



## Duties of the Integration Joint Board

### **Duties under the 2014 Act: [the Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#)**

The Integration Joint Board:

Under Section 25: is responsible for the strategic planning and delivery of the functions delegated to it.

Under Section 26 and 27: is required (as are all IJBs) to issue directions to Health Boards and Local Authorities on how integration functions are to be carried out.

Under Section 29: has a duty (also given to other IJBs) to develop a strategic plan for integrated functions and budgets. Please see the Scottish Government's guidance on [Strategic Commissioning Plans](#)<sup>1</sup> for further information on the development process.

Under Section 4 and 31: Has a duty to have regard to the integration principles in Sections 4 and 31 of the 2014 Act (which describe the planning and delivery of integrated health and social care services) when preparing a strategic plan. Please see the Scottish Government's Guidance on the [Principles for Planning and Delivering Integrated Health and Social Care](#)<sup>2</sup>.

Under Section 32: Must (as each IJB must) establish a strategic planning group to support the strategic planning process, and must also determine the processes and procedures for the group, subject to the provisions in section 32 of the 2014 Act.

Under Section 37: Must review its strategic plan at least every 3 years. It also has a duty to have regard to the [National Health and Wellbeing Outcomes](#)<sup>3</sup> when preparing a strategic plan.

Under Section 39: Must publish an annual financial statement that sets out the total resources included in the plan for that year. Please see the Scottish Government's [Professional Guidance, Advice and Recommendations for Shadow Integration Arrangements](#).<sup>4</sup>

Under Section 42: Must prepare an annual performance report for the year that sets out an assessment of performance in planning and carrying out the integration functions for the local

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<sup>1</sup> <https://www2.gov.scot/Topics/Health/Policy/Adult-Health-SocialCare-Integration/Implementation/ImplementationGuidance/SCPlans>

<sup>2</sup> <https://www2.gov.scot/Topics/Health/Policy/Health-Social-Care-Integration/Statutory-Guidance-Advice/PlanningandDeliveryPrinciples>

<sup>3</sup> <https://www2.gov.scot/Topics/archive/Adult-Health-SocialCare-Integration/Outcomes>

<sup>4</sup> <https://www2.gov.scot/Topics/Health/Policy/Adult-Health-SocialCare-Integration/About-the-Bill/Working-Groups/IRAG/Guidance>

authority's area. This report must comply with the requirements of the [2014 Regulations on the Content of Performance Reports](#).

Under Section 53: Must have regard to “any” guidance issued by the Scottish Ministers about the IJB’s functions under or in relation to the Public Bodies (Joint Working) (Scotland) Act 2014. Integration Joint Boards must set up a solid complaints procedure in relation to the functions that are delegated to them. The Scottish Government’s position on this matter is that an IJB’s complaints procedure should follow the structure, principles and timescales that are set out in the [Scottish Public Service Ombudsman’s \(SPSO\) Model Complaints Handling Procedure Guidance](#).<sup>5</sup> Listed authorities, such as the IJB, are liable to investigation by the Scottish Public Services Ombudsman by virtue of section 3(1) of the 2002 Act. By virtue of section 16A of that Act, each listed authority is also obliged to have a complaints handling procedure which complies with principles published by the Ombudsman.

### **Integration Joint Board duties under the [Public Records \(Scotland\) Act 2011](#):**

Schedule 1 (Authorities to which Part 1 applies) of the 2011 Act designates Integration Joint Boards as “Bodies Corporate”, meaning that under Section 2, they must comply fully as public authorities under the 2011 Act.

The Integration Joint Board:

Under Section 1 (a): is required, as a named public authority, to prepare and implement a records management plan which sets out proper arrangements for the management of their records.

According to Section 1 (b), the records management plan must be submitted for agreement by the Keeper of the Records of Scotland. And as required by section 1 (c), the Integration Joint Board must ensure that its public records are managed according to the records management plan that was agreed with the Keeper.

Section 1 (2) (a) establishes which individuals must be identified in the records management plan, and Section 1 (2) (b) provides particular provisions which must be included in the plan.

### **Records Management**

Duties of the Integration Joint Board under the [Freedom of Information \(Scotland\) Act 2002](#):

- Under Schedule 1, Part 3, section 22, all Integration Joint Boards are a “public authority”, and are therefore subject to the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

Under Section 15 (1), Integration Joint Boards are also required to respond to information requests appropriately.

Under Section 15 (2) and Section 44, IJBs are also responsible of abiding under the [Code of Practice](#) (issued under section 60 or 61) in regards to its recommended guidance on how to handle information requests.

- The Integration Joint Board is responsible for answering any data access requests that relate to data for which it is responsible.

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<sup>5</sup> <https://www.gov.scot/publications/roles-responsibilities-membership-integration-joint-board/pages/2/>

- While the Health Board and the Local Authority remain responsible for answering all data access requests that relate to data for which they are the Data Controller. Data Controllers can receive data access requests (called Subject Access Requests under the Data Protection Act 1998) by individuals seeking their personal data.

- Integration Joint Boards must ensure that there are data sharing arrangements in place, according to the integration scheme.

### **Publication Scheme**

Section 23 of the Freedom of Information (Scotland) Act 2002 requires the Integration Joint Board, as a public authority, to adopt, develop, publish, review and maintain a publication scheme which sets out the classes of information the IJB routinely makes available, their manner of publication, and whether they are intended to be provided to the public free of charge or on payment.

