



Orkney Integration Joint Board Standing Orders (for meetings)

1 General

- 1.1 In these Standing Orders the Integration Joint Board (IJB) shall mean the Orkney Health and Social Care Integration Joint Board established under the Scottish Parliamentary Order - The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014.
- 1.2 The IJB comprises voting representatives from NHS Orkney, (“the Health Board”) and Orkney Islands Council (“the Council”), together with non-voting advisory representatives.
- 1.3 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. These Standing Orders shall, as far as applicable, be the rules and regulations for the proceedings of Committees and Sub-Committees of the IJB and therefore reference to the term “IJB” should be interpreted accordingly.
- 1.4 Any statutory provision, regulation or direction issued by the Scottish Ministers shall have precedence if they are in conflict with these Standing Orders.

2 Membership

- 2.1 Voting membership of the IJB shall comprise three members appointed by the Health Board and three Councillors appointed by the Council. If the Health Board is unable to appoint three non-executive directors, it may appoint no fewer than two non-executive directors plus one voting member who is a member of the Health Board but not a non-executive director.
- 2.2 Non-voting membership of the IJB shall comprise:
 - a) The chief social work officer of the Council;
 - b) The chief officer of the IJB;
 - c) The proper officer of the IJB appointed under section 95 of the Local Government (Scotland) Act 1973;
 - d) A registered medical practitioner whose name is included in the list of primary medical services performers prepared by the Health Board in accordance with

Regulations made under section 17P of the National Health Service (Scotland) Act 1978;

- e) A registered nurse who is employed by the Health Board or by a person or body with which the Health Board has entered into a general medical services contract;
- f) A registered medical practitioner employed by the Health Board and not providing primary medical services;
- g) Two members in respect of staff; one from each of the constituent authorities engaged in the provision of services provided under integration functions;
- h) One member in respect of third sector bodies carrying out activities related to health or social care in the area of the local authority;
- i) One member in respect of service users residing in the area of the local authority;
- j) One member in respect of persons providing unpaid care in the area of the local authority; and
- k) Such additional members as the Integration Board sees fit. Such additional members must not be a councillor or a non-executive director of the Health Board.

2.3 The members appointed under Standing Order 2.2 (d) to (f) must be determined by the Health Board.

2.4 The acts, meetings or proceedings of the IJB shall not be invalidated by any defect in the appointment of any member.

3 Term of Office of Members

3.1 A member of the IJB in terms of Standing Order 2.2 (a) to (c) will remain a member for as long as they hold the office in respect of which they are appointed. Otherwise, the term of office of members of the IJB shall be for two years or until the day of the next ordinary Elections for Local Government Councillors in Scotland, whichever is shorter.

3.2 Where a member resigns or otherwise ceases to hold office, the person appointed in his/her place shall be appointed for the unexpired term of the member they replace.

3.3 At the end of a term of office, a member may be reappointed for a further term of office provided that they remain eligible and are not otherwise disqualified from appointment.

4 Proxies

4.1 If a voting member is unable to attend a meeting of the IJB the constituent authority which appointed the member is to use its best endeavours to arrange for a suitably

experienced proxy, who is either a Councillor or, as the case may be, a member of the Health Board, to attend the meeting in place of the voting member.

- 4.2 If a member who is not a voting member is unable to attend a meeting of the IJB that member may arrange for a suitably experienced proxy to attend the meeting.
- 4.3 A proxy attending a meeting of the IJB by virtue of Standing Order 4.1 may vote on decisions put to that meeting.
- 4.4 If the Chairperson or Vice-Chairperson is unable to attend a meeting of the IJB, any proxy attending the meeting may not preside over that meeting.

5 Temporary Vacancies in Voting Membership

- 5.1 Where there is a temporary vacancy in the voting membership of the IJB, the vote which would have been used by them may be exercised jointly by the other members appointed by the relevant constituent authority.
- 5.2 In the event that due to two or more temporary vacancies, a constituent authority is consequently able to appoint only one or no members and where that constituent authority also appointed the Chairperson, the Chairperson of the IJB must be temporarily appointed by the other constituent authority.
- 5.3 Where a temporary vacancy, or the circumstances in which Standing Order 5.2 applies, persist for longer than six months the Chairperson of the IJB must notify the Scottish Ministers in writing of the reasons why the vacancy remains unfilled.
- 5.4 A vacancy in the membership of the IJB will not invalidate anything done or any decision made by the IJB.

