

# REPORT

## Revised EIJB Directions Policy

### Edinburgh Integration Joint Board

8 August 2023

#### Executive Summary

1. The purpose of this report is to provide the EIJB with an overview of the work that has taken place to refresh the Directions Policy, taking account of lessons learned over the last four years and feedback from the Strategic Planning Group (SPG) and Performance and Delivery (P&D) Committee.
2. A revised Directions Policy and associated appendices are presented for the EIJB's consideration and approval.

#### Recommendations

It is recommended that the EIJB:

1. Approves the revised draft policy on directions attached to this report.

#### 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. The draft revised policy was considered by the Strategic Planning Group (SPG) on 14 June 2023. SPG members were also provided with the opportunity to submit additional comments. The draft policy was also shared with members of the Performance and Delivery (P&D) Committee and feedback received has been used to shape the final draft now being shared with the EIJB.

## Main Report

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### Background

2. The inaugural EIJB Directions Policy was approved by the EIJB in August 2019. The policy was developed in line with the provisions set out in the [Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#) (the Act) and the requirements of the [Scottish Government statutory guidance](#) on issuing and implementing directions (in development during 2019 and published formally in January 2020).
3. The EIJB's approach to directions has been subject to two internal audits since 2019. The first audit focussed on direction setting and was timed to align with finalisation of the new directions policy and the creation of new directions linked to the strategic plan 2019-22. The report, published in December 2019, concluded that there was significant assurance in respect of three of the four control areas, with the remaining area being assessed as moderate. On the back of this report, further work was undertaken to refine the directions template and strengthen the approach to performance indicators.
4. The second Internal Audit focused on the governance of directions and took place late 2022. Findings from this audit, together with feedback gathered during the last four years of policy implementation, and views from SPG and P&D Committee members have all been used to shape the revised policy.
5. A meeting with the Scottish Government took place to discuss Edinburgh's experiences of implementing our inaugural directions policy, with feedback from this meeting helping to define our approach to the implementation of directions.

### Implementation of policy – key learning

6. The established governance processes are generally working well. A recent Internal Audit into the governance of directions (November 2022) provided assurance that the controls in place were effective (highest level of control). However the requirement to continue to refine performance measures was highlighted, with particular attention to be given to ensuring that directions are time-bound.
7. The role of P&D Committee in respect of the monitoring and review of directions is well established with the use of a tracker to support performance reporting and an annual review process. There has been recent discussion about the level of detail provided to P&D Committee: in essence, the tracker is intended to provide an overview of progress but members are also able to report additional briefing on any direction(s). This approach is now clearly stated in the refreshed policy.

8. The articulation of directions has improved over the last three years. There is a greater understanding about when directions are appropriate and required together with improvement in the way directions are expressed. The directions template has evolved accordingly and in line with recommendations from other audits focussing on regulatory and statutory obligations.
9. The initial directions policy provided detail about the process to be followed should either partner agency (NHS Lothian or the City of Edinburgh Council) be unable to implement an issued direction; however, learning over the last year has indicated the need to amend this section of the policy. The requirement for an improved process is also noted in the governance statement which accompanied the unaudited annual accounts, presented to Audit and Assurance committee on 6 June 2023. Final audited accounts will be presented to the EIJB in September.

### **Revised policy – summary of main changes**

10. The section outlining the requirements for formulating directions has been expanded to ensure that any new directions are expressed appropriately and in line with the approach taken in Edinburgh. The emphasis on the requirement to provide delivery timescales will aid with the closure of directions in due course.
11. There have been minor adjustments to the policy in respect of the processes in place when formulating directions. Specifically, it is now made clear that the SPG has a role to play in considering draft directions when these relate to strategic developments and service redesign but there may be other directions (for example those relating to financial uplifts) that will be a matter for direct EIJB consideration. This change is reflected in the governance process schematic presented as Appendix i to the policy.
12. There are minor amendments to the section which sets out the responsibilities for monitoring and review of directions. Clarification is provided around the reporting schedules and referral and escalation from Performance and Delivery Committee to the EIJB. In addition, and in response to comment from P&D members, it is also confirmed that additional briefing or reporting may be requested by the Committee in respect of any direction(s).
13. Further clarity is provided about the processes to be followed should it prove difficult for partner agencies to implement a direction. The policy now specifies that any period of negotiation should not exceed six months. There is also a clear commitment given to keeping partner organisations and EIJB members up to date on progress.
14. Should resolution prove difficult, a formal report to the EIJB will be required at the end of the six-month period of negotiation. This report will update on outcomes and recommend that the direction be revoked. This approach acknowledges that situations can change following the issuing of directions, allows alternative

proposals to be brought forward in due course, and emphasises the partnership approach which is key to the delivery of the EIJB's strategic objectives.

