



Report

Standing Orders – Annual Review

Edinburgh Integration Joint Board

20 January 2017

Executive Summary

1. The current version of the Integration Joint Board's (IJB) Standing Orders was approved in July 2015, with further amendments approved by the Joint Board to reflect Scottish Ministers' guidance in January 2016 and May 2016.
2. This report, in line with what is considered good governance practice, establishes an annual review of Standing Orders.
3. This report requests approval for the amended governance documentation to ensure that substitutes on the Integration Joint Board are aware of their duties with regard to the Code of Conduct and to incorporate the pre-existing deputations process into standing orders.

Recommendations

4. To repeal the existing Standing Orders of the Integration Joint Board and approve in its place appendix 1, such repeal and approval to take effect from 21 January 2017.
5. To note that the next annual review of Standing Orders will be presented to the IJB in January 2018.

Background

6. Standing Orders are required by the Integration Joint Board under the Public Bodies (Joint Working) (Scotland) Act 2014 and the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 (No 285) ("the Order").
7. Existing Standing Orders were jointly produced between NHS Lothian and the City of Edinburgh Council with consultation taking place with the other Lothian Councils. Further amendments have been made to reflect Scottish Ministers' guidance.

Main report

8. The Standing Orders encourage transparent and accountable decision making with sufficient provisions in place to ensure the smooth running of the EIJB, including

arrangements for such matters as the chairing of the meetings, the notice for the meetings and how voting will be carried out.

9. Two amendments are recommended to the Standing Orders. These are reflected below:

Deputations

10. The Integration Joint Board originally agreed to a 12 month pilot period for deputations in November 2015. The Integration Joint Board agreed in November 2016 to maintain the interim deputations process until it could be incorporated into standing orders as part of the annual review in January 2017.
11. The deputations process is included at section 8 in the revised Standing Orders (appendix 1).

Substitutes to the EIJB

12. It has been identified that substitute members are not currently required to comply with the IJB's Code of Conduct when attending a meeting on behalf of an existing voting or non-voting member. Substitute members are not categorised as members of the IJB, and thus the Code of Conduct under the Ethical Standards in Public Life (Scotland) Act 2000 does not apply to them.
13. The Scottish Government has since advised that there are no immediate plans to legislate for a change in the status of substitutes and have recommended that standing orders could be used to formalise this position. To address this issue an amendment has been made to the IJB's Standing Orders requiring substitutes to read and comply with the code.
14. The amendments recommended in appendix 1 at 14.1 provide a level of assurance by altering the Standing Orders to require substitutes to be aware of the IJB's Code of Conduct and comply with its requirements and the duties placed on members.

Urgent Decisions

15. The Integration Joint Board currently holds no provision for a decision to be taken outside a Board meeting or the Audit and Risk Committee taking decisions within its remit. There are though occasions where it may be necessary for a decision to be taken urgently which can not wait for a meeting. As a result it is proposed to add a paragraph into Standing Orders that will allow the Chief Officer, in consultation with the Chair and Vice-Chair, to take decisions that were urgent and could not wait until the next meeting. To ensure appropriate oversight of this power, the Standing Order does require the Chief Officer to also report to the next meeting informing the Integration Joint Board or its committees of the action taken. It is not expected that this Standing Order will be required to be used regularly.

Timeline

16. The changes to the Standing Orders are to take effect from 21 January 2017.

Key risks

17. Deputations aim to encourage greater public participation in the democratic process. They allow groups and organisations to put their point of view directly to decision makers and influence the issues that matter to them. Failure to maintain a deputation's process runs the risk of the perception that the Joint Board's decision making process is not inclusive or transparent.
18. There is a risk that failure to make clear duties under the Ethical Standards in Public Life (Scotland) Act 2000 will lead to substitute members of the Joint Board being unclear of their obligations to disclose any conflicts of interest they may have in respect of a particular decision before voting. Perception that members are not acting in a clear and transparent manner could lead to reputational damage for the IJB.

Financial implications

19. There are no financial implications as a result of this report.

Involving people

20. Deputations are an important element in engaging with the public and encouraging participation in a transparent decision making public body. They provide an avenue for organisations and groups which wish to influence the Integration Joint Board and provide greater involvement in its decision making process.

