

Western Isles Integrated Joint Board – February 2019

Late Agendas etc.

A lay person's perspective

As more people engage on-line and through social media, putting agendas, minutes and reports on-line level the playing field and show a commitment to inclusion and diversity. As access to the Internet increases, an online presence can extend a bridge to those formerly disenfranchised or disenfranchised. This is especially so in an Island and in a rural context.

Hard copies of these papers are not being made available in local offices as an alternative to viewing these on-line. Consequently, it is very difficult for lay members to try and involve communities of interest, association and/or place in agenda items that may concern them in advance of meetings - unless that is - you try and circulate and/or publish these yourself.

Freedom of Information

As you know, the Scottish Government has made a commitment to becoming more open and the freedom of information (Fol) legislation is a key mechanism for achieving this. The expectation is that all public authorities that are publicly funded will also become more open and inclusive.

When it comes to Fol and Records Management, the IJB is a 'public authority' just like the Comhairle and the Health Board. A public authority that is open can be described as one that shares information, empowers people to hold their actions to account and supports people to take part in the decisions over public policies and the services that affect them.

Under the provisions of the Fol Act, the IJB's publication scheme must set out the Board's commitment to make certain classes of information **routinely** available, such as policies and procedures, minutes of meetings, annual reports and financial information. This applies to the Health Board and the Comhairle as well.

I should add that I am also concerned that the minutes from the last meeting of the IJB were not issued with the agenda. This is an administrative task that should be routinised within specific deadlines.

Standing Orders

As you know, Scottish Statutory Instruments (SSIs) are a form of law made by Scottish Ministers (or other responsible authority such as the Lord President) on behalf of the Scottish Parliament. SSIs have the same legal status as primary legislation (Acts).

Under the provisions of The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 - Standing orders 18 (1) An integration joint board must make, and may amend, standing orders for the regulation of its procedure and business, and all meetings of the integration joint board or of a committee of the integration joint board must be conducted in accordance with those standing orders.

The IJB's Standing Orders state: -

“Before every meeting of the Integration Board, or committee of the Integration Board, a notice of the meeting, specifying the time, place and business to be transacted at it shall be delivered to every Member or sent by post to the usual place of residence of

such Members or delivered by electronic means so as to be available to them at least five working days before the meeting. Members may opt in writing addressed to the Chief Officer to have notice of meetings delivered to an alternative address. Such notice will remain valid until rescinded in writing. Lack of service of the notice on any Member shall not affect the validity of anything done at a meeting.

Any such notice will also be published on the websites of both NHS Western Isles and the Comhairle together with links to all Reports to be considered in public.

At all Ordinary or Special Meetings of the Integration Board, no business other than that on the agenda shall be discussed or adopted except where by reason of special circumstances, which shall be specified in the minutes, the Chairperson is of the opinion that the item should be considered at the meeting as a matter of urgency.”

As you may recall, it was previously agreed that this documentation would be published on the IJB site at the very least so obviating the need to have these published on the Comhairle and Health Board sites. The failure to publish this documentation timeously on-line (in compliance with the Board’s Standing Orders) has been raised previously with the Board and with Officers.

Conclusion

I know that the Board wants to carry out its duties in a spirit of openness and transparency. I also know that it is endeavouring to work in a way that is participative and inclusive of its members and the communities that it serves.

Meetings of the IJB are the public setting in which members exercise their duties, perform their responsibilities, and make decisions. People need timeous access to information about our public authorities’ decision-making before their legal rights can be translated into lived rights. How institutions such as the Health Board, the Comhairle and the IJB respond to demands for such information can, if done properly, empower citizens and ultimately strengthen beliefs in democracy.

Apart from any legal considerations, compliance with its own Standing Orders as regards the on-line publication of agendas and reports is so fundamental to the way in which the IJB has said that it wants to carry out its business, that this task should not be compromised. This issue has been ongoing for some time now and so it may be that this is a resourcing issue which the Board should address.

Fiona Macleod

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