15. In response to Internal Audit recommendations around performance measures, the directions template (Appendix ii) has been amended to include detail of any partnership, committee or programme board that has oversight of performance in addition to the P&D Committee, and detail about how performance is routinely reported.
16. In response feedback, further clarity has been provided regarding the terminology used to define the status of directions. Appendix iii of the revised policy provides guidance about when a direction should be retained, varied, closed, superseded or revoked.

## **Implications for EIJB**

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### **Financial**

17. There are no direct financial implications arising from this report.

### **Legal / risk**

18. Failure to comply with the legislative requirement in respect of directions would place the EIJB in breach of its statutory duties.
19. Failure to provide sufficiently detailed directions to partner organisations (NHS Lothian and the City of Edinburgh Council) may impact on the ability to deliver key areas of the Health and Social Care Partnership's work.

### **Equality and integrated impact assessment**

20. There are no direct equality implications arising from this report. However, partner agencies are required to adhere to statutory and regulatory obligations in respect of directions.

### **Environment and sustainability impacts**

21. Partner agencies required to carry out directions in accordance with statutory and regulatory obligations, including adherence to relevant guidance, policies and procedures around sustainability.

### **Quality of Care**

22. Directions are intended to impact positively on quality of care by setting out service delivery requirements and associated performance measures alongside budget allocation.

## Consultation

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23. The draft policy has been shared with SPG and P&D Committee members prior to bringing to the EIJB and comments received. The broad approach has been discussed within the EHSCP and more widely including the Scottish Government and the governance lead in the Council.

## Report Author

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## Appendices

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**Draft Revised Directions Policy and associated appendices**



# Draft directions Policy (revised 2023)

## Edinburgh Integration Joint Board

### Purpose of this policy

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This revised policy sets out the process for formulating, approving, issuing and reviewing directions from the Edinburgh Integration Joint Board (EIJB) to partner organisations NHS Lothian and the City of Edinburgh Council. This policy has been developed in line with the provisions set out in the [Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#) (the Act) and most recent [Scottish Government statutory guidance](#) published in January 2020. This revised policy also incorporates learning from the implementation of the inaugural directions policy which was introduced in August 2019.

A summary of the governance process outlined in this policy is provided at Appendix i. Appendix ii provides the template for approving and issuing directions and Appendix iii provides definitions relating to the status of directions.

### Context and background

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The Public Bodies (Joint Working) (Scotland) Act 2014 states that an Integration Joint Board must give a direction to a constituent authority to carry out each function delegated to the integration authority.

The Act further places a duty on Integration Authorities to develop a strategic plan for integrated functions and budgets under their control. Integration Authorities require a mechanism to action these strategic commissioning plans and this mechanism takes the form of binding directions from the Integration Authority to one or both of the Health Board and Local Authority.

The final report of the [Ministerial Strategic Group \(MSG\) Health and Community Care Review of Progress with Integration](#), published February 2019, proposed enhanced governance and accountability arrangements. [Revised statutory guidance](#) on directions was published by the Scottish Government in 2020. This statutory guidance has been used to inform this revision of the EIJB directions policy, to ensure it meets key requirements to improve governance, transparency and accountability between partners.

## Definition and purpose of directions

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Directions are a legal mechanism intended to clarify responsibilities between partners. Directions are the means by which the EIJB directs NHS Lothian and the Council what services are to be delivered using the integrated budget (ie the budget which is allocated to the EIJB and for which the EIJB is responsible).

Directions must provide sufficient detail to enable NHS Lothian and the Council to discharge their statutory duties under the Act. Specific directions can be given to NHS Lothian, the Council or both organisations depending on the services to be provided. However, directions should not be issued unnecessarily and should be proportionate. Directions must identify the integrated health and social care function it relates to and include information on the financial resources that are available for carrying out this function. Directions must also provide information on the delivery requirements. Directions may, if appropriate, specify a particular service or services to be provided.

In summary, the purpose of directions is to set a clear framework for the operational delivery of the functions that have been delegated to the EIJB and therefore all directions must be in writing. Functions may be described in terms of delivery of services, achievement of outcomes and/or the strategic plan priorities.