It is required that the Scottish Information Commissioner approves the publication scheme. For further information on publication schemes, please see the Commissioner's [website](#).

The IJB will also have to publish associated guides as to the information it plans on making available.

### **Code of Conduct**

Schedule 3 of the [Ethical Standards in Public Life \(Scotland\) Act 2000](#) establishes that Integration Joint Boards are "devolved public bodies" for purposes of the Act.

According to section 3 this means that the Integration Joint Board is required to produce a Code of Conduct for its members that is based on the [Model Code of Conduct for Members of Devolved Public Bodies](#). Said Code will first be submitted as a draft to the Scottish Ministers for their approval.

The IJB will adopt the approved code as its own code of conduct, for it to apply to its business and members (who must adhere to it, regardless of whether they have signed similar codes of conduct previously).

### **Equality Duty**

Under Section 149 of the [Equality Act 2010](#), all public authorities in Scotland, which includes the Integration Joint Board, must comply with the public sector equality duty.

The public sector equality duty has two tiers:

The first tier is a general duty which obliges the Integration Joint Board to act to eradicate discrimination and pro-actively promote equality of opportunity.

The second tier is made up of specific duties which are set out in the [Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#):

Regulation 4: A duty to publish equality outcomes and report progress; Regulation 5: a duty to assess and review policies and practices; Regulation 6: a duty to gather and use employee information; Regulation 7: a duty to publish gender pay gap information; Regulation 8: a duty to

publish statements on equal pay, etc; Regulation 9: a duty to consider award criteria and conditions in relation to public procurement; Regulation 10: a duty to publish in a manner that is accessible, etc; Regulation 11: a duty to consider other matters. (Regulation 12 is a duty the for Scottish Ministers)

### **Other duties without direct backing from legislation:**

#### **Diversity**

The Scottish Government, through its Programme for Government, encourages and expects all public bodies, including the Integration Joint Board, to take positive action in supporting and enabling equal opportunities in work and a greater diversity in the membership and appointments to their Board.

#### **Liability**

The Integration Joint Board must ensure arrangements are in place to cover it and its members against any claims that arise in the following areas of liability<sup>6</sup>:

Clinical Negligence; Consequential or Ancillary Expense; Defamation, Directors and Officers Liability; Dishonest, Fraudulent, Criminal or Malicious Activities; Employers Liability; Financial Loss suffered by a member as a result of Fraud, Dishonesty or Theft; Personal Injury, Loss, Damage to Property or other Wrongful Act; Public Liability.

The Integration Joint Boards can apply for membership of CNORIS (Clinical Negligence and Other Risks Indemnity Scheme), which covers the above areas of liabilities.

Membership of CNORIS for IJBs is provided by the [National Health Service \(Clinical Negligence and Other Risks Indemnity Scheme\) \(Scotland\) Regulations 2000](#) (as [amended](#)).

#### **Membership**

[The Public Bodies \(Joint Working\) \(Membership and Procedures of Integration Joint Boards\) \(Scotland\) Order 2014 \("the Order"\)](#) sets out requirements on the membership of Integration Joint Boards:

Including minimum required membership and a provision for additional members to be appointed.

Section 3: The Integration Joint Board's membership must reflect the equal participation of the Health Board and Local Authority that created the IJB, to ensure joint decision making and accountability.

Section: 3 also requires that the Local Authority and Health Board each nominate a same number of individuals (minimum of 3) to the IJB, with the possibility of them agreeing to increase that number.

#### **Membership of the IJB must include:**

The Chief Social Work Officer of the constituent Local Authority; a General Practitioner representative, appointed by the Health Board; a Secondary Medical care Practitioner

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<sup>6</sup> <https://www.gov.scot/publications/roles-responsibilities-membership-integration-joint-board/pages/2/>

representative, employed by the Health Board; a Nurse representative, employed by the Health Board; a staff-side representative; a third sector representative; a carer representative; a service user representative; the Chief Officer of the Integration Joint Board; the Section 95 Officer of the Integration Joint Board

Of these, the IJB must be the one to appoint the Chief Officer of the IJB, and the Section 95 Officer, who will be responsible for the IJB's financial arrangements.

The health professionals will be appointed by the Health Board, and the Chief Social Work Officer will be appointed by the Local Authority.

Integration Joint Boards are required to have professional advice so that their health and social care service decisions reflect sound clinical practice. IJBs are also required to include key stakeholders (and use their advice and experience) in their decision-making processes.

The Order requires the following minimum professional membership in the Integration Joint Board: a GP; a Nurse; a Secondary Care representative; the Chief Officer of the Integration Joint Board; the Section 95 Officer of the Integration Joint Board; the Chief Social Work Officer of the constituent Local Authority.

In addition, Section 3 requires that stakeholder members be appointed to the IJB: a staff side member; a third sector member; a carer member; a service user member. The Principles apply to their appointment, as does for the professional members.

IJB members must each ensure that their individual roles are carried out. They will all require induction training and will have information requirements that need to be fulfilled. The Scottish Government have produced a [standard induction pack](#).

Section 5 states that if the IJB was established by more than one Local Authority – then Section 5 provides for how the minimum membership will be determined.