



# Minute

## Edinburgh Integration Joint Board

**Tuesday 13 June 2023 and Tuesday 27 June 2023  
(reconvened on 27 June 2023)**

Hybrid Meeting – Dean of Guild Court Room / Microsoft Teams

### **Present on 13 June 2023 (items 1 to 9)**

#### **Board Members**

Councillor Tim Pogson (Chair), Katharina Kasper (Vice-Chair), Bridie Ashrowan, Councillor Euan Davidson, Christine Farquhar, Helen Fitzgerald, Elizabeth Gordon, George Gordon, Ruth Hendery, Kirsten Hey, Peter Knight, Jacqui Macrae, Grant Macrae, Councillor Claire Miller, Councillor Max Mitchell, Allister McKillop, Peter Murray, Councillor Vicky Nicolson and Moira Pringle.

#### **Officers**

Lesley Birrell, Jack Blaik, Angela Brydon, Calum Campbell, Tony Duncan, Emma Gunter, Linda Irvine-Fitzpatrick, Andrew Henderson, Andrew Kerr, Gavin King, Deborah Mackle, Mike Massaro-Mallinson, Peter Pawson, Emma Pemberton and Heather Tait.

#### **Apologies**

Robin Balfour and Colin Beck

### **Present on 27 June 2023 (items 10 and 11)**

#### **Board Members**

Councillor Tim Pogson (Chair), Katharina Kasper (Vice-Chair), Bridie

Ashrowan, Councillor Euan Davidson, Christine Farquhar, Helen Fitzgerald, Andrew Flemming (substituting for Peter Murray) Kirsten Hey, Fiona Ireland (substituting for Elizabeth Gordon), Jacqui Macrae, Craig Marriot (substituting for George Gordon), Mike Massaro-Mallinson, Councillor Claire Miller, Tracey-Anne Miller (substituting for Peter Knight) Councillor Max Mitchell, Allister McKillop, Councillor Vicky Nicolson and Moira Pringle.

### **Officers**

Colin Briggs, Jack Blaik, Angela Brydon, Calum Campbell, Tony Duncan, Helen Fitzgerald, Andrew Henderson and John McKee.

### **Apologies**

Robin Balfour, Elizabeth Gordon, George Gordon, Ruth Hendery, Peter Knight and Peter Murray

## **1. Deputations**

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### **a) Trades Unions in Communities (TUIC)**

A deputation was submitted in relation to Item 7.1, Adult Support and Protection and Social Work and Social Care Inspection Improvement Plans.

The deputation made the following key points:

- That the act of driving Social Health Care into the hands of the private sector was resulting in the deterioration of working conditions for migrant workers who are being exploited in conditions similar to modern day slavery.
- That foreign workers are being brought to the UK on tier two visas are then at the beck and call of their employers 7 days a week and that staff are being punished for not working on days off.
- The deputation asked that members take this into consideration and asked them to take this into consideration when considering item 7.1.

### **Decision**

To thank the deputation for their presentation.

### **b) UNISON**

A deputation was submitted in relation to item 7.3 Bed Base Review.

The deputation made the following key points:

- Staff morale was low and care home residents and families

were worried about their future and public trust had been lost.

- The deputation expressed concern that elected members had been left out of the decision-making process and that there had been no active participation from staff in the creation of the report submitted by the Edinburgh Assistance Programme.
- That information provided regarding the future of Drumbrae Care home was incomplete, inaccurate, or out of context.
- Understood there was to be a public consultation regarding the care homes and that it was decided arbitrarily that this would focus on closure. It was highlighted that the EIJB did not make this decision, nor were they privy to it.
- The deputation highlighted that if the proposals submitted by the Service Director were accepted, trade unions would take their seats at the table and urged members to consider the need for the future in addition to Self Directed Support for the future.

### **Decision**

To thank the deputation for their presentation.

### **c) Community Wellbeing Collective**

A deputation was submitted in relation to Item 7.1 Adult Support and Protection and Social Work and Social Care Inspection Improvement Plans, Item 7.2 Medium Term Financial Strategy and 2023-24 Financial Plan Update and Item 7.4 Self Directed Support – Direct Payments

The deputation made the following key points:

- That Social Care must be more robust and should respond to diagnosis and that vulnerable people deserve dignity when meeting the needs for their care.
- Those who are working class find themselves isolated outside networks of care.
- Front line workers are seeing the impact of savings proposals.
- The deputation asked the IJB to write to Scottish ministers outlining the impact of the savings proposals and that members vote against the savings proposals.

### **Decision**

To thank the deputation for their presentation.