Impact on plans of other parties

21. There is no known impact on the plans of other parties.

Background reading/references

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

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**STANDING ORDERS FOR THE PROCEEDINGS
AND BUSINESS OF THE INTEGRATION JOINT BOARD**

1 General

- 1.1 These Standing Orders regulate the conduct and proceedings of the Edinburgh Integration Joint Board and its committees and sub-committees. The Integration Joint Board is the governing body for what is commonly referred to as the Health & Social Care Partnership. These Standing Orders are made under the Public Bodies (Joint Working) (Scotland) Act 2014 and the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 (No 285) (“the Order”). The Integration Joint Board approved these Standing Orders on 20 January 2017 to take effect from 21 January 2017.

Membership of the Integration Joint Board

- 1.2 The Integration Joint Board shall have two categories of members:
- (i) Voting Members; and
 - (ii) Non-Voting Members
- 1.3 The City of Edinburgh Council and Lothian NHS Board have elected to nominate 5 members each to the Integration Joint Board, who shall be the voting members.
- 1.4 The Order prescribes a list of non-voting members who are to be included in the membership, and these members shall be appointed as described by the Order. The Integration Joint Board may appoint additional non-voting members as it sees fit.
- 1.5 The City of Edinburgh Council and the Lothian NHS Board shall also attend to any issues relating to the resignation, removal and disqualification of members in line with the Order. If and when a voting member ceases to be a councillor or a member of the NHS Board for any reason, either on a permanent or temporary basis, then that individual ceases to be a member of the Integration Joint Board.
- 1.6 If a voting member is unable to attend a meeting of the Integration Joint Board, the relevant constituent authority is to use its best endeavours to arrange for a suitably experienced substitute, who is either a councillor, or as the case may be, a member of the health board. The substitute voting member may vote on decisions put to that meeting, but may not preside over the meeting. If a non-voting member is unable to attend a meeting of the Integration Joint Board, that member may arrange for a suitably experienced substitute to attend the meeting.

2 Varying, Revoking or Suspending Standing Orders

- 2.1 Any statutory provision, regulation or direction by Scottish Ministers shall have precedence if they are in conflict with these Standing Orders.
- 2.2 Any one or more of these Standing Orders may be varied, suspended or revoked at a meeting of the Integration Joint Board following a motion moved and seconded and with the consent of the majority of voting members present and voting, provided the notice for the meeting at which the proposal is to be considered clearly indicates that there is a proposal to amend the standing orders, and the proposal itself does not result in the Integration Joint Board not complying with any statutory provision or regulation.

3 Chair

- 3.1 The Chair of the Integration Joint Board will be appointed in line with the terms agreed within the Integration Scheme and the Order. The Chair will preside at every meeting of the Integration Joint Board that he or she attends.
- 3.2 If both the Chair and Vice Chair are absent, the voting members present at the meeting shall choose a voting Integration Joint Board member to preside.

4 Vice-Chair

- 4.1 The Vice-Chair of the Integration Joint Board will be appointed in line with the terms agreed within the Integration Scheme and the Order.
- 4.2 In the absence of the Chair the Vice-Chair shall preside at the meeting of the Integration Joint Board.

5 Calling and Notice of Integration Joint Board Meetings

- 5.1 The first meeting of an Integration Joint Board is to be convened at a time and place determined by the Chair.
- 5.2 The Chair may call a meeting of the Integration Joint Board at any time. The Integration Joint Board shall meet at least 4 times in the year and will annually approve a forward schedule of meeting dates.
- 5.3 A request for an Integration Joint Board meeting to be called may be made in the form of a requisition specifying the business to be transacted, and signed by at least two thirds of the number of voting members, and presented to the chair. If the Chair refuses to call a meeting, or does not do so within 7 days of receiving the requisition, the members who signed the requisition may call a meeting. They must also sign the notice calling the meeting. However no business shall be transacted at the meeting other than that specified in the requisition.

Standing Orders for the IJB – 20 January 2017

5.4 Before each meeting of the Integration Joint Board, a notice of the meeting (in the form of an agenda), specifying the date, time, place and business to be transacted and approved by the Chair, or by a member authorised by the Chair to approve on that person's behalf, shall be delivered electronically to every member (e.g. sent by email) or sent by post to the members' usual place of residence so as to be available to them at least five clear days before the meeting. The notice shall be distributed along with any papers for the meeting that are available at that point.

