

2014 No. 281

PUBLIC HEALTH

SOCIAL CARE

The Public Bodies (Joint Working) (Integration Joint Monitoring Committees) (Scotland) Order 2014

Made - - - - - *28th October 2014*

Laid before the Scottish Parliament *30th October 2014*

Coming into force - - - *28th November 2014*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 17 and 69(1) of the Public Bodies (Joint Working) (Scotland) Act 2014^(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Public Bodies (Joint Working) (Integration Joint Monitoring Committees) (Scotland) Order 2014 and comes into force on 28th November 2014.

(2) In this Order—

“the Act” means the Public Bodies (Joint Working) (Scotland) Act 2014;

“appropriate person” means a member of the Health Board, but does not include any person who is both a member of the Health Board and a councillor;

“chairperson” means the chairperson of the integration joint monitoring committee for the time being appointed under article 6;

“general medical services contract” means a contract under section 17J of the National Health Service (Scotland) Act 1978^(b);

“nominated member” means a member of the integration joint monitoring committee appointed under article 3(1)(a) or (b) or, article 4(2)(a) or (b); and

“third sector bodies” includes non-commercial providers of health or social care, representative groups, interest groups, social enterprises and community organisations.

Application

2.—(1) Article 3 of this Order applies only where an integration scheme is prepared under sections 1(2) or 2(3) of the Act.

(a) 2014 asp 9.

(b) 1978 c.29. Section 17J was inserted by section 4 of the Primary Medical Services (Scotland) Act 2004 (asp 1).

(2) Article 4 of this Order applies only where an integration scheme is prepared under section 2(4) of the Act.

(3) Except as provided for by paragraphs (1) and (2), the provisions of this Order apply to all integration joint monitoring committees.

Membership where integration scheme prepared by one local authority

3.—(1) When an integration joint monitoring committee is established it must include the following members—

- (a) at least three councillors nominated by the local authority;
- (b) at least three persons nominated by the Health Board;
- (c) the chief social work officer of the local authority;
- (d) where the integration scheme sets out that the integration model mentioned in section 1(4)(b) of the Act is to apply, the Director of Finance of the Health Board;
- (e) where the integration scheme sets out that the integration model mentioned in section 1(4)(c) of the Act is to apply, the proper officer of the local authority appointed under section 95 of the Local Government (Scotland) Act 1973^(a);
- (f) where the integration scheme sets out that the integration model mentioned in section 1(4)(d) of the Act is to apply, the Director of Finance of the Health Board and the proper officer appointed under section 95 of the Local Government (Scotland) Act 1973 of the local authority;
- (g) 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^(b);
- (h) 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; and
- (i) a registered medical practitioner employed by the Health Board and not providing primary medical services.

(2) The members appointed under paragraphs (1)(g) to (i) must be determined by the Health Board.

(3) Except where paragraph (4) applies, the persons nominated by the Health Board under paragraph (1)(b) must be non-executive directors of that Health Board.

(4) If the Health Board is unable to nominate three non-executive directors—

- (a) it must nominate two non-executive directors; and
- (b) it must nominate an appropriate person.

(5) Once an integration joint monitoring committee is established must, in addition, appoint at least one member as in respect of each of the groups described in paragraph (6).

(6) The groups referred to in paragraph (5) are—

- (a) where the integration scheme sets out that the integration model mentioned in section 1(4)(b) or (d) of the Act is to apply, staff of the Health Board engaged in the provision of services provided under integration functions;
- (b) where the integration scheme sets out that the integration model mentioned in section 1(4)(c) or (d) of the Act is to apply, staff of the local authority engaged in the provision of services provided under integration functions;
- (c) third sector bodies carrying out activities related to health or social care in the area of the local authority;

^(a) 1973 c.65.

^(b) Section 17P was inserted by section 5(2) of the Primary Medical Services (Scotland) Act 2004 (asp 1). Regulation 4(1) of S.S.I. 2004/114 provides for the preparation of a primary medical services performers list by each Health Board.

- (d) users of health and social care services residing in the area of the local authority; and
- (e) persons providing unpaid care in the area of the local authority.

(7) The integration joint monitoring committee may appoint such additional members as it sees fit.

Membership where integration scheme prepared by two or more local authorities

4.—(1) Subject to the provisions of this article, where an integration scheme is prepared by a Health Board jointly with more than one local authority under section 2(4) of the Act, the membership of the integration joint monitoring committee must be agreed between the Health Board and the local authorities.

