



CÙRAM IS SLÀINTE NAN EILEAN SIAR

WESTERN ISLES HEALTH AND SOCIAL CARE PARTNERSHIP

IJB Dispute Resolution Process

Report by Chief Officer, Health and Social Care

20 June 2019

PURPOSE OF REPORT

1. To update the Joint Board on a review of the Standing Orders, with a view to reforming the process of dispute resolution.

COMPETENCE

2. The matters arising in the report have no immediate financial, legal or HR implications.

SUMMARY

3. The IJB, in common with other public bodies, has an agreed set of Standing Orders to oversee its business. These Standing Orders describe how the IJB should operate in respect of its membership, chairmanship, meetings, decision-making, and so on.
4. A member of the IJB wrote to the Chair earlier this year to ask if the dispute resolution procedures contained within the Standing Orders could be amended. This followed an extended dispute resolution process designed to address a tied vote at the IJB in February 2018.
5. As it stands, the Standing Orders adopt the dispute resolution process defined in the Integration Scheme itself. The latter is an agreement between the Health Board and the Council, and therefore describes a dispute resolution process that begins by remitting resolution to the two Chief Executives, escalates through the Health Board Chair and Council Leader, and culminates in a petition to Scottish Ministers.
6. Arguably, however, the dispute resolution process is overly complex and not well disposed to deal with the ordinary business of the IJB. As such, an alternative process is described overleaf, which provides a structured timeline and promotes clearer decision making.

RECOMMENDATIONS

7. It is recommended that the IJB:
 - (a) Discuss the proposed dispute resolution processes; and
 - (b) Agrees that the revised process be adopted within the IJB standing orders.

Ron Culley,
Chief Officer
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Annex A: IJB Standing Orders

Existing Dispute Resolution Arrangements

15.4 Every question at a Meeting shall be determined by a majority of votes of the Voting Members present and who are entitled to vote on the question. In the case of an equality of votes the Chair shall not have a second or casting vote. If the Members still wish to pursue the issue voted on the Chair may either adjourn consideration of the matter to the next meeting of the IJB or to a special meeting of the IJB to consider the matter further or refer the matter to dispute resolution as provided for in the Integration Scheme.

Proposed Dispute Resolution Arrangements

15.4 Every question at a Meeting shall be determined by a majority of votes of the Voting Members present and who are entitled to vote on the question. In the case of an equality of votes the Chair shall not have a second or casting vote. If the Members still wish to pursue the issue voted on, the Chair may either adjourn consideration of the matter to the next meeting of the IJB or to a special meeting of the IJB to consider the matter further.

15.5 The IJB should strive to operate on the basis of consensus and seek to avoid formal dispute. If a discussion at the Joint Board has opposing views expressed, the Chair may want to take indicative soundings from voting members as to whether a consensus or majority position can be achieved.

15.6 If a formal vote is required and the IJB is unable to return a majority position, a formal process of dispute resolution will be invoked. This will involve referring the matter to the Chief Executives of the Comhairle and Health Board for resolution.

15.7 The two Chief Executives will be entitled to draw on whatever support mechanisms are necessary in order to seek agreement, including formal mediation. The matter should be brought to a close within twelve weeks of the IJB's decision to invoke the process of dispute resolution.

15.8 The Chief Executives will be asked to decide whether the recommendations of the report in question should be supported. If the recommendations are agreed, this will be communicated in writing to the IJB. The IJB will then ensure that any directions required by the decision are prepared and issued to the Health Board or Comhairle or both.

15.9 If the Chief Executives agree that the recommendations should not be supported (either in whole or in part) the Chief Officer will be asked to produce another report with new proposals for the IJB under the direction of the Chief Executives.

15.10 Should the Chief Executives fail to reach an agreement, the matter will be referred to the Scottish Government, to request support to resolve the dispute.