions that affect their lives and those around them. Integration Authorities have a statutory duty to involve people and communities in decisions that will significantly affect how services are run. Health & Social Care Partnerships and Councils regularly involve people in decision-making and local service design. In May 2024, COSLA & Scottish Government published the updated [Health and social care- Planning with People: community engagement and participation guidance](#), to support good engagement. Local Government welcomes the opportunity to work with partners to further embed community engagement and participation.

*COSLA is a Councillor-led, cross-party organisation, representing all 32 Councils in Scotland, which champions Councils' vital work to secure the resources and powers they need. COSLA works on Councils' behalf to focus on the challenges and opportunities they face, and to engage positively with Governments and others on policy, funding and legislation. We're here to help Councils build better and more equal local communities. To do that we want to empower local decision making and enable Councils to do what works locally.*