(2) When an integration joint monitoring committee is established it must include the following members—

- (a) at least three councillors nominated by the local authorities or, if the integration scheme is prepared by more than three local authorities, one councillor nominated by each local authority;
- (b) at least three persons nominated by the Health Board;
- (c) the chief social work officer of at least one of the local authorities;
- (d) where the integration scheme sets out that the integration model mentioned in section 1(4)(b) of the Act is to apply, the Director of Finance of the Health Board;
- (e) where the integration scheme sets out that the integration model mentioned in section 1(4)(c) of the Act is to apply, the proper officer appointed under section 95 of the Local Government (Scotland) Act 1973 of at least one of the local authorities;
- (f) where the integration scheme sets out that the integration model mentioned in section 1(4)(d) of the Act is to apply, the Director of Finance of the Health Board and the proper officer appointed under section 95 of the Local Government (Scotland) Act 1973 of at least one of the local authorities;
- (g) 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;
- (h) 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; and
- (i) a registered medical practitioner employed by the Health Board and not providing primary medical services.

(3) The members appointed under paragraphs 2(g) to (i) must be determined by the Health Board.

(4) Except where paragraph (5) applies, the persons nominated by the Health Board under paragraph (2)(b) must be non-executive directors of that Health Board.

(5) If the Health Board is unable to nominate three non-executive directors—

- (a) it must nominate two non-executive directors; and
- (b) it must nominate an appropriate person.

(6) Once an integration joint monitoring committee is established it must appoint at least one member as a representative of each of the groups described in paragraph (7).

(7) The groups referred to in paragraph (6) are—

- (a) staff of the Health Board engaged in the provision of services provided under integration functions;
- (b) staff of the local authorities engaged in the provision of services provided under integration functions;
- (c) third sector bodies carrying out activities related to health or social care in the area of the local authority;

- (d) users of health and social care services residing in the area of the local authority; and
- (e) persons providing unpaid care in the area of the local authority.

(8) The integration joint monitoring committee may appoint such additional members as it sees fit.

Term of office of members

5.—(1) Subject to paragraph (2), the term of office of a member of the integration joint monitoring committee is to be determined by the Health Board and local authority, but is not to exceed three years.

(2) A member appointed under article 3(1)(c) to (f) or, as the case may be, article 4(2)(c) to (f) is to remain a member for as long as they hold the office in respect of which they are appointed.

(3) At the end of a term of office determined under (1), a member may be reappointed for a further term of office.

(4) This article is subject to articles 9 (resignation of members) and 10 (removal of members).

Appointment of chairperson

6.—(1) When an integration joint monitoring committee is established, the Health Board and local authority must appoint a chairperson from among the nominated members.

(2) The local authority and Health Board may by agreement, and, where it is reasonably practicable to do so, after providing one month's notice to the chairperson, appoint a different chairperson.

Vacancy in membership

7. A vacancy in the membership of an integration joint monitoring committee will not invalidate anything done or any decision made by that committee.

Disqualification

8.—(1) A person to whom paragraph (2) applies is disqualified from being a member of an integration joint monitoring committee.

(2) This paragraph applies to—

- (a) a person who has within the period of five years immediately preceding the proposed date of appointment been convicted of any criminal offence in respect of which the person has received a sentence of imprisonment (whether suspended or not) for a period of not less than three months (without the option of a fine);
- (b) a person who has been removed or dismissed, for disciplinary reasons, from any paid employment or office with a Health Board or local authority;
- (c) a person who is insolvent;
- (d) a person who has been removed from a register maintained by a regulatory body other than where the removal was voluntary; and
- (e) a person who has been subject to a sanction under section 19 of the Ethical Standards in Public Life etc. (Scotland) Act 2000(a).

(3) For the purposes of paragraph (2)(a) the date of conviction shall be deemed to be the date on which the days of appeal expire without any appeal having been lodged, or if an appeal has been made, the date on which the appeal is finally disposed of or treated as having been abandoned.

(4) In this article—

(a) 2000 asp 7.