### **d) UNITE Edinburgh Not for Profit Branch**

A deputation was submitted in relation to item 7.2 Medium Term Financial Strategy and 2023-24 Financial Plan Update, Item 7.3 Bed Base Review and Item 7.4 Self Directed Support – Direct Payments.

The deputation made the following key points:

- The deputation outlined that the local authority is relying on the third sector to provide services to relieve pressure whilst the third sector is in its own staffing crisis with nothing being done to affect the root causes.
- Third sector organisations are struggling to recruit staff with little being done to tackle the root causes of the crises. In addition, the impact of long hours and stress on staff and that use of staffing agencies, results in increased costs and that appropriate staff training can not be guaranteed.
- Agreed that assessment of needs is necessary but that restricting funding to only substantial or critical needs is misguided and that this runs counter to the aim for early intervention.
- Expressed concern that if there is no investment the partnership could fail to meet statutory requirements.
- The deputation asked that when writing to Scottish ministers:
  - i) Highlight that officers do not support the consequences caused by funding cuts and include impacts on third sector staff and service users.
  - ii) Request funding is adequate and that enough is provided to ensure that service provision is above what is required to minimally meet statutory obligations.
  - iii) To make the letter public.
- With reference to the report published highlighting that the Edinburgh H&SCP found that two thirds of care homes inspected were not compliant with health and safety law, The deputation asked that the EIJB begin effective health and safety monitoring.

### **Decision**

To thank the deputation for their presentation.

#### **e) Edinburgh Trade Union Council**

A deputation was submitted in relation to item 7.2 Medium Term Financial Strategy and 2023-24 Financial Plan Update, Item 7.3 Bed Base Review and Item 7.4 Self Directed Support – Direct Payments.

The deputation made the following key points:

- The deputation supported writing to Scottish ministers and asked that the contents and funding requested should be specifically approved by the EIJB and should be capable of attracting public support.
- The deputation asked the board to vote against the savings proposals or to postpone the decision until meaningful consultation had been undertaken.

### **Decision**

To thank the deputation for their presentation.

## **2. Minutes**

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The minute of the Edinburgh Integration Joint Board of 21 March 2023 was submitted for approval as a correct record.

### **Decision**

To approve the minute as a correct record.

## **3. Rolling Actions Log**

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The Rolling Actions Log updated to June 2023 was presented.

### **Decision:**

- 1) To agree to close the following actions:
  - Action 6 Annual Cycle of Business
  - Action 8A 1 & 2 Drumbrae Care Home – Status Update
  - Action 8B Drumbrae Care Home – Status Report
  - Action 9 2023-2024 Financial Plan
- 2) To agree to continue the following actions:

Action 2.1 & 2.3 to remain open until the next meeting pending completion of the action.

Action 7.1 & 7.2 to remain open until the dialogue with Scottish Government and NHS Lothian had concluded.
- 3) To otherwise note the remaining outstanding actions.  
(Reference – Rolling Actions Log, submitted)

## **4. Annual Cycle of Business**

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The annual cycle of business was presented.

### **Decision**

To note the annual cycle of business.

(Reference – Annual Cycle of Business, submitted)

## **5. Appointments to the Edinburgh Integration Joint Board and Committees**

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An update was provided in relation to changes to membership of the Edinburgh Integration Joint board and its committees.

### **Decision**

- 1) To note that on 4 May 2023, The City of Edinburgh Council re-appointed Councillor Tim Pogson as Chair of the Joint Board.
- 2) To note that the Lothian NHS Board had agreed to appoint Katharina Kasper to replace Angus McCann as its lead voting member on the Joint Board and as Vice-Chair, with effect from 5 April 2023.
- 3) To note that in accordance with the Integration Scheme, Katherina Kasper would take up the position of Chair of the Joint Board and Councillor Tim Pogson would take up the position of Vice-Chair, with effect from 27 June 2023.
- 4) To note that in accordance with the Strategic Planning Group Terms of Reference, Katharina Kasper took up the position of Chair of the Group with effect from 5 April 2023.
- 5) To note that, in accordance with the Strategic Planning Group Terms of Reference, Councillor Tim Pogson took up the position of Vice-Chair of the Group with effect from 4 May 2023.
- 6) To note that Councillor Tim Pogson would take up the position of Chair of the Strategic Planning Group and that Katharina Kasper would take up the position of Vice-Chair with effect from 27 June 2023.

(Reference – report by Service Director, Operations, Edinburgh Health and Social Care Partnership, submitted)

## **6. Adult Support and Protection and Social Work & Social Care Inspection Improvement Plans**

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An update was provided the actions taken in response to the Joint Inspection of Adult Support and Protection and the Inspection of Social Work and Social Care. The Joint Board was requested to agree the improvement plan in response to the Inspection of Social Work and Social Care.

