

POLICY NOTE

THE PUBLIC BODIES (JOINT WORKING) (INTEGRATION JOINT BOARDS) (SCOTLAND) ORDER 2014

SSI 2014 No. 285

1. The above instrument was made in exercise of the powers conferred by section 12 (1) of the Public Bodies (Joint Working) (Scotland) Act 2014. The instrument is subject to negative resolution procedure.

Policy Objectives

2. The Public Bodies (Joint Working) (Scotland) Act 2014 (“the Act”) provides for Scottish Ministers to make provision about the membership, proceedings and powers of Integration Joint Boards established under section 9 of the Act.
3. This instrument makes provision about the membership and proceedings of an integration joint board. These include:
 - a minimum list of persons who have to be included in the membership of the integration joint board;
 - provision about the voting rights of members;
 - provision about the chairperson and vice chairperson roles, including provision for the appointment of the chairperson to rotate between the Health Board and the local authority who are represented on the integration joint board;
 - contingency arrangements including provision as to how the integration joint board may operate with a vacancy in its membership and provision for members to send proxies to meetings as required;
 - provision as to the removal and resignation of members;
 - provision about the term of office of members, which may be determined locally up to a maximum of three years;
 - provision about payment of expenses;
details of groups of persons who are disqualified from membership of the joint board.
4. The membership of the integration joint board, as required by the Order, reflects the position that the members nominated by the local authority and the Health Board are the only members having the right to vote on decisions of the integration joint board, whilst also allowing additional professional members and representatives of groups affected by the decisions of the integration joint board to be included.
5. The Order makes detailed provision for all aspects of the establishment and operation of an integration joint board. The effect of this is that all Integration Joint Boards established under the Act will operate in a consistent way. Where it is necessary to do so, different provision is made for the case where the Integration Scheme has been prepared by the Health Board acting jointly with more than one local authority.

6. The Order also requires each integration joint board to establish standing orders. Again, this ensures that key aspects of the operation of an integration joint board will be carried out consistently. The Schedule sets out provisions which will require to be included in the standing orders prepared by each Integration Joint Board. These include provision in relation to:
 - calling meetings;
 - notice of meetings;
 - quorum;
 - conduct of meetings;
 - conflict of interest; and
 - records.
7. The standing orders are required to include a dispute resolution procedure. The dispute resolution procedure which is to be developed by the Integration Joint Board must ensure there is parity between both voting memberships and is not to include the option for a particular voting member to exercise a casting vote or any other options that may give a particular voting cohort a perceived balance of power. The policy intention is that negotiation and a consensual approach should be taken where the integration joint board is making decisions, and the dispute resolution process should also follow this approach rather than giving a single member greater influence over others when making a joint decision.

Consultation

8. A public consultation took place, running from 27 May to 18 August 2014 and 172 responses were submitted in total. Where we received permission to do so, the responses to the consultation have been published on the Scottish Government website. It includes responses from Health Boards, local authorities, representative bodies, third sector and carers organisations.

Impact Assessments

9. An equality impact assessment has already been completed on the Public Bodies (Joint Working) (Scotland) Bill and a summary published. To view the Equality Impact Assessment click [here](#). No additional issues arise as a result of this instrument.

Financial Effects

10. A Business and Regulatory Impact Assessment was completed on the Public Bodies (Joint Working) (Scotland) Bill and a summary was published. To view the Business and Regulatory Impact Assessment click [here](#). No additional issues arise as a result of this instrument.