- (a) a person is “insolvent” if—
 - (i) the person’s estate is sequestrated;
 - (ii) the person is adjudged bankrupt;
 - (iii) the person enters a trust deed for creditors;
 - (iv) an individual voluntary arrangement proposed by the person is approved under Part 8 of the Insolvency Act 1986(a);
 - (v) the person enters into a debt payment programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002(b) as the debtor;
 - (vi) a bankruptcy restrictions order has been made under section 56A(1) of the Bankruptcy (Scotland) Act 1985(c) or section 281A of , and Schedule 4A to, the Insolvency Act 1986(d) in respect of the person; or
 - (vii) the person has given a bankruptcy restrictions undertaking under section 56G(1) of the Bankruptcy (Scotland) Act 1985 or section 281A of, and Schedule 4A to, the Insolvency Act 1986(e);
- (b) the term “regulatory body” means any of the following—
 - (i) the Registrar of Chiropractors;
 - (ii) the registrar of the General Dental Council;
 - (iii) the registrar of the General Medical Council;
 - (iv) the registrar of the General Optical Council;
 - (v) the Registrar of the General Pharmaceutical Council;
 - (vi) the Registrar of the Health and Care Professions Council;
 - (vii) the Registrar of Nursing and Midwifery Council;
 - (viii) the Registrar of Osteopaths; or
 - (ix) the Scottish Social Services Council;
- (c) a “voluntary” removal from a register maintained by a regulatory body includes removal by reason of retirement or otherwise ceasing to practice as a regulated professional.

Resignation of members

9.—(1) Subject to paragraph (3), a member may resign their membership of the integration joint monitoring committee at any time by giving notice in writing to the committee.

(2) If a nominated member gives notice under paragraph (1), the integration joint monitoring committee must give notice to the local authority or, as the case may be, Health Board which nominated the member.

(3) Paragraph (1) does not apply to a member appointed under articles 3(1)(c) to (f) or 4(2)(c) to (f).

Removal of members

10.—(1) If a member has not attended three consecutive meetings of the integration joint monitoring committee, and their absence was not due to illness or other reasonable cause, the committee may remove the member from office by providing the member with one month’s notice in writing.

(a) 1986 c.45, as relevantly amended by the Insolvency Act 2000 (c.39), Schedule 3 and by S.I. 2010/18.
 (b) 2002 asp 17, as relevantly amended by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), sections 211 and 212; the Bankruptcy and Debt Advice (Scotland) Act 2014 (asp 11), section 53 and by S.S.I. 2011/141.
 (c) 1985 c.66. Section 56A was inserted by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 2(1).
 (d) Section 281A and Schedule 4A were inserted by the Enterprise Act 2002 (c.40), section 257 and Schedule 20.
 (e) Section 56G was inserted by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 2(1).

(2) If a member acts in a way which brings the integration joint monitoring committee into disrepute, or in a way which is inconsistent with the proper performance of the functions of the committee, the committee may, with the agreement of the Health Board and local authority, remove the member from office with effect from such date as the integration joint monitoring committee may specify to the member in writing.

(3) If a member is disqualified under article 8 during a term of office they are to be removed from office immediately.

(4) If a member who is a councillor appointed on the nomination of the local authority ceases, for any reason, to be a councillor he or she is to be removed from office with effect from the day on which he or she ceases to be a councillor.

(5) Subject to paragraphs (1) to (4), a local authority or Health Board may remove a member nominated by it providing one month's notice to the member in question and to the integration joint monitoring committee.

Voting

11. Every question at a meeting of the integration joint monitoring committee is to be determined by a majority of the votes of the members attending the meeting and entitled to vote on the question and, in the case of any equality of votes, the person presiding at the meeting is to have a casting vote.

Proxies

12.—(1) If a nominated member is unable to attend a meeting of the integration joint monitoring committee, the Health Board or local authority which nominated that member is to use its best endeavours to arrange for a suitably experienced proxy to attend the meeting in place of the nominated member.

(2) If a member who is not a nominated member is unable to attend a meeting of the integration joint monitoring committee that member may arrange for a suitably experienced proxy to attend the meeting.

(3) A proxy attending a meeting of the integration joint monitoring committee may vote on decisions put to that meeting.

Expenses

13. An integration joint monitoring committee may pay to its members any reasonable travel and other expenses properly incurred by them in connection with their membership of the committee.

Standing orders

14.—(1) An integration joint monitoring committee must make, and may amend, standing orders for the regulation of its procedure and business, and all meetings and the proceedings of the integration joint monitoring committee must be conducted in accordance with those standing orders.