### **Proposal 1**

- 1) To note the Adult Support and Protection Improvement Plan submitted to the Care Inspectorate.
  - 2) To review the progress underway to implement necessary improvements.
  - 3) To agree the plan to implement further improvements, in response to the Social Work and Social Care Inspection
  - 4) To agree that implementation of the Improvement Plan would be overseen and scrutinised by the EIJB Performance and Delivery Committee, with reports relating to governance referred to the Clinical and Care Governance Committee and to note that reporting and scrutiny would also be in place within the Council through the Policy and Sustainability Committee.
  - 5) To agree that an annual review of the Improvement Plan be undertaken that actively engages stakeholders including people using services and carers.
- moved by Councillor Pogson, seconded by Councillor Davidson.

### **Proposal 2**

To approve the report recommendations as set out in Proposal 1 and to add the following recommendation:

To note this would be further discussed at the City of Edinburgh Council meeting on 22 June 2023 and to note this may raise additional actions.

- moved by Councillor Nicolson, seconded by Councillor Miller

In accordance with Standing Order 10(1), the Board reached a consensus and agreed to include Proposal 2 as an addendum to Proposal 1.

### **Decision**

- 1) To note the Adult Support and Protection Improvement Plan submitted to the Care Inspectorate.
- 2) To review the progress underway to implement necessary improvements.
- 3) To agree the plan to implement further improvements, in response to the Social Work and Social Care Inspection
- 4) To agree that implementation of the Improvement Plan would be overseen and scrutinised by the EIJB Policy and Development Committee, with reports relating to governance referred to the Clinical and Care Governance Committee and to note that reporting and scrutiny would also be in place within the Council through the Policy and Sustainability Committee.
- 5) To agree that an annual review of the Improvement Plan be undertaken that actively engaged stakeholders including people using services and carers.
- 6) To note this would be further discussed at the City of Edinburgh Council meeting on 22 June 2023 and to note this may raise additional actions.

(Reference – report by Service Director, Operations, Edinburgh Health and Social Care Partnership, submitted)

### **Declaration of Interests**

Councillor Miller made a transparency statement as a member of Unite the Union.

Councillor Nicolson made a transparency statement as a member of UNISON.

Councillor Pogson made a transparency statement as a member of Unite the Union.

Grant Macrae made a transparency statement in relation to a family member who was in receipt of self-direct support and as a Board Member of St Columba's Hospice Care.

Bridie Ashrowan made a transparency statement as Chief Executive of EVOC which received funding from Edinburgh Health and Social Care Partnership.

Christine Farquhar made a transparency statement as the carer of a person in receipt of a direct payment from the City of Edinburgh Council.

## **7. Medium Term Financial Strategy & 2023/24 Financial Plan Update**

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An overview was provided of the outturn for 2022/23 together with an update on progress with the medium-term financial strategy (MTFS). Phase 2 savings proposals for 2023/24 were also outlined and the range of options which would be required to balance the plan in-year. Good progress was noted regarding the development of the MTFS and, initial modelling had indicated that a near balanced position could be achieved over a 3-year period.

It was acknowledged that elements of the MTFS were congruent with the improvement plan and that priority had been given to workstreams which supported the three aims of improving lives, services and reducing costs simultaneously. Whilst the plan could be balanced over 3 years there remained a material in-year financial gap of £14m.

### **Proposal 1**

- 1) To note that, subject to external audit, a balanced outturn position was achieved in 2022/23.
- 2) To agree to reallocate £4m of slippage on reserves to reduce the 2023/24 financial deficit.
- 3) To agree proposals 1 to 4 which formed the second phase of the savings programme for 2023/24 as set out in the report and associated appendices.
- 4) To agree that the Chair write to Scottish Ministers strongly expressing concerns over the funding settlement and outlining the severity of cuts which would be needed should additional funding not be made available to the IJB, and requesting that funding be increased.



- 5) To agree that officers continue tripartite efforts with colleagues in the City of Edinburgh Council, NHS Lothian and the Scottish Government to bridge the remaining anticipated in-year shortfall.

