Introduction

1. The Public Bodies (Joint Working) (Scotland) Bill (referred to in this statement as the Bill) gives Scottish Ministers powers to prescribe the membership, proceedings, powers and other matters with regard to the integration joint monitoring committee. These matters are to be prescribed by order under section 16(1) of the Bill which provides:

16(1) The Scottish Ministers may by order make provision about –

a) the establishment of integration joint monitoring committees,
b) the membership of integration joint monitoring committees,
c) the proceedings of integration joint monitoring committees,
d) any other matter relating to the operation of integration joint monitoring committees that the Scottish Ministers think fit.

By virtue of section 49(4) of the Bill, orders under this section will be subject to the negative procedure.

Integration Joint Monitoring Committee

2. The Bill requires Health Boards and local authorities to agree one of four models of integration. Three of these models are described as ‘delegation between partners’ and allows the delegation of functions and budgets between statutory partners. Section 4(b)(c)(d) of the Bill sets out these three models of delegation that partners can undertake.

- Delegation of functions by the local authority to the Health Board;
- Delegation of functions by the Health Board to the local authority;
- Delegation of functions by the local authority to the Health Board and delegation of functions by the Health Board to the local authority.

3. Section 14(2)(a) of the Bill provides that where the Health Board and the local authority agree a ‘delegation between partners’ model of integration, they are required to jointly establish an integration joint monitoring committee for the purpose of monitoring the carrying out of the integration functions for the integration authority area.

4. It is intended that the integration joint monitoring committee will hold the body or bodies to whom the functions are delegated to account for the delivery of integrated services and provide assurances to the Health Board and the local authority of the progress that is being made to achieve the national health and wellbeing outcomes. It will have the ability to write reports and make recommendations to the lead agency, where it sees fit, and is key to providing on-going scrutiny and joint accountability of the integrated arrangements.
5. Scottish Ministers intend to use the powers set out in Section 16(1)(a-d) to ensure that operation of the integration joint monitoring committee is robust.

**Intended provisions as to membership and proceedings of the integration joint monitoring committee**

**Membership of the integration joint monitoring committee**

6. Scottish Ministers intend to set out in an order a single category of membership, all of whom shall have the same rights and responsibilities. It is intended to set out a minimum requirement for the membership of the integration joint monitoring committee but also allow flexibility for additional members to be added. It is intended that the minimum required membership will be:

- 2 nominations drawn from the local authority (Councillor);
- 2 nominations drawn from the Health Board (Non-executive director);
- Chief Social Work Officer;
- Associate Medical Director / Clinical Director;
- Health Board Director of Finance / local authority Section 95 Officer;
- Staff-side representative (on behalf of both Local Government and the NHS);
- Third Sector representative;
- Carer representative;
- Service User;
- Any other members as required by the Health Board or the local authority.

7. The ways in which the members of the integration joint monitoring committee are to be identified and elected to the Committee will differ.

8. It is intended that the nominees from the local authority and the Health Board will be nominated directly to the integration joint monitoring committee by the local authority and the Health Board.

9. It is intended that the professional officers of the Health Board and the local authority will be nominated because of the statutory role that they fulfil, in the case of the Chief Social Work Officer and the local authority Section 95 Officer, or because they have been identified by the Health Board as the appropriate person for the Clinical Director or Health Board Director of Finance.

10. Scottish Ministers intend to provide by order that the chair of the integration joint monitoring committee is to seek and recruit the staff-side, third sector, carer and service user representative once the integration joint monitoring committee is established. The Scottish Government will provide guidance about the most appropriate way of doing this and if there are key groups that should be involved.
11. Locally, the integration joint monitoring committee might wish to add additional non-voting members in an advisory capacity, perhaps because they are a key stakeholder locally, because they would seek more representation from a particular group, or alternatively because the integration plan includes delegation of functions beyond adult health and adult social care, which will require additional professional advice; for example, from children's services or housing.

12. It is intended that the order will give the chair of the integration joint monitoring committee the ability to elect further non-voting members as they see fit.

Chair and Vice Chair

13. It is intended to require the Health Board and the local authority to agree who will chair the integration joint monitoring committee and, in agreement with each other, change the chair of the integration joint monitoring committee by giving the chair one month’s notice in writing.

Removal of members

14. It is intended to allow the local authority and the Health Board to change the members that they nominate at any time. They do not need to provide a reason for changing their nominated members but must provide the member with one month’s notice of the decision. At the time of removal they should provide a substitute for the member for appointment to the integration joint monitoring committee.

Multi-council lead agency arrangements

15. The Bill provides for Health Boards to enter into integrated arrangements with more than one local authority where there is more than one local authority within the Health Board’s area. The current permutations of multi-council arrangements range from two local authorities to one Health Board to six local authorities to one Health Board.

16. It is currently intended that an order will apply where there is one Health Board and one local authority, and that, given the complexity of describing the permutations of multi-local authority integration joint monitoring committee, the provisions of the order that relate to membership and chairing will not apply to integration plans involving more than one local authority.

17. It is intended that in this circumstance the Health Board and the local authorities will be required to present to Scottish Ministers a proposal of how the governance arrangements will work (including the membership and chairing of the integration joint monitoring committee). It is intended that provision will be made in an order under section 1(4)(e) requiring details of the arrangements to be set out in the integration plan so that the Scottish Ministers may take it into account when deciding whether to approve the integration plan.
Intended provisions as to general operation of the integration joint monitoring committee

18. Scottish Ministers intend to include in the order a number of general provisions that will apply to all integration joint monitoring committees. The areas noted below are similar to those in the Health Board (Membership and Procedure) (Scotland) Regulations 2001 and The Community Health Partnership (Scotland) Regulations 2004.

Term of Office

19. It is intended to restrict the length of time that members can sit on the integration joint monitoring committee to three years, and to provide that a member is eligible for re-nomination. Members who have membership due to the position that they hold, such as the Chief Social Work Advisor, will automatically be re-nominated while they remain in post.

Expenses of members

20. It is intended to allow the integration joint monitoring committee the ability to pay any reasonable expenses (travel and subsistence) that members incur as they carry out the business associated with their membership of the committee.

Committee structures

21. It is intended to allow the integration joint monitoring committee to put in place a sub-committee structure should that be desirable.

Resignation and removal of members

22. It is intended that members will be able to resign their membership of the integration joint monitoring committee at any time during their term in office by giving notice to the chair of the integration joint monitoring committee. The integration joint monitoring committee would need to inform the relevant Health Board or local authority should that member nominated by them. If a member misses three consecutive meetings then the integration joint monitoring committee will be able to remove the member, if it is satisfied the absences were not due to illness, and with agreement of the Health Board and the local authority. It is intended that if a member brings the integration joint monitoring committee into disrepute through their actions then they can be removed from the integration joint monitoring committee with agreement of the Health Board and the local authority.

Disqualification

23. It is intended that the order will set out those that are disqualified from being nominated or co-opted as a member of the integration joint monitoring committee and will include those who have been imprisoned for longer than three months, dismissed (other than being made redundant) from a Health
Board or a local authority, have been declared bankrupt or have been struck off as a practicing health or social care professional.

**Proceedings**

24. It is intended that the order will require each integration joint monitoring committee to make standing orders for the carrying out of the business of the integration joint monitoring committee that will include, but are not restricted to:

- Calling of meetings
- Notice of meetings
- Voting
- Quorum
- Conduct of meetings
- Conflict of Interest
- Records

The Scottish Government
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