

## **Item: 9**

**Policy and Resources Committee: 24 November 2020.**

**Review of Integration Scheme.**

**Joint Report by Chief Executive and Chief Officer/Executive Director, Orkney Health and Care.**

### **1. Purpose of Report**

To consider arrangements for a detailed review of the Integration Scheme.

### **2. Recommendations**

The Committee is invited to note:

#### **2.1.**

That, on 24 March 2015, following a period of consultation, the Council approved the Integration Scheme for submission to the Scottish Government by 1 April 2015.

#### **2.2.**

That Orkney's Integration Joint Board was approved by Scottish Ministers, in terms of the Public Bodies (Joint Working) (Scotland) Act 2014, on 6 February 2016.

#### **2.3.**

That section 44 of The Public Bodies (Joint Working) (Scotland) Act 2014 requires the local authority and the Health Board to carry out a review of the integration scheme before the expiry of a period of five years beginning with the day on which the scheme was approved by the Scottish Ministers, for the purpose of identifying whether any changes to the scheme are necessary or desirable.

#### **2.4.**

That the statutory review of the Integration Scheme, referred to at paragraph 2.3 above, is therefore due no later than 5 February 2021.

#### **2.5.**

The outcome of the review of the Integration Scheme, undertaken in line with Scottish Government guidance due to the impact of COVID-19, as noted in section 4 of this report, namely that there are currently no areas requiring immediate attention.

#### **2.6.**

The proposed process for a further, more detailed, review of the Integration Scheme, as set out in section 5 of this report.

## **2.7.**

That, following the detailed review, should NHS Orkney and/or the Council seek to amend the current Integration Scheme, the Interim Chief Officer and the Chief Executives of the Council and NHS Orkney will work with the Joint Discussion Forum, comprising Chairs of relevant groups and senior officers from both organisations, to agree a common approach and consult formally with the public.

## **2.8.**

That, following consultation, the Council and NHS Orkney must thereafter decide whether any changes to the Integration Scheme are necessary or desirable.

**It is recommended:**

## **2.9.**

That a more detailed review of the Integration Scheme be commenced by March 2021.

## **3. Background**

### **3.1.**

The main purpose of integration is to improve the wellbeing of people who use health and social care services, particularly those whose needs are complex and involve support from health and social care at the same time.

### **3.2.**

An Integration Joint Board (IJB) is a body corporate, established by Order under section 9 of the Public Bodies (Joint Working) (Scotland) Act 2014. In practice, this means that the Health Board and the Council delegate responsibility for planning and resourcing service provision for adult health and social care functions to the IJB, a separate legal entity. Locally, it was decided that the IJB should also be responsible for children's health and social care functions.

### **3.3.**

The underpinning document for operation of the IJB is the Integration Scheme, a comprehensive document that covers all aspects of the Community Health and Social Care Partnership's ways of working, including the detailed governance arrangements for the IJB. The Integration Scheme should also achieve the National Health and Wellbeing Outcomes prescribed by the Scottish Ministers in Regulations under section 5 (1) of the Public Bodies (Joint Working) (Scotland) Act 2014.

### **3.4.**

On 24 March 2015, following consultation, the Council approved a revised Integration Scheme for submission to the Scottish Government by 1 April 2015.

### **3.5.**

On 23 June 2015, the Policy and Resources Committee was advised that feedback on the Integration Scheme had been received from the Scottish Government and that no substantive changes were required to the Integration Scheme from the perspective of the Council.

#### **3.5.1.**

The Committee thereafter recommended that powers be delegated to the Chief Executive, in consultation with the Convener and Vice Convener, to approve further amendments, if required, following consideration of the revised version of the Integration Scheme by the Board of NHS Orkney and the Scottish Government.

### **3.6.**

Orkney's Integration Joint Board (IJB) was approved by Scottish Ministers, in terms of the Public Bodies (Joint Working) (Scotland) Act 2014, on 6 February 2016. The IJB assumed responsibility for the functions delegated to it by the Council and the Board of NHS Orkney as set out in the Integration Scheme for Orkney's Health and Social Care Partnership on 24 March 2016, when it approved the Strategic Commissioning Plan for 2016/17.

### **3.7.**

Section 44 of The Public Bodies (Joint Working) (Scotland) Act 2014 requires the local authority and the Health Board to carry out a review the Integration Scheme, for the purpose of identifying whether any changes to the scheme are necessary or desirable. This means that many Integration Schemes were due for review by June 2020, a requirement which was postponed by the Scottish Government due to the challenges relating to COVID-19.

