

REPORT

Proposed changes to the Committees' Terms of Reference

Edinburgh Integration Joint Board

22 April 2024

Executive Summary	The purpose of this report is to provide the Edinburgh Integration Joint Board (EIJB) with an update on the review of scrutiny of delegated services, which the EIJB agreed to undertake at its meeting on the 9 February 2024.
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Recommendations	<p>It is recommended that the Edinburgh Integration Joint Board:</p> <ol style="list-style-type: none"> 1. Note that a review of where scrutiny of delegated services is currently undertaken has been completed. 2. Agrees that the EIJB takes the overall responsibility and accountability for the scrutiny of delegated services. 3. Agrees the changes to the terms of reference of each of the committees as detailed in Appendix 1. These changes will ensure robust scrutiny of delegated services is undertaken through the EIJB and will provide assurance to partners.
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Directions

Direction to City of Edinburgh Council, NHS Lothian or both organisations		
	No direction required	✓
	Issue a direction to City of Edinburgh Council	
	Issue a direction to NHS Lothian	
	Issue a direction to City of Edinburgh Council and NHS Lothian	

Report Circulation

1. This report has not been circulated elsewhere before being presented to the Edinburgh Integration Joint Board (EIJB) for consideration.
2. There have been several reports to the City of Edinburgh Council (the Council) [Policy and Sustainability Committee](#), [Finance and Resources Committee](#) and [EIJB](#) detailing a range of workstreams to address the [Full Party Motion to Full Council on 2 November 2023](#).

Main Report

3. Integration Joint Boards (IJBs) were established in 2014, under the Public Bodies (Joint Working) Scotland Act 2014 (the Act). The Act sets out the legislative framework for integrating health and social care services. IJB's are responsible for setting the strategy and planning for health and social care services. They should use the totality of delegated budgets to deliver more joined up, community-based health and social care services. The Integration Scheme is legally binding and sets out the powers delegated to IJB's and includes the governance and financial arrangements all parties (e.g. NHS Lothian and the Council) should adhere to.
4. The integration scheme between the City of Edinburgh Council (the Council) and NHS Lothian states that the EIJB would be primarily responsible for delivery, capacity, and performance management for delegated services, recognising that the EIJB is the only body that would undertake scrutiny across both CEC and NHS Lothian.
5. Within the Integration Scheme, all voting board members will be expected to have due regard to the interests of NHS Lothian / City of Edinburgh Council, by on the understanding that in carrying out their role as a member of the EIJB, their primary duties and responsibilities are those which attach in the capacity. In summary, when acting as an IJB member, they should make decisions in the best interests of the EIJB.
6. The All-Party Motion highlighted several areas that Elected Members felt further work was needed. The EIJB also agreed several actions at its meeting on the 9 February and is undernoted:

Workstream	Reporting bodies	Completion date
Better alignment of the budget setting process between the Council, NHS Lothian and the EIJB	EIJB, Council Finance and Resource Committee and	March 2024

	NHS Finance and Resource Committee	
Review the scrutiny / governance processes to understand where scrutiny of health and social care services sits across both Council, NHSL and EIJB (and its committees).	EIJB Policy and Sustainability Committee Full Council	May 2024
EIJB work with partners to gain assurance that directions and associated services are being appropriately scrutinised and ensure that scrutiny is happening in the right way and place.	EIJB Policy and Sustainability Committee NHS Board / Committees	May 2024
Reporting regime is considered and reviewed – linked to the governance processes.	EIJB Policy and Sustainability Committee NHS Board / Committees	May 2024

7. Since the meeting on the 9 February, officers have reviewed the current scrutiny and governance arrangements across delegated services. It is acknowledged that scrutiny of delegated services is occurring within the EIJB and its committee structure alongside NHS Lothian Healthcare Governance Committee, Council Policy and Sustainability Committee, Governance Risk and Best Value Committee and Finance and Resources Committee. This means that scrutiny is currently fragmented and no one organisation is overseeing the scrutiny of all delegated services. There are also gaps in the level of scrutiny that is undertaken on health and social care services which requires to be covered.