- moved by Councillor Pogson, seconded by Councillor Davidson

## **Proposal 2**

To replace recommendation 3 in the report with:

- 1) To note £160,000 had been spent since November 2022 on a contract with Gatenby Sanderson to progress the EIJB medium term financial plans. Further notes this sum was never approved at the EIJB and was kept from Councillors and agreed off-table with the Council's Finance Committee Convener being the only elected member involved in the decision to spend this level of funding.
- 2) To remove the Community transport proposal to cut services by £300,000 due to the impact on vulnerable people accessing lifeline services.
- 3) To note the proposals for community equipment and agrees to the improved managed process set out in the proposal but rejects a review of criteria for provision to protect service access.
- 4) To agree that further work will be carried out to identify the total spend on agency and separately on overtime citywide and per locality and measures to reduce this spend, including increasing pay for staff to retain within service and attract new talent into the sector, paying rates directly to frontline staff that can enhance pay while reducing the amount paid to external companies.
- 5) To note the positive impact of One Edinburgh and request this involves a data-driven approach to enable care maximisation – without taking any additional savings and using any additional maximised capacity to provide additional care to those on the waiting lists.
- 6) To note the Care Inspectorate report which found “limited implementation of self-directed support” is at odds with the contents of the report and agrees this element of saving is not agreed and comes back for future consideration when an effective SDS regime is in place to minimise claw backs of residents' entitlements and maximise the availability of creatively finding solutions and building people's strengths.
- 7) To agree that work to close the remaining budget gap takes learning and adopts best practise from well-performing IJB's across Scotland on the allocation of care and clinical approach to assessment of support.
- 8) To agree the remaining proposals subject to regular monitoring.

- moved by Councillor Nicolson, seconded by Councillor Miller

## **Voting**

For Proposal 1: 8 votes

For Proposal 2: 1 vote

Abstention: 1

(For Proposal 1 – Councillor Davidson, Elizabeth Gordon, George Gordon, Katharina Kasper, Peter Knight, Councillor Mitchell, Peter Murray and Councillor Pogson.

For Proposal 2 – Councillor Nicolson.

Abstention - Councillor Miller.)

## **Decision**

- 1) To note that, subject to external audit, a balanced outturn position was achieved in 2022/23.
- 2) To agree to reallocate £4m of slippage on reserves to reduce the 2023/24 financial deficit.
- 3) To agree proposals 1 to 4 which formed the second phase of the savings programme for 2023/24 as set out in this report and associated appendices.
- 4) To agree that the Chair write to Scottish Ministers strongly expressing concerns over the funding settlement and outlining the severity of cuts which would be needed should additional funding not be made available to the IJB, and requesting that funding be increased.
- 5) To agree that officers continue tripartite efforts with colleagues in the City of Edinburgh Council, NHS Lothian and the Scottish Government to bridge the remaining anticipated in-year shortfall.

**Dissent** – Councillor Miller requested that her dissent be recorded to the above decision.

(References – Edinburgh Integration Joint Board 21 March 2023 (item 3); report by Chief Finance Officer, Edinburgh Integration Joint Board, submitted)

## **8. Bed Base Review Update**

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An update was provided on the status of the bed-base review and approval was sought to undertake a strategic commissioning exercise on older people's bed-based services.

A separate briefing paper would be circulated to members addressing the decisions and actions that had led to this point.

## **Decision**

- 1) To approve the request to undertake a strategic commissioning exercise on older people's bed-based services to validate work completed to date and to expand the scope to all older people's bed requirements.

- 2) To agree that a voting member of the Edinburgh Integration Joint board would sit as Chair of the implementation group.
- 3) To agree to pause the proposed consultation until the strategic commissioning exercise was completed and agree at that point the purpose of any consultation.

(Reference - report by Chief Finance Officer, Edinburgh Integration Joint Board, submitted)

### **Declaration of Interests**

Councillor Miller made a transparency statement as a member of Unite the Union.

Councillor Nicolson made a transparency statement as a member of UNISON.

Councillor Pogson made a transparency statement as a member of Unite the Union.

Grant Macrae made a transparency statement in relation to a family member who was in receipt of self-direct support and as a Board Member of St Columba's Hospice Care.

Bridie Ashrowan made a transparency statement as Chief Executive of EVOC which received funding from Edinburgh Health and Social Care Partnership.

Christine Farquhar made a transparency statement as a carer of a person in receipt of a direct payment from the City of Edinburgh Council.

## **9. Chief Officer Appointment for the Edinburgh Integration Joint Board and Health and Social Care Partnership**

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### **a) Chief Officer Appointment for the Edinburgh Integration Joint Board and Health and Social Care Partnership**

Approval was sought to progress the recruitment process for the permanent appointment of a Chief Officer.