## **4. Scottish Government COVID-19 advice**

### **4.1.**

Given the current work across local health and social care services to plan their response to COVID-19, and in view of announcements made by the First Minister and the Cabinet Secretary for Health and Sport on the stringent new measures which were put in force throughout Scotland to slow the impact of the virus, the Scottish Government advised in March 2020 that there was not an expectation at present that Integration Joint Boards and the relevant Health Boards and councils should continue work on developing successor schemes.

### **4.2.**

An email sent from Christina Naismith, Head of Integration Implementation, Scottish Government, to all Chief Officers, Local Authority Chief Executives and NHS Board Chief Executives on 17 March 2020, advised as follows:

‘For absolute clarity, the Act does not require the Health Board and Local Authority to produce a successor scheme, it requires a review. You should therefore ensure that you jointly carry out the minimum requirement of a review, which most of you have already undertaken, and that this is acknowledged jointly and formally. This review can note anything that requires further work between the partners and set out plans for the completion of that work at a later date, once the current very challenging situation passes, including the production of a successor scheme. Meantime, the current Integration Scheme will remain in force.’

### **4.3.**

In light of the above statement, a review and follow up discussion took place, both amongst the two Interim Chief Executives and with the Senior Management Team of Orkney Health and Care, and it has been agreed that there are currently no areas requiring immediate attention. As such it is considered that the statutory duty to review the scheme has been duly complied with, acknowledging that it meets the minimum requirement as set out in section 4.2 above, and that the Integration Scheme is acceptable as is.

## **5. Next Steps**

### **5.1.**

It has been further agreed that a more detailed review by NHS Orkney, the Council and the Integration Joint Board will commence by March 2021, which will include option appraisals of all functions, and will be circulated for stakeholder engagement. Once approved by both NHS Orkney and the Council, and the Scottish Government, new directions, from the Integration Joint Board, will be issued to all services formally delegated.

### **5.2.**

It is planned that an open and inclusive consultation and engagement process will be carried out to find out what those directly and indirectly affected by the application of the Integration Scheme, who wish to have a say, think about the arrangements. It is difficult to separate the Integration Scheme from the Strategic Plan, as the latter is based on the former, and therefore a concurrent engagement exercise will take place, which will inform the review of both key documents – the Strategic Plan and the Integration Scheme.

### **5.3.**

The process will be aligned with the IJB’s Communication and Engagement Strategy and will take account of the Scottish Government’s Chief Executive’s Letter to each Health Board CEL 4 (2010) Informing, Engaging and Consulting People in Developing Health and Community Care Services.

### **5.4.**

The timescale is set to enable a refreshed Integration Scheme for consideration at the June 2021 agenda cycle.

## **5.5.**

A Project Team, including officers from the Council and the Health Board, will be established for the review, reporting to the Joint Discussion Forum, which will act as a sounding board. Following the detailed review, should NHS Orkney and/or the Council seek to amend the current Integration Scheme, the Interim Chief Officer and the Chief Executives of the Council and NHS Orkney will work with the Joint Discussion Forum, to agree a common approach and consult formally with the public.

## **6. Human Resource Implications**

Staff consultation and engagement on the review of the Integration Scheme will be facilitated through the Joint Staff Forum, Council Trade Union and Area Partnership Forum.

## **7. Corporate Governance**

This report relates to the Council's governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

## **8. Financial Implications**

The costs of undertaking the consultation and engagement exercises are predominantly staff time and will require to be accommodated within the approved budget for 2021/22.

## **9. Legal Aspects**

### **9.1.**

The Integration Joint Board is a body corporate, established by Order under section 9 of the Public Bodies (Joint Working) (Scotland) Act 2014.

### **9.2.**

Section 44 of the Public Bodies (Joint Working) (Scotland) Act 2014 requires the local authority and the Health Board to carry out a review of the Integration Scheme before the expiry of the period of 5 years beginning with the day on which the scheme was approved by the Scottish Ministers, for the purpose of identifying whether any changes to the scheme are necessary or desirable". The scheme was approved by the Scottish Ministers on 6 February 2016.

### **9.3.**

A review has been undertaken, which has been limited in scope, in accordance with advice received from the Scottish Government. A further, more detailed review is now proposed to commence in March 2021.

## **10. Contact Officers**

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