(2) Standing orders prepared under paragraph (1) must include—

- (a) provision to allow for members to attend a meeting of the integration joint monitoring committee 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; and
- (b) the matters set out in the Schedule.

St Andrew's House,
Edinburgh
28th October 2014

ALEX NEIL
A member of the Scottish Government

SCHEDULE 1

Article 14

MATTERS TO BE INCLUDED IN STANDING ORDERS

Calling meetings

1.—(1) The first meeting of the integration joint monitoring committee is to be convened at a time and place determined by the chairperson.

(2) The chairperson may call a meeting of the integration joint monitoring committee at such other times as he or she sees fit.

(3) A request for a meeting of the integration joint monitoring committee 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 at least two thirds of the members, presented to the chairperson.

(4) If a request is made under paragraph (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.

(5) The business which may be transacted at a meeting called under sub-paragraph (4) is limited to the business specified in the requisition.

Notice of meetings

2.—(1) Before each meeting of the integration joint monitoring committee a notice of the meeting specifying the time, place and business to be transacted at it, signed by the chairperson, or a member authorised by the chairperson to sign on the chairperson's behalf, is to 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 five clear days before the meeting.

(2) A failure to serve notice of a meeting in accordance with sub-paragraph (1) does not affect the validity of anything done at that meeting.

(3) In the case of a meeting of the integration joint monitoring committee called by members the notice is to be signed by the members who requisitioned the meeting in accordance with paragraph 1(3).

Quorum

3. No business is to be transacted at a meeting of the integration joint monitoring committee unless at least one half of the nominated members is present.

Conduct of meetings

4.—(1) At each meeting of the integration joint monitoring committee the chairperson, if attending the meeting, is to preside.

(2) If the chairperson is absent from a meeting, the person appointed by the integration joint monitoring committee as vice chairperson, or such other member as may be chosen by the members attending the meeting, is to preside.

(3) If it is necessary or expedient to do so a meeting of the integration joint monitoring committee may be adjourned to another date, time or place.

Conflict of interest

5.—(1) 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 integration joint monitoring committee before taking part in any discussion on that item.

(2) Where an interest is disclosed under sub-paragraph (1), the other members present at the meeting in question must decide whether the member declaring the interest is to be prohibited from taking part in discussion of or voting on the item of business.

Records

6.—(1) A record must be kept of the names of the members attending every meeting of the integration joint monitoring committee.

(2) Minutes of the proceedings of a meeting of the integration joint monitoring committee, including any decision made at that meeting are to be drawn up and submitted to the next ensuing meeting of the integration joint monitoring committee for agreement after which they must be signed by the person presiding at that meeting.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in relation to the membership, proceedings and operation of integration joint monitoring committees established under section 15(3) of the Public Bodies (Joint Working) (Scotland) Act 2014.

Articles 3 and 4 make provision for the persons who must, and may, be included in the membership of an integration joint monitoring committee, depending on whether the integration joint monitoring committee is established by a Health Board acting with one, or more than one, local authority. This includes members to be nominated by the Health Board and local authority which established the committee, holders of key posts within the Health Board and local authority, and representatives of groups having an interest in the committee.

Article 5(1) provides that the term of office for members is not to exceed three years. An exception to this is set out in article 5(2) where a person is a member by virtue of holding a particular post within a Health Board or local authority. In such circumstances, the member may remain in office as long as they hold the relevant post. Article 5(4) clarifies that members may be appointed for more than one successive term of office. By virtue of article 5(5), a member may resign or be removed during their term of office as provided for in this Order.

Article 6 provides for the chairperson of the committee to be appointed from among the members nominated by the Health Board and local authority.

Article 7 clarifies that an integration joint monitoring committee may continue to operate if there is a vacancy in its membership.

Article 8 sets out categories of persons who are disqualified from being appointed as a member.

Articles 9 and 10 provide for the resignation or removal of members.

Article 11 makes provision about voting.

Article 12 makes provision to allow proxies to attend a meeting of the integration joint monitoring committee.

Article 13 sets out the expenses that may be paid to members.

Article 14 imposes a requirement on each integration joint monitoring committee to create its own standing orders. Paragraph (2), together with the Schedule, sets out matters that must be included in the standing orders of every integration joint monitoring committee.

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