8. Therefore, this report proposes that the EIJB takes the overall responsibility and accountability for the scrutiny of delegated services. The rationale for this approach is that:
 - a. Under the Integration Scheme, the EIJB have responsibility for the delivery, capacity, and performance management for delegated services.
 - b. The EIJB have a responsibility to ensure that the services they direct partners to deliver is being delivered in line with the financial budgets and key performance indicators specified within the direction.
 - c. It is best practice that the body that sets the strategic direction also monitors the implementation of that strategy.
 - d. The EIJB are the only body, that has oversight of both of health and social care delegated services.

9. The level of scrutiny is also important. The Chief Officer has operational responsibility for delegated services within the Edinburgh Health and Social Care Partnership. The EIJB is also predominately a strategic body that does not make operational decisions. However, there is a need for increased scrutiny of the outcomes and delivery of delegated services, to ensure those services are delivered efficiently and are meeting the needs of the people of Edinburgh. This also provides a clear link between strategy, policy, and delivery.
10. To allow for this change in approach, only minor amendments are required to the EIJB committee terms of reference to allow the EIJB to undertake robust scrutiny and monitor the performance of delegated services as specified within the Integration Scheme. Appendix 1 provides a list of core functions, where these should be reported to within the existing EIJB governance arrangements and highlights what changes are required to the EIJB committees' terms of reference to facilitate these arrangements. The change of approach will require a greater focus on scrutiny of services by the EIJB's committees.
11. It is proposed that the Chief Officer provides a report to the relevant partners governance committees providing assurance that appropriate scrutiny is being undertaken.

Implications for Edinburgh Integration Joint Board

Financial

12. There are no direct financial implications arising from this report. The details contained within the report are enhancing the existing governance arrangements.

Legal / risk implications

13. There are no direct legal implications arising from this report. Enhancing the EIJB governance structures will mitigate the risk that governance systems are not robust or do not function as expected.

Equality and integrated impact assessment

14. The proposals contained within appendix 1 of this report are minor in that, there are minor changes to terms specified within the committee terms of reference, a integrated impact assessment is not required at this stage.

Environment and sustainability impacts

15. There are no environmental or sustainability impacts arising from this report.

Quality of care

16. There are no direct impacts arising from the proposal contained within this report.

Consultation

17. There has been engagement with the chairs of each of the committees in terms of the proposed minor changes to the terms of reference for committees and they have indicated they are satisfied with the proposals contained within appendix 1.

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Background Reports

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Appendices

Appendix 1

Changes to Committee Terms of Reference

Appendix 1 – Changes to Committee Terms of Reference

Area	Scrutiny	Current Terms of Reference	Proposed Terms of Reference
Operational Performance – covering the totality of delegated services (including Adult Support and Protection Updates)	Performance & Delivery	<ul style="list-style-type: none"> Monitoring the performance (including) financial of delegated services and gain assurance that the are achieving their policy objectives and priorities in relation to all functions of the EIJB. Consider a range of strategic and operational performance reports from delegated services. Review the directions register and directions of a regular basis. Scrutiny & approval of a range of statutory reports. 	Existing TOR covers operational performance. No changes required.
Adult Support and Protection (MAQA, LSI, Learning reviews)	Performance and Delivery	<ul style="list-style-type: none"> Monitoring of quality of delegated services via key quality indicators. 	Slight amendment undernoted: <ul style="list-style-type: none"> Monitoring of quality of delegated services via key quality indicators, this will include reporting on MAQA, LSI, Learning Review, key activity in relation to Adult Support & Protection work.
Key policy developments (Early Intervention and Prevention activity / poverty)	Strategic Planning Group	<ul style="list-style-type: none"> Collaborate on and oversee the production and delivery for future strategic projects and related commissioning plans. 	Existing terms of reference is wide ranging in nature, therefore no changes required.
Regulatory and legislative breaches	Audit and Assurance Committee	Review the policies for ensuring compliance with relevant regulatory and legislative requirements, legal and code of conduct requirements and any related reporting.	Addition: <ul style="list-style-type: none"> Review and consider any regulatory or legislative breaches.
Assurance Reporting	Audit and Assurance Committee Performance and Delivery	AAC – review the findings of other significant assurance functions that relate to the EIJB, both Internal and External, and consider implications for the governance of the EIJB. P&D – consider a range of strategic and operational performance reports from delegated services	Addition within Performance and Delivery Committee terms of reference: <ul style="list-style-type: none"> Monitor implementation of any improvement activity arising from any assurance providers (e.g. Care Inspectorate, Audit Scotland, Mental Welfare Commission).