The legislation does not set out fixed timescales for directions. A direction will stand until it is revoked, varied or superseded by later direction in respect in the same function.

## Formulating directions

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In order to meet the requirement in the guidance that directions be proportionate but cover all functions, the approach in Edinburgh is to issue one broad direction which directs partners to provide services within current budgets, and in accordance with statutory and regulatory obligations, policies and procedures, endeavouring to meet national and local targets and the strategic objectives laid out in the Strategic Plan. The financial schedule which accompanies this direction is updated annually. This broad direction sits alongside more specific directions relating to discrete projects or programmes of work.

With the exception of the one broad direction, all other directions must be specific and include detail of delivery timescales, milestones and outcomes. This will aid with monitoring and will allow directions to be closed off once they have been achieved. It is unhelpful to word directions in such a way that they remain on the directions tracker indefinitely.

A template has been devised to assist with the development of SMART directions and is attached at Appendix ii. This template will be kept under review and

updated in line with any best practice guidance or recommendations arising from internal audits.

The requirement for a direction will be informed by a number of factors, including but not limited to:

- Content of the overarching EIJB strategic plan which is reviewed annually and produced every three years.
- Specific service redesign or transformation programmes linked to an approved co-produced business case.
- Specific strategies, implementation or commissioning plans linked to priorities identified in the overarching EIJB strategic plan.
- Financial changes or developments (eg additional funding opportunities, matters relating to set-aside budgets or requirement to implement a recovery plan).
- A fundamental change to practice or operations.

As noted above, directions provide the mechanism for delivering the strategic plan, for conveying and enacting the decisions of the EIJB, clarifying responsibilities between partners, and improving accountability.

Draft directions relating to service redesigns or strategic developments will usually be considered by the Strategic Planning Group (SPG) as part of the SPG's remit to consider draft business cases and service/client specific strategies or implementation plans prior to submission to the EIJB.

In certain circumstances, it may be necessary and appropriate for draft directions to be considered by the EIJB without being considered by SPG first. This will be a matter for the Chief Officer to determine in consultation with the Executive Management Team (EMT) and Chair/Vice Chair of the EIJB as appropriate.

Directions must be associated with an EIJB decision, for example to approve a specific business case or to transform a service. The EIJB is responsible for approving all directions. The EIJB report template identifies clearly when a draft direction is to be considered by the EIJB as part of decision-making processes.

Directions are formulated at the end of a process of decision-making which has included wider engagement with partners as part of commissioning and co-production. A direction should therefore not come as a surprise to either partner.

As directions will continue to evolve in response to service change/redesign and investment priorities, new or revised directions may be formulated at any point during the year and submitted to the EIJB for approval.



A mature and collaborative partnership approach is required to reach agreement on the use of directions in respect of both 'set-aside' and 'hosted' services. It will be particularly important in this pan-Lothian context to ensure that there is no adverse or undesirable impact on another IJB. Consideration of the potential impacts on other IJBs should take place during the development of any proposal, redesign or service change, as effective co-ordination and discussion is paramount. Any direction that impacts on another IJB should be considered by all other affected IJBs as well as the EIJB.

## **Approving directions**

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The EIJB is responsible for approving all directions.

All reports to the EIJB will identify the implications for directions and will make a clear recommendation regarding the issuing of directions, for example if a new direction is required, or an existing direction is to be varied or superseded. The detail of the new or revised direction will be appended to the EIJB report using the agreed template and will be submitted to the EIJB for approval.

Directions will be reviewed annually at the end of each financial year. However, in order to provide flexibility and take account of strategic and financial developments and service changes, or a change in local circumstances, directions may be issued at any time, subject to formal approval by the EIJB.

## **Issuing of directions**

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Once approved, written directions will be issued formally by the Chief Officer, on behalf of the EIJB, to the Chief Executives of both partner organisations (NHS Lothian and the Council), copied to the Council Leader and NHS Chair, within 10 days of the direction being approved.

## **Implementation of directions**

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NHS Lothian and the Council are responsible for complying with and implementing EIJB's directions. Should either partner experience difficulty in implementing a direction, or require further detail regarding expectations, this should be brought to the attention of the Chief Officer formally in writing.

Initially, the Chief Officer will seek to resolve issues, liaising with and involving the EIJB Chair and Vice-Chair accordingly. The Chief Officer, in consultation with the EIJB Chair and Vice Chair, will determine the processes to be put in place to keep both EIJB members and partner organisations up to date with developments, ensuring that any process introduced meets the governance requirements of partner organisations and the EIJB.