5.5 With regard to calculating clear days for the purpose of notice:

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| <p>Delivery of the Notice</p> | <p>Days excluded from the calculation of clear days:</p> <ul style="list-style-type: none"> ✓ The day the notice is sent ✓ The day of the meeting ✓ Weekends ✓ Public holidays <p>Example: If a meeting is to be held on a Tuesday, the notice must be sent on the preceding Monday. The clear days will be Tuesday, Wednesday, Thursday, Friday, and Monday. If the notice is sent by post it must be sent out a day earlier.</p> |
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5.6 Lack of service of the notice on any member shall not affect the validity of a meeting.

5.7 Integration Joint Board meetings shall be held in public. The Clerk shall place a public notice of the time and place of the meeting at the designated office of the Integration Joint Board at least five clear days before the meeting is held.

5.8 While the meeting is in public the Integration Joint Board may not exclude members of the public and the press (for the purpose of reporting the proceedings) from attending the meeting.

5.9 The Integration Joint Board may pass a resolution to meet in private in order to consider certain items of business, and may decide to do so for the following reasons:

5.9.1 The Integration Joint Board is still in the process of developing proposals or its position on certain matters, and needs time for private deliberation.

5.9.2 The business relates to the commercial interests of any person and confidentiality is required, e.g. when there is an ongoing tendering process

Standing Orders for the IJB – 20 January 2017

or contract negotiation.

- 5.9.3 The business necessarily involves reference to personal information, and requires to be discussed in private in order to uphold the Data Protection Principles.
- 5.9.4 The business necessarily involves reference to exempt information, as determined by Schedule 7A of the Local Government (Scotland) Act 1973.
- 5.9.5 The Integration Joint Board is otherwise legally obliged to respect the confidentiality of the information being discussed.
- 5.10 The minutes of the meeting will reflect the reason(s) why the Integration Joint Board resolved to meet in private.
- 5.11 A member may be regarded as being present at a meeting of the Integration Joint Board if he or she is able to participate from a remote location by a video link or other communication link. A member participating in a meeting in this way will be counted for the purposes of deciding if a quorum is present.

6 Quorum

- 6.1 No business shall be transacted at a meeting of the Integration Joint Board unless there are present at least one half of the voting members of the Integration Joint Board.
- 6.2 If a quorum is not present, the meeting will stand adjourned to such date and time as may be fixed by the Chair.

7 Authority of the Chair at meetings of the IJB and its Committees

- 7.1 The duty of the person presiding is to ensure that the Standing Orders or the Committee's terms of reference are observed, to preserve order, to ensure fairness between members, and to determine all questions of order and competence. The ruling of the person presiding shall be final and shall not be open to question or discussion.
- 7.2 Any member who disregards the authority of the Chair, obstructs the meeting, or conducts himself/herself offensively shall be suspended for the remainder of the meeting, if a motion (which shall be determined without discussion) for his/her suspension is carried. Any person so suspended shall leave the meeting immediately and shall not return without the consent of the meeting.

Standing Orders for the IJB – 20 January 2017

- 7.3 The Chair has the right to adjourn a meeting in the event of disorderly conduct or other misbehaviour at the meeting.
- 7.4 No business shall be transacted at any meeting of the Integration Joint Board other than that specified in the notice of the meeting except on grounds of urgency. Any request for the consideration of an additional item of business must be made to the Chair at the start of the meeting and the majority of voting members present must agree to the item being included on the agenda.

8 Deputations

- 8.1 Deputation requests must be submitted to the clerk by 5pm two days before the meeting takes place.
- 8.2 Deputations should only be accepted from an office bearer or spokesperson of an organisation or group.
- 8.3 The Chair has the discretion to waive the requirements in paragraphs 8.1 and 8.2 if they feel it is appropriate.
- 8.4 Deputations must relate to an agenda item being considered at that meeting.
- 8.5 The Integration Joint Board or committee will be asked whether they wish to hear the deputation but must not discuss the merits of the case itself. If necessary a vote will be taken without discussion on whether to hear the deputation or not.
- 8.6 Deputations should be allowed 10 minutes to present their case, although this can be reduced by the chair, if there is more than one deputation on the same subject. Following their deputation, questions are permitted from members.
- 8.7 Following questions the deputation will be asked to retire to the public seating area to watch the debate and decision on the matter. The deputation should not take any part in the debate or the discussion of the relevant item.