Partnership Risk	Audit and Assurance Committee	Scrutinise risk management arrangements for the EIJB, ensuring compliance with the risk management policy	Slight amendment: AAC – Scrutinise risk management arrangements for the EIJB and the Partnership , ensuring compliance with the appropriate risk management policy (e.g. Partnership and EIJB).
Internal Audit	Audit and Assurance Committee	<ul style="list-style-type: none"> • Ensure that there is an effective Internal Audit function that meets Public Sector Internal Audit Standards and provides appropriate independent assurance to the AAC, Chief Officer and the EIJB. • Review and monitor the Executive Managements responsiveness to the findings and recommendation of Internal and External audit reports. 	Existing terms of reference covers Internal Audit and doesn't specify EIJB specifically, therefore no changes required.
Care Inspectorate Inspection Reporting	Clinical and Care Governance Committee	<ul style="list-style-type: none"> • Be assured of the integrity of the Partnership's control system, processes and procedures relating to clinical and care governance which will include: • High quality Care 	Existing terms of reference covers a range of control systems and Care Inspectorate Inspection regime does look at quality of care and this is referenced within the terms of reference - no changes are required.
Health and Safety Performance	Clinical & Care Governance	Be assured of the integrity of the Partnership's control system, processes and procedures relating to clinical and care governance which will include: <ul style="list-style-type: none"> • Compliance with fundamental standards of quality and safety • Patient/ citizen safety and harm reduction 	Slight amendment: Be assured of the integrity of the Partnership's control system, processes and procedures relating to clinical and care governance which will include: <ul style="list-style-type: none"> • Patient/ citizen safety and harm reduction including health and safety.
Strategic Business Cases (both Operational and Strategic)	Strategic Planning Group	<ul style="list-style-type: none"> • Review reports (with business cases as necessary) and related directions measured against the Strategic Plan. • Collaborate on and oversee the production and delivery of future strategic projects and related commissioning plans. 	Existing terms of reference covers business cases, therefore no changes required.

Budget Reporting	Performance and Delivery Committee	<ul style="list-style-type: none"> Monitoring the performance (including) financial of delegated services and gain assurance that the are achieving their policy objectives and priorities in relation to all functions of the EIJB. 	<p>Addition to existing terms of reference:</p> <ul style="list-style-type: none"> Scrutinise and consideration of budget reports and monitoring savings proposals against savings attributed.
Partnership Policies	Clinical and Care Governance	Be assured of the integrity of the Partnership’s control system, processes and procedures relating to clinical and care governance which will include.....	<p>Slight amendment:</p> <p>Be assured of the integrity of the Partnership’s control system, processes and procedures relating to clinical and care governance which will include:</p> <ul style="list-style-type: none"> Agreement of new Partnership policies, review of Partnership policies and compliance with policies and procedures.
Capital Planning	Strategic Planning Group	Collaborate on and oversee the production and delivery of future strategic projects and related commissioning plans.	<p>Slight amendment:</p> <p>Collaborate on and oversee the production and delivery of future strategic projects and related commissioning plans, which will include capital planning requirements for the EIJB.</p>
Procurement and contract planning (including charging proposals)	Strategic Planning Group		<p>Addition:</p> <p>Review and consider contract, procurement planning and commissioning activities to support delivery of the EIJB strategic plans. This may include proposals in relation to charging.</p>