6 Disqualification

- 6.1 A person is disqualified from being a member of an IJB where the conditions specified in Article 8, paragraph (2) of the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 are met, relating to conviction of a criminal offence, removal or dismissal for disciplinary reasons from paid employment or office with a Health Board or local authority, insolvency, removal from a register maintained by a regulatory body unless voluntary, or being subject to a sanction under section 19(1)(b) – (e) of the Ethical Standards in Public Life etc. (Scotland) Act 2000. The definitions of “insolvency”, “regulatory body” and “voluntary” are those given in the Order referred to in this paragraph.

7 Resignation of Members

- 7.1 A person may resign their membership of the IJB at any time by giving notice in writing to the IJB. A minimum notice of four weeks is required. The resignation shall take effect from the date notified in the notice or on the date of receipt if no date is notified. If this is a voting member, the IJB must inform the constituent authority that made the appointment.
- 7.2 Standing Order 7.1 does not apply to a member appointed under Standing Order 2.2 (a) to (c).

8 Removal of Members

- 8.1 If a member has not attended three consecutive meetings of the IJB, and their absence was not due to illness or other reasonable cause, the IJB may remove the member from office by providing the member with one month’s notice in writing.
- 8.2 If a member acts in a way which brings the IJB into disrepute or in a way which is inconsistent with the proper performance of the functions of the board, the IJB may

remove the member from office with effect from such date as the IJB may specify in writing.

- 8.3 If a member is disqualified under Standing Order 6 (Disqualification) during a term of office they are to be removed from office immediately.
- 8.4 If a member who is a Councillor appointed by the local authority ceases, for any reason, to be a Councillor during a term of office they are to be removed from office with effect from the day that they cease to be a Councillor.
- 8.5 Subject to Standing Orders 8.1 to 8.4, a constituent authority may remove a member which it appointed by providing one month's notice in writing to the member and the IJB. The ability of the Health Board and the Council to remove members includes all members appointed by them including the Chairperson and the Vice-Chairperson. The Health Board and the Council are not required to provide reasons for removing a member appointed by them.
- 8.6 Where the Health Board or the Council removes an IJB member, they should appoint a new member at the earliest opportunity. The Health Board and the Council may not remove IJB members that are appointed from each other's organisations.

9 Chairperson and Vice-Chairperson

- 9.1 The Chairperson and Vice-Chairperson will be drawn from the Health Board and the Council voting members of the IJB. If a Councillor is to serve as Chairperson then the Vice-Chairperson will be a member appointed by the NHS Board and vice versa. The first Chairperson of the IJB will be appointed by the Council.
- 9.2 The Health Board may only appoint as Chairperson or Vice-Chairperson a non-executive director of the Health Board.
- 9.3 The term of office of the first Chairperson will be for the period to the next local government elections. Thereafter the term of office of the Chairperson will be for a period of two years, with the roles carried out on a rotational basis between Council and Health Board. The Council or NHS Board may change their appointee as Chairperson or Vice-Chairperson during an appointing period.
- 9.4 At each meeting of the IJB, or a committee of the IJB, the Chairperson, if attending the meeting, is to preside.
- 9.5 If the Chairperson is absent from a meeting of the IJB, or a committee of the IJB, the Vice-Chairperson is to preside.
- 9.6 If the Chairperson and Vice-Chairperson are both absent from a meeting of the IJB, or a committee of the IJB, a voting member chosen at the meeting by the other

voting members attending the meeting is to preside. In the event of a Proxy attending a meeting in place of a voting member, Standing Order 4.4 will apply.