9 Adjournment

- 9.1 If it is necessary or expedient to do so for any reason, a meeting may be adjourned to another day, time and place. A meeting of the Integration Joint Board, or of a committee of the Integration Joint Board, may be adjourned by a motion, which shall be moved and seconded and be put to the meeting without discussion. If such a motion is carried, the meeting shall be adjourned to such day, time and place as may be specified in the motion.

10 Voting and Debate

Standing Orders for the IJB – 20 January 2017

- 10.1 The Board may reach consensus on an item of business without taking a formal vote and the formal voting process outlined in paragraphs 10.2-10.10 would not need to be used.
- 10.2 Where a vote is taken, every question at a meeting shall be determined by a majority of votes of the members present and voting on the question. A vote may be taken by members by a show of hands, or by ballot, or any other method determined by the Chair. In the case of an equality of votes, the person presiding at the meeting does not have a second or casting vote.
- 10.3 Any voting member may move a motion or an amendment to a motion and it is expected that members will notify the Chair in advance of the meeting. The Chair may require the motion to be in writing and that the mover states the terms of the motion. Every motion or amendment is required to be moved and seconded.
- 10.4 Any voting member may second the motion and may reserve his/her speech for a later period of the debate.
- 10.5 Once a motion has been seconded it shall not be withdrawn or amended without the leave of the Integration Joint Board.
- 10.6 Where a vote is being taken, except for the mover of the original motion, no other speaker may speak more than once in the same discussion.
- 10.7 After debate, the mover of any original motion shall have the right to reply. In replying he/she shall not introduce any new matter, but shall confine himself/herself strictly to answering previous observations and, immediately after his/her reply, the question shall be put by the Chair without further debate.
- 10.8 A motion to adjourn any debate on any question or for the closure of a debate shall be moved and seconded and put to the meeting without discussion. Unless otherwise specified in the motion, an adjournment of any debate shall be to the next meeting.
- 10.9 Where there has been an equality of votes, the Chair of the Integration Joint Board on reflection of the discussion, will bring consideration of the matter to a close for that meeting, and give direction to the Chief Officer on how the matter should be taken forward. The Chief Officer will then be obliged to review the matter, with the aim of addressing any concerns, and developing a proposal which the integration joint board can reach a decision upon in line with Standing Order 10.
- 10.10 Where the matter remains unresolved, and the Chair concludes that the equality of votes is effectively a representation of a dispute between the two constituent parties, then the dispute resolution process which is set out in the integration scheme shall take effect. If the unresolved equality of votes is not a

Standing Orders for the IJB – 20 January 2017

representation of a dispute between the two constituent parties, then the Chair and the Chief Officer must work together to arrive at an acceptable position for the integration joint board.

11 Changing a Decision

11.1 A decision of the Integration Joint Board can not be changed by the Integration Joint Board within six months unless notice has been given in the notice of meeting and:

11.1.1 The Chair rules there has been a material change of circumstance: or

11.1.2 The Integration Joint Board agrees the decision was based on incorrect or incomplete information.

12 Minutes

12.1 The names of members present at a meeting of the Integration Joint Board, or of a committee of the Integration Joint Board, shall be recorded. The names of any officers in attendance shall also be recorded.

12.2 The Clerk (or his/her authorised nominee) shall prepare the minutes of meetings of the Integration Joint Board and its committees. The Integration Joint Board or the committee shall receive and review its minutes for agreement at its following meeting.

13 Matters Reserved for the Integration Joint Board

Standing Orders

13.1 The Integration Joint Board shall approve its Standing Orders.

Committees

13.2 The Integration Joint Board shall approve the establishment of, and terms of reference of all of its committees.

13.3 The Integration Joint Board shall appoint all committee members, as well as the chair of any committees.

Values

13.4 The Integration Joint Board shall approve organisational values, should it elect to formally define these.

Strategic Planning

Standing Orders for the IJB – 20 January 2017

- 13.5 The Integration Joint Board shall establish a Strategic Planning Group ([Section 32](#) of Public Bodies (Joint Working) Scotland Act 2014), and appoint its membership (except for the members nominated by each constituent party).
- 13.6 The Integration Joint Board shall approve its Strategic Plan ([Section 33](#)) and any other strategies that it may need to develop for all the functions which have been delegated to it. The Integration Joint Board will also review the effectiveness of its Strategic Plan ([Section 37](#)).
- 13.7 The Integration Joint Board shall review and approve its contribution to the Community Planning Partnership for the local authority area. The Integration Joint Board shall also appoint its representative(s) at Community Planning Partnership meetings.