Should resolution prove complex, a period of negotiation will take place not exceeding six months duration. A formal report to the EIJB will be required at the end of any period of negotiation to specify the outcomes of the process; if resolution cannot be reached, the report will recommend that the direction be revoked.

In the unlikely event that the EIJB issues a direction that compromises professional clinical or social work standards, the Chief Officer will be informed, and the direction will be reviewed in accordance with the process outlined below.

## **Monitoring and review of directions**

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The Performance and Delivery (P&D) Committee is responsible for monitoring and review of all directions including maintaining an overview of progress of implementation and considering recommendations for varying, superseding, closing or revoking extant directions. The mechanism for monitoring directions is via a directions tracker which is held within strategic planning.

An annual review of extant directions takes place at the end of each financial year and is presented to the P&D Committee: this report includes an update on progress and recommendations. The report is then referred to the EIJB to enable the escalation of any issues and to allow consideration and approval of new, varied or superseded directions. Appendix iii to this policy provides definitions of the status of directions.

A six-monthly progress report will also be provided to the Performance and Delivery Committee; this may contain recommendations for the closure of directions that are assessed as achieved. P&D Committee has the authority to approve closure of directions as part of the six-monthly review with any decisions taken reported to EIJB as part of the annual review process. Again this provides the opportunity for escalation of any issues.

Performance and Delivery Committee may request additional briefing or reporting on the progress of specific direction(s) following consideration of either the annual review or six-monthly progress report and tracker.

The responsibility for maintaining an overview of directions and ensuring that these reflect strategic needs and priorities sits with the Service Director Strategic Planning.

## **Review of directions policy**

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This directions policy will be reviewed every three years or sooner in the event of new guidance or good practice becoming available.

Date of policy approval: xxx 2023

## Appendices

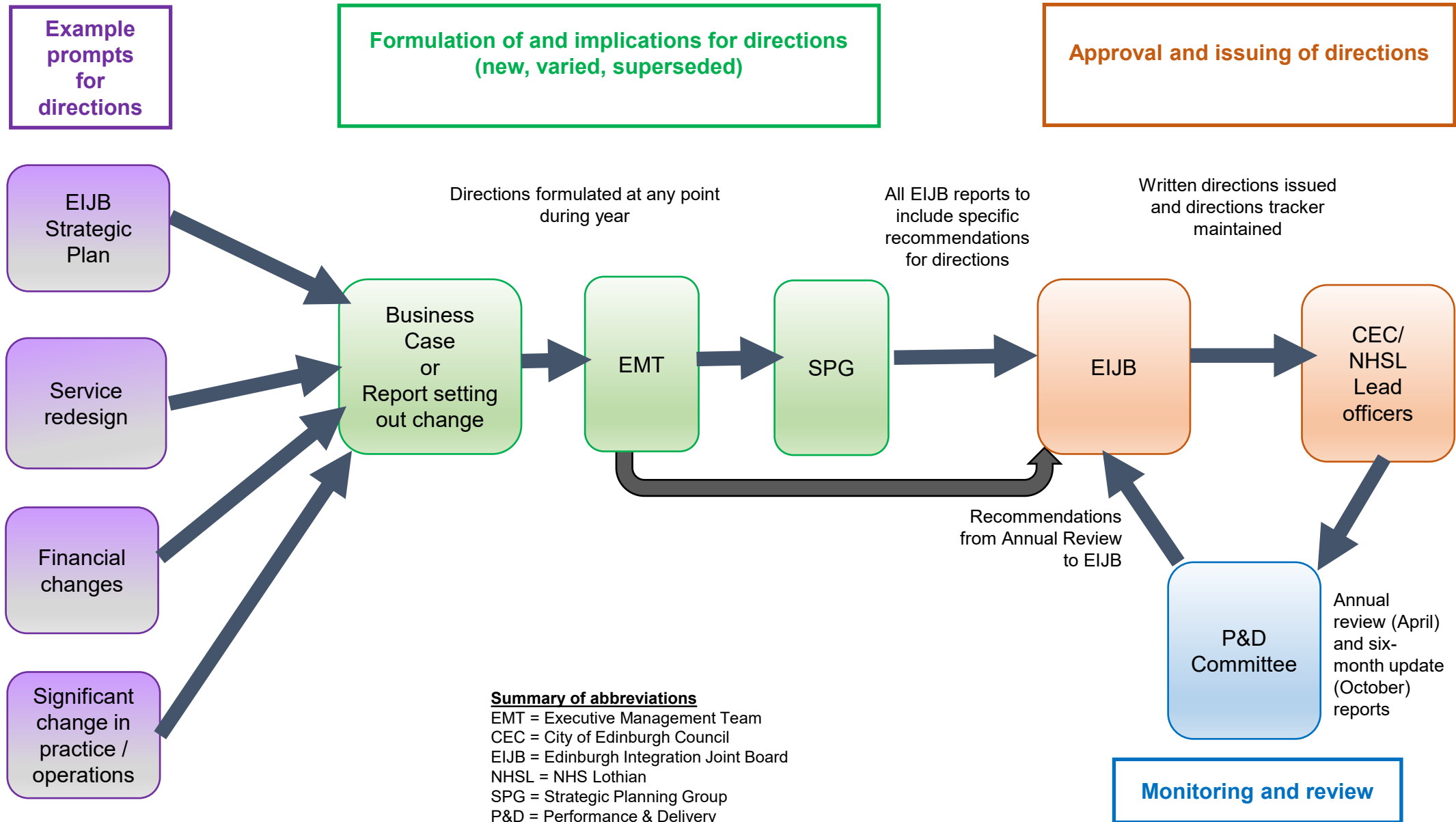
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Appendix i: Governance process schematic