9.7 The Chairperson shall:-

- a) Preserve order and ensure that every member has a fair hearing;
- b) Decide on matters of relevancy, competency and order, and including a recess during the meeting, having taken into account any advice offered by the Chief Officer or other relevant officer in attendance at the meeting;
- c) Determine the order in which speakers will be heard;
- d) Ensure that due and sufficient opportunity is given to members who wish to express their views on any subject under discussion;
- e) If requested by any member, ask the mover of a motion, or an amendment, to state its terms; and
- f) At his/her discretion, order the exclusion of any member of the public or press/media who is deemed to have caused disruption/hindered the business being conducted in the meeting.

9.8 The decision of the Chairperson on all matters within his/her jurisdiction shall be final.

9.9 Deference shall, at all times, be paid to the authority of the Chairperson. When he/she speaks, the Chairperson shall be heard without interruption and members shall address the Chairperson while speaking.

10 Calling Meetings

10.1 The first meeting of the IJB is to be convened at a time and place determined by the Chairperson.

10.2 The Chairperson may call a meeting of the IJB at such other times as he or she sees fit.

10.3 A request for a special meeting of the IJB to be called may be made in the form of a requisition specifying the business proposed to be transacted at the meeting and signed by two thirds of the voting members, presented to the Chairperson.

10.4 If a request is made under Standing Order 10.3 and the Chairperson refuses to call a meeting, or does not call a meeting within 7 days after the making of the request, the members who signed the requisition may call a meeting.

10.5 The business which may be transacted at a meeting called under Standing Order 10.4 is limited to the business specified in the requisition.

10.6 Adequate provision will be made to allow for members to attend a meeting of the IJB either by being present together with other members in a specified place, or in any other way which enables members to participate despite not being present with other members in a specified place.

11 Notice of Meeting

11.1 Before each meeting of the IJB, or a committee of the IJB, a notice of the meeting specifying the time, place and business to be transacted at it and issued by the Chairperson, or a member authorised by the Chairperson to sign on his or her behalf, shall be sent electronically to every member, or sent to the usual place of residence of every member, so as to be available to them at least three clear days before the meeting. "Clear Days" refer to week days, excluding weekends and public

holidays, the date of publication of a notice of meeting, and the date on which the meeting, of which notice has been given, is held.

- 11.2 A failure to serve notice of a meeting on a member in accordance with Standing Order 11.1 shall not affect the validity of anything done at that meeting.
- 11.3 In the case of a meeting of the IJB called by members, in accordance with Standing Order 10.3, the notice is to be signed by the members who requisitioned the meeting.
- 11.4 At meetings of the IJB, no business other than that on the Agenda shall be discussed or adopted except where, by reason of special circumstances, which shall be specified in the minutes, the Chairperson is of the opinion that the item should be considered at the meeting as a matter of urgency.

12 Procedures for Dealing with Items of Business

- 12.1 Every effort shall be made by members to ensure that as many decisions as possible are made by consensus.
- 12.2 Officers will speak to the terms of any report drafted by them which is on the Agenda for a meeting. Thereafter, it will be open to any member to ask a question or questions concerning the item of business under consideration. Such questions must be relevant to the item of business under consideration and may be directed through the chair, to any senior officer seeking clarification of the terms of a report.
- 12.3 When the Chairperson is satisfied that there are no more questions to be raised he or she will invite the Board to discuss the item of business. Such discussion must be relevant to the item of business and should attempt to achieve a decision by consensus. As part of the Chairperson's role to manage the meeting, the Chairperson shall attempt to ensure that members who wish to speak have a fair opportunity to do so. The Chairperson shall have power to determine when members can speak and will determine the number of occasions and length of time that a member is able to speak.
- 12.4 When the Chairperson is satisfied that a decision can be made by consensus he or she will clarify the terms of that decision with the Board.