Risk Management

- 13.8 The Integration Joint Board shall approve its Risk Management Policy.
- 13.9 The Integration Joint Board shall define its risk appetite and associated risk tolerance levels.

Health & Safety

- 13.10 In the event that the Integration Joint Board employs five or more people, it shall approve its Health & Safety Policy.

Finance

- 13.11 The Integration Joint Board shall approve its annual financial statement ([Section 39](#)).
- 13.12 The Integration Joint Board shall approve Standing Financial Instructions and a Scheme of Delegation.
- 13.13 The Integration Joint Board shall approve its annual accounts.
- 13.14 The Integration Joint Board shall approve the total payments to the constituent bodies on an annual basis, to implement its agreed Strategic Plan.

Performance Management

- 13.15 The Integration Joint Board shall approve the content, format, and frequency of performance reporting.

- 13.16 The Integration Joint Board shall approve its performance report ([Section 43](#)) for the reporting year.

14 Integration Joint Board Members – Ethical Conduct

- 14.1 Voting and non-voting members of the Integration Joint Board are required to subscribe to and comply with the Code of Conduct which is made under the [Ethical Standards in Public Life etc \(Scotland\) Act 2000](#). The Commissioner for Public Standards can investigate complaints about members who are alleged to have breached their Code of Conduct. The Clerk shall maintain the Integration Joint Board's Register of Interests. When a member needs to update or amend his or her entry in the Register, he or she must notify the Clerk of the need to change the entry within one month after the date the matter required to be registered.

14.2 Substitutes, of both voting and non-voting members, should be aware of the Integration Joint Board's Code of Conduct and should ensure that they comply with its requirements and the duties it places on members.

- 14.3 The Clerk shall ensure the Register is available for public inspection at the principal offices of the Integration Joint Board at all reasonable times.

- 14.4 Members and substitutes must always consider the relevance of any interests they may have to any business presented to the Integration Joint Board or one of its committees and disclose any direct or indirect pecuniary and non-pecuniary interests in relation to such business, before determining whether to take part in any discussion or decision on the matter.

- 14.5 Members shall make a declaration of any gifts or hospitality received in their capacity as an Integration Joint Board member. Such declarations shall be made to the Clerk who shall make them available for public inspection at all reasonable times at the principal offices of the Integration Joint Board.

15 Committees and Working Groups

- 15.1 The Integration Joint Board shall appoint such committees, and working groups as it thinks fit. The Integration Joint Board shall appoint the chairs of these committees. The Board shall approve the terms of reference and membership of the committees and shall review these as and when required.

- 15.2 The committee must include voting members, and must include an equal number of voting members appointed by the Health Board and local authority.

Standing Orders for the IJB – 20 January 2017

- 15.3 The Integration Joint Board shall appoint committee members to fill any vacancy in the membership as and when required.
- 15.4 Any Integration Joint Board member may substitute for a committee member who is also an Integration Joint Board member.
- 15.5 The Integration Joint Board shall approve a calendar of meeting dates for its committees. The committee chair may call a meeting any time, and shall call a meeting when requested to do so by the Integration Joint Board.
- 15.6 The Integration Joint Board may authorise committees to co-opt members for a period up to one year. A committee may decide this is necessary to enhance the knowledge, skills and experience within its membership to address a particular element of the committee's business. A co-opted member is one who is not a member of the Integration Joint Board, cannot vote and is not to be counted when determining the committee's quorum.
- 15.7 A member may be regarded as being present at a meeting of a committee if he or she is able to participate from a remote location by a video link or other communication link. A member participating in a meeting in this way will be counted for the purposes of deciding if a quorum is present.

16 Urgent Decisions

- 16.1 If a decision which would normally be made by the Integration Joint Board or one of its committees, requires to be made urgently between meetings of the Integration Joint Board or committee, the Chief Officer, in consultation with the Chair and Vice-Chair, may take action, subject to the matter being reported to the next meeting of the Integration Joint Board or committee.