Appendix ii: Template for approving / issuing directions

Appendix iii: Directions status - definitions

# Appendix A – summary of process for formulating, approving, issuing and monitoring directions



## DIRECTION FROM THE EDINBURGH INTEGRATION JOINT BOARD (EIJB)

Partner agencies are required to carry out this direction in accordance with statutory and regulatory obligations, ensuring adherence to relevant guidance, policies and procedures, in pursuit of the EIJB's strategic objectives.

Reference number	Use format: EIJB-approval date-sequential number eg EIJB-22/10/2019-xxx
Does this direction supersede or vary an existing direction? If yes, please provide reference number of existing direction	Yes / No (delete as appropriate) If yes, provide details
Approval date	Insert date of EIJB meeting (day/month/year format)
Services / functions covered	List all services subject to direction eg mental health services, disability services, general medical services
Full text of direction	
Direction to	NHS Lothian The City of Edinburgh Council (please specify if the direction is for NHS Lothian or The City of Edinburgh Council or for both organisations ie NHS Lothian and The City of Edinburgh Council)
Link to relevant EIJB report / reports	Provide hyperlinks

Budget / finances allocated to carry out the direction.	State the financial resources allocated to enable NHS Lothian or the Council or both to implement the direction.	<i>NHS Lothian</i>	<i>City of Edinburgh Council</i>
	Year one funding (delete if not year one) and specify financial year eg 2023/24	Provide in format £x.xm	Provide in format £y.ym
	Recurring funding	Provide in format £y.ym	Provide in format £y.ym
Performance measures	<p>Please list performance measures specific to the project or programme or refer to the section of the business case which contains this information and provide details of where the report can be accessed.</p> <p>Key Performance Indicators (KPIs) should be SMART (specific, measurable, achievable, realistic and timely)</p> <p>Where performance is linked to national indicators, national strategy outcomes or targets, the relevant measures should be detailed, together with information on how and when these indicators / targets / outcomes are reported and measured.</p> <p>Include detail about any programme board, partnership or committee that has oversight of performance in addition to the Performance and Delivery Committee (for example the Edinburgh Alcohol and Drugs Partnership) and specific how the performance is reported– eg via an annual report, or via regular progress report or dashboard.</p>		
Date direction will be reviewed	April 20xx as part of the next Annual review of directions		

## **Annual review of directions – definitions of direction status**

- Retained – no changes required; the direction remains relevant and there are no significant developments in respect of timescale for delivery or finance.
- Varied – recommended if the overall strategic intent remains relevant but there is a significant change to timescale/finance/performance measures.
- Superseded – a significant change to wording of direction required to reflect new or revised strategic intent or a change in focus which has been approved by the EIJB.
- Closed – the direction has been achieved ie the Key Performance Indicators have been met or the specific programme of work or financial package has come to an end.
- Revoked – the area of work has been halted or cancelled therefore the direction cannot be achieved OR to reflect that new specific directions will be developed for this area.