13 Procedure Where There Is No Unanimous Decision

- 13.1 If the Chairperson is satisfied that a decision cannot be made by consensus, based on the recommendations presented in a report, he or she will invite those of differing views to state the decision they wish the Board to make. The first such statement will be known as the recommendation. Any member may seek an amendment to the recommendation. Any recommendation and amendment must relate to the item of business under discussion. No recommendation or amendment will be accepted unless it is seconded. It will be open to any member to ask a question or questions to the mover of any recommendation, or amendment, seeking clarity of their recommendation or amendment.
- 13.2 In the event that discussion on any item has exceeded 30 minutes it will be open to any member to propose a recommendation. If this is not seconded the recommendation will fall and discussion shall continue. If it is seconded, the

Chairperson will ascertain if there are any amendments, which also require to be seconded.

- 13.3 For the avoidance of doubt, non-voting members can propose a recommendation or amendment and speak to its terms, but **cannot second and/or vote on it**.
- 13.4 Subject to the right of the mover of a recommendation, and the mover of an amendment, to reply, no member will speak more than once on the same question at any meeting of the IJB except:-
- a) on a question of order;
 - b) with the permission of the Chairperson;
 - c) in explanation or to clear up a misunderstanding in some material part of his/her speech.
- 13.5 The mover of an amendment and thereafter the mover of the original recommendation will have the right of reply for a period of not more than 3 minutes. He/she will introduce no new matter and once a reply is commenced, no other member will speak on the subject of debate. Thereafter the discussion will be held closed and the Chairperson will call for the vote to be taken.

14 Alteration, Deletion and Rescission of Decisions of the Integration Board

- 14.1 Except insofar as required by reason of illegality, no motion to alter, delete or rescind a decision of the IJB will be competent within six months from the decision, unless a decision is made prior to consideration of the matter to suspend this Standing Order in terms of Standing Order 15.1.

15 Suspension, Deletion or Amendment of Standing Orders

- 15.1 Any one or more of the Standing Orders in the case of an emergency as determined by the Chairperson upon motion may be suspended, amended or deleted at any meeting so far as regards any business at such a meeting provided that two thirds of the voting membership of the IJB is present shall so decide. Any motion to suspend Standing Orders shall state the number or terms of the Standing Order(s) to be suspended.

16 Voting

- 16.1 Every effort shall be made by voting members of the IJB to ensure that as many decisions as possible are made by consensus.
- 16.2 **Subject to Standing Order 4.3, only the three non-executive directors appointed by the NHS Board, and the three councillors appointed by the Council shall be entitled to vote.**
- 16.3 Each question put to a meeting of an IJB is to be decided by a majority of the votes of the voting members attending and entitled to vote on the question. In the case of an equality of votes the Chairperson shall not have a second or casting vote.
- 16.4 Voting shall be by a show of hands.
- 16.5 Where there is an inequality of votes the voting members may agree that the matter be carried forward to the next meeting for further discussion and possible resolution. If the voting members do not agree such a method of breaking the deadlock then no decision will be taken and the status quo shall prevail. Standing Order 15.1 shall not preclude reconsideration of any such item within a 6 month period. If the matter still cannot be resolved, the Dispute Resolution Mechanism contained within the Integration Scheme may be considered.

17 Quorum

- 17.1 No business shall be transacted at a meeting of the IJB unless there are present, and entitled to vote both Council and NHS Board representatives and at least one half of the voting members are present.
- 17.2 If within ten minutes after the time appointed for the commencement of a meeting of the IJB a quorum is not present, the meeting will stand adjourned to such date and time as may be fixed and the minute of the meeting will record the fact.

18 Adjournment of Meetings

- 18.1 If it is necessary or expedient to do so, a meeting of the IJB, or a committee of the IJB, may be adjourned to another date, time or place.
- 18.2 A meeting of the IJB, or a committee of the IJB, may be adjourned by a motion, which shall be moved and seconded and put to the meeting without discussion. If such a motion is carried by a simple majority of those present and entitled to vote, the meeting shall be adjourned to another day, time and place specified in the motion.

19 Codes of Conduct and Conflicts of Interest

- 19.1 All Council appointed members shall be bound by the terms of the Code of Conduct for Councillors and all other members shall be bound by the Model Code of Conduct for members of Devolved Public Bodies Scotland (2014), both provided for under the

Ethical Standards in Public Life etc. (Scotland) Act 2000. Additionally the IJB must adopt its own Code of Conduct for Members of Devolved Bodies.

