



CÙRAM IS SLÀINTE NAN EILEAN SIAR

WESTERN ISLES HEALTH AND SOCIAL CARE PARTNERSHIP

IJB DIRECTIONS TO PARENT BODIES

Report by Chief Officer, Health and Social Care

PURPOSE OF REPORT

1. To note that the Scottish Government is currently reviewing the use of directions from the Integration Joint Board (IJB) to the parent bodies in relation to the implementation of IJB decisions.

COMPETENCE

2. There are no financial or HR implications. Directions are the legal instrument by which IJB decisions are enacted and this is covered in the narrative.

BACKGROUND

3. The Public Bodies (Joint Working) (Scotland) Act 2014 (the Act) places a duty on Integration Authorities to develop a strategic plan for integrated functions and budgets under their control.
4. Each Integration Authority must produce a strategic commissioning plan that sets out how they will plan and deliver services for their area over the medium term, using the integrated budgets under their control. Stakeholders must be fully engaged in the preparation, publication and review of the strategic commissioning plan.
5. Integration Authorities require a mechanism to action their strategic commissioning plans, and this is laid out in sections 26 to 28 of the Act. This mechanism takes the form of binding¹ directions from the Integration Authority to one or both of the Health Board and Local Authority.
6. In the case of an Integration Joint Board (IJB), a direction must be issued in respect of every function that has been delegated to the IJB². Where the lead agency model is used, the Integration Authority *may* issue directions or may carry out functions itself.
7. In either case, a direction must set out how each integrated health and social care function is to be exercised, and the budget associated with that.

FORM AND CONTENT OF DIRECTIONS

8. Directions must be in writing³ and should set out a clear framework for operational delivery of the functions that have been delegated to the Integration Authority.

¹ Section 27(4).

² Section 26(1). This requirement may be removed or varied in relation to a particular Integration Joint Board if an application under section 27(7)(a) is made by the Health Board and Local Authority for the area of the Integration Joint Board.

³ Section 27(5)(b)





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9. Directions must clearly identify the integrated health and social care functions⁴ to which they relate. The Integration Authority can direct the carrying out of those functions by requiring that a particular named service or services be provided.
10. Directions must include detailed information on the financial resources that are available for carrying out the functions that are the subject of the Directions, including the allocated budget and how that budget (whether this is payment, or an amount made available) is to be used⁵.
11. The exercise of each function can be described in terms of delivery of services, achievement of outcomes, and/or by reference to the strategic commissioning plan.
12. Directions may stipulate which of the health board or local authority is to carry out a particular function, or may require a function to be carried out jointly. The Direction may also specify what the health board and/or local authority is to do in relation to carrying out a particular function.
13. The financial resource allocated to each function in a Direction is a matter for the Integration Authority to determine. The Act makes particular provision in relation to the allocation of budgets for the sum “set aside” in relation to large hospital functions⁶, which gives flexibility for the Integration Authority to direct how much of the sum set aside is to be used for large hospital services and for the balance to be used for other purposes.

PROCESS FOR ISSUING AND REVISING DIRECTIONS

14. A Direction will remain in place until it is varied, revoked⁷ or superseded by a later Direction in respect of the same function.
15. The legislation does not set out fixed timescales for Directions. This flexibility allows Directions to ensure that delivery of integrated health and social care functions is consistent with the strategic commissioning plan, and takes account of any changes in local circumstances. In contrast with the strategic commissioning plan, there is therefore scope for directions to include detailed operational instructions in relation to particular functions (and the associated services).
16. Directions issued at the start of the year should be subsequently revised during the year in response to developments.
17. For example, should an overspend be forecast on either of the operational budgets – for health or social care services provided by the Health Board and Local Authority – the Chief Officer will need to agree a recovery plan to balance the overspending budget (in

⁴ The functions that have been delegated by the Local Authority and Health Board, as described in the relevant Integration Scheme.

⁵ Section 27(1)(a),(b) and (c)

⁶ Section 28, which allows the integration authority to allocate a “specified amount” of the set-aside budget, but requires top-up payments should additional resource be required.

⁷ Section 27(5)(a)





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line with the provisions in the Integration Scheme and statutory guidance⁸ for finance under integration). This may require an increase in the payment to either the Health Board or Local Authority, funded by either:

- Utilising an underspend on the other arm of the operational integrated budget to reduce the payment to that body; and/or
- Utilising the balance on the general fund, if available, of the IJB.

18. A revision to the Directions would be required in either case.

RECENT DEVELOPMENTS

19. The Scottish Government recently undertook a survey of IJBs to determine how directions were being used in practice and discovered high levels of variation in terms of:

- General approach
- Process
- Audit
- Reporting and feedback
- Regularity of issuing and updating
- Scale and scope

20. The Scottish Government also identified examples of good practice in processes, logs and recording; and the wider work in planning, developing and implementing directions. At a recent meeting with Chief Officers, Scottish Government colleagues described the function, process and flow of directions: that the Chief Officer as the principal advisor to the Joint Board is responsible for the implementation of its commissioning decisions, by issuing directions in writing to the council and Health Board via the Chief Executives; that the Chief Executives then take forward the operational implementation of the directions, normally through the Chief Officer in his/her operational role (but potentially through other senior officers who may manage delegated services). This is illustrated in Annex 1.

21. Our approach to issuing directions in the Western Isles has been to align strategy, budget and directions at the beginning of the financial year. While those directions have a level of detail, we have tended not to issue directions with the regularity of some partnerships – and have not normally issued directions in-year, managing change through our Integrated Corporate Management Team instead.

22. While a fuller use of directions may seem onerous and perhaps overly bureaucratic, it is important for us to reflect on whether we are using directions as required. Given that IJBs are not sub-committees of either parent body, it is evident that without directions, the decisions of the Joint Board which have an intended operational impact cannot be implemented without reference to the direction. To that end, it is suggested that where the IJB considers a report that has an operational impact, direction should be expressed through the recommendations of the report and communicated to the relevant parent body. This will not only keep us on the right side of good practice, it also protects us

⁸ <http://www.gov.scot/Resource/0048/00480494.pdf>





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against future audit – both locally and nationally. Indeed, we understand that Audit Scotland is taking an active interest in this matter.

RECOMMENDATIONS

23. It is recommended that members discuss the issues raised in the report and to agree that whenever the IJB agrees a position that has an operational implication, the Chief Officer then conveys the IJB directions through the recommendations of the report.

Ron Culley
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Annex 1: Flow of Directions

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