#### **Decision**

- 1) To note that following the departure of the previous Chief Officer, there was a requirement for permanent arrangements to be put in place in relation to the role of Chief Officer for the Edinburgh Integration Joint Board.
- 2) To approve the proposed recruitment arrangements.
- 3) To appoint Councillor Miller and Peter Murray as the Joint Board's representatives on the recruitment committee along with the Chair, Vice-Chair and Chief Executives of the City of Edinburgh Council and NHS Lothian.

(Reference - report by the Service Director, Human Resources, City of Edinburgh Council, submitted)

**b) Appointment of Interim Chief Officer**

The Board agreed, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of the following item of business for the reason that it involved the likely disclosure of exempt information as defined in Paragraph 1, of Part 1 of Schedule 7A of the Act.

A verbal update was provided in relation to the arrangements for the appointment of an interim Chief Officer.

**Decision**

Detailed in the Confidential Schedule, signed by the Chair, with reference to this minute.

**10. Self Directed Support – Direct Payments**

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An update was provided on the process for reclaiming unused funds from people receiving a direct payment.

**Proposal 1**

- 1) To note the operational approach to determining if those in critical need had underspent.
- 2) To note the impact on outcomes for people in need of removing allocated support.
- 3) To note the budget setting process and financial impacts.
- 4) To note that officers had committed to revising information for recipients of direct payments by September 2023 and publish this on the Edinburgh Health and Social Care Partnership website.

- moved by Councillor Pogson, seconded by Councillor Davidson

**Proposal 2**

- 1) To note the operational approach to determining if those in critical need had underspent.
- 2) To note the concerning impact on outcomes for people in need of removing allocated support with such a large sum “£5.6m in the 2022/23 financial year” coming back out of resident’s self-directed support accounts who have been assessed as being entitled to this funding.
- 3) To note the budget setting process and financial impacts require more consideration in relation to self-directed support with £3.4m projected claw back in 2023/24 remaining a significant level which will undermine meeting people’s needs.

- 4) To note that officers had committed to revising information for recipients of direct payments by September 2023 and publish this on the Edinburgh Health and Social Care Partnership website and to agree that, within the process prior to all claw backs, service users would be offered the opportunity to engage with disabled people's organisations for advocacy and guidance owed to the main reason for claw backs being the lack of service availability and failure to deliver as the service currently had an "emphasis on needs and deficits rather than building on people's strengths and finding creative solutions" according to the Care Inspectorate findings.
- 5) To request a further report in 2 cycles identifying levels of clawback resources held at the locality levels as described in sections 17 and 19 of the report and to agree this report should also set out a plan on how this process could be reformed to be fit for purpose, providing accurate levels of financial entitlements and wide enough scope of opportunities and services to creatively meet people's statutory needs.

- moved by Councillor Nicolson, seconded by Councillor Miller

In accordance with Standing Order 10(1) the Board reached a consensus and agreed paragraphs 1 and 3 of Proposal 1 and paragraphs 2 and 4 of Proposal 2 together with an additional verbal proposal by Councillor Pogson.

### **Decision**

- 1) To note the operational approach to determining if those in critical need had underspent.
- 2) To note the budget setting process and financial impacts.
- 3) To note the concerning impact on outcomes for people in need of removing allocated support with such a large sum "£5.6m in the 2022/23 financial year" coming back out of resident's self-directed support accounts who had been assessed as being entitled to this funding.
- 4) To note that officers had committed to revising information for recipients of direct payments by September 2023 and publish this on the Edinburgh Health and Social Care Partnership website and to agree that within the process, prior to all claw backs, service users would be offered the opportunity to engage with disabled people's organisations for advocacy and guidance owed to the main reason for claw backs being the lack of service availability and failure to deliver as the service currently had an "emphasis on needs and deficits rather than building on people's strengths and finding creative solutions" according to the Care Inspectorate findings.
- 5) To note that Self Directed Support was included in the Adult Support and Protection and Social Work & Social Care Inspection Improvement Plans

approved by the Joint Board on 13 June 2023 and that practice would continue to be reviewed.

(References – Act of Council No.10 of 16 March 2023; Policy and Sustainability Committee of 23 May 2023 (item 21); report by Service Director - Operations, Edinburgh Health and Social Care Partnership, submitted)

### **Declaration of Interests**

Christine Farquhar made a transparency statement as the carer of a person in receipt of a direct payment from the City of Edinburgh Council.

Bridie Ashrowan made a transparency statement as Chief Executive of EVOC which received funding from Edinburgh Health and Social Care Partnership.

## **11. Committee Update Report**

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An update was provided on the work of the Board's Committees which had met since the last Board meeting.

### **Decision:**

To note the work of the Board's Committees.

(Reference – report by the Service Director – Operations, Edinburgh Health and Social Care Partnership, submitted)