- 19.2 The Chief Officer shall keep a Register in which all members shall record their interests and hospitality offered by virtue of their membership of the IJB.
- 19.3 A member must disclose any direct or indirect pecuniary or other interest in relation to an item of business to be transacted at a meeting of the IJB, or a committee of the IJB, before taking part in any discussion on that item.
- 19.4 If a member feels that their interest is of such significance that their involvement in the debate is not in the best interests of the public, then they can opt to leave the room for the duration of the relevant item and/or opt to not use their vote on the relevant item.
- 19.5 The minutes of the meeting of the IJB shall record the name of any member who has declared an interest, the nature of the interest and whether or not the member remained in the meeting, took part in the debate or voted and the significance of their involvement in serving the best interests of the public.

20 Disclosure of Information

- 20.1 No member or officer shall disclose to any person any information which falls into the following categories:-
 - a) Confidential information within the meaning of Section 50(A)(2) of the Local Government (Scotland) Act 1973.
 - b) The full, or any part of any, document containing exempt information defined by the appropriate descriptions within Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.
 - c) Any information regarding proceedings of the IJB from which the Public have been excluded unless or until disclosure has been authorised by the Council or the Health Board or the information has been made available to the Press/media or to the Public under the terms of the relevant legislation.
- 20.2 Without prejudice to the foregoing no member shall use or disclose to any person any confidential and/or exempt information coming to his/her knowledge by virtue of his/her office as a member where such disclosure would be to the advantage of the member or of anyone known to him/her or which would be to the disadvantage of the IJB, the Council or the Health Board.

21 Recording of Proceedings/Minutes

- 21.1 A record must be kept of the names of the members and others attending every meeting of the IJB or of a committee of the IJB.
- 21.2 Minutes of the proceedings, which are the joint responsibility of Orkney Islands Council (for the IJB) and NHS Orkney (for any Sub-Committees), of each meeting of the IJB or a committee, including any decision made at that meeting, are to be drawn up and submitted to the next ensuing meeting of the IJB or the committee for agreement after which they must be signed by the person presiding at that meeting.
No sound, film, video tape, digital or photographic recording of the proceedings of any meeting shall be made without the prior written approval of the IJB.

22 Admission of Press/Media and Public

- 22.1 Subject to the extent of the accommodation available and subject to the terms of the Public Bodies (Admissions to Meetings) Act 1960 and Sections 50A and 50E of the Local Government (Scotland) Act 1973, meetings of the IJB shall be open to the public. The Chief Officer shall be responsible for giving public notice of the time and place of each meeting of the IJB by posting on the websites of constituent bodies not less than five clear days before the date of each meeting.
- 22.2 Members of the public may, at the Chairperson's discretion, be permitted to address the IJB or respond to questions from members of the IJB, but shall not generally have a right to participate in the debate at IJB meetings.
- 22.3 If a member of the public attends a meeting of the IJB, they should notify their intention to attend to Committee Services (OIC) in advance. If a member of the public wishes to address the IJB during the meeting, they must first write to Committee Services (OIC), stating their questions. Standing Order 22.2 then applies.
- 22.4 Nothing in this Standing Order shall preclude the Chairperson from requiring the removal from a meeting of any person or persons who persistently disrupts the proceedings of a meeting.

23 Committees and Sub-Committees

- 23.1 The IJB may establish any Committee or Sub-Committee of its members for the purpose of carrying out such of its functions as the Board may determine. When the IJB establishes such a Committee or Sub-Committee, it must determine who will act as Chairperson of that Committee or Sub-Committee and must determine terms of reference including delegated authority for each.
- 23.2 A Committee or Sub-Committee established under Standing Order 23.1 must include voting members, and must include an equal number of the voting members appointed by both the Health Board and the Council.
- 23.3 Any decision relating to the carrying out of functions under the Public Bodies (Joint Working) (Scotland) Act 2014 or to integration functions taken by a Committee or Sub-Committee established under Standing Order 23.1 must be agreed by a majority of the votes of the voting members who are members of the Committee.

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