

SCOTTISH BORDERS COUNCIL
NHS BORDERS

MINUTE of MEETING of the HEALTH AND SOCIAL CARE PATHFINDER BOARD held at Council Chamber, Council Headquarters, Newtown St Boswells 24 March 2014 at 2.30 pm.

- Present:- Councillor C. Bhatia (Chairman - SBC Depute Leader - Health Service), Mr D. Davidson (NHS Borders Board Member), Ms E. Fleck (Director of Nursing and Midwifery), Dr S. MacDonald (NHS Borders Medical Director), Ms K. McNicol (NHS Board Member), Councillor J. Mitchell (SBC Depute Leader – Finance), Councillor D. Parker, (SBC Leader), Councillor F. Renton (SBC Executive Member for Social Work).
- Apologies:- Mr J. Raine (Chairman of NHS Borders), Ms T Logan (SBC Chief Executive).
- In Attendance:- Dr E. Bajjal (Joint Director of Public Health for NHS Borders and SBC), Mr C. Campbell (NHS Borders Chief Executive), Ms J. Davidson (NHS Borders Chief Operating Officer), Mr J. Lamb (SBC, Programme Manager), Mr J. McLaren (NHS Employee Director of Area Partnership Forum), Mr D. Robertson (SBC Chief Financial Officer), Ms E. Torrance (Programme Director for Health & Social Care Integration), Ms J. Wilkinson (SBC Clerk to the Council), Ms K. Mason (SBC Democratic Services Officer).
-

ORDER OF BUSINESS

1. The Chairman advised that there was an additional item of business for the Board to consider and finance reports would be tabled at the meeting by the Chief Financial Officer. This Minute reflects the order in which items were considered at the meeting.

MINUTE

2. There had been circulated copies of the Minute of the meeting held on 16 December 2013.

DECISION

AGREED to approve the Minute for signature by the Chairman.

MEMBERS

Dr S. McDonald and Ms. E. Fleck joined the meeting at difference times during discussion of the following item.

HEALTH AND SOCIAL CARE INTEGRATION LEGISLATION

3. There had been circulated copies of a power point presentation relating to the Health and Social Care Integration Public Bodies (Joint Working (Scotland) Bill. Mrs Isles, SBC Legal and Licensing Services Manager, presented information relating to the Bill which dealt with a variety of possible Integration Authority formats, namely:- (a) corporate body joint board; (b) lead agency; (c) Councils and Health Boards with coterminous boundaries; and (d) Councils and Health Boards who did not share co-terminous boundaries. She advised that the Bill was peppered with provisions giving Ministers powers to make Regulations, Orders, Schemes, Guidelines and Directions. There was a duty to provide an Integration Scheme, with Scottish Ministers having default powers if the Council and NHS Borders failed to submit the Integration Scheme. The Strategic Plan was the next major piece of work but until Regulations came out it was only possible to look at matters in principle at this stage. Members also considered where Health and Social Care Integration sat with Community Planning.

DECISION

NOTED the presentation.

INTEGRATION PROGRAMME BOARD UPDATE

4. There had been circulated copies of a Briefing Paper by Elaine Torrance, Joint Programme Director for Health & Social Care Integration/Chief Social Work Officer, advising on progress with the Integration Programme for Health & Social Care and identifying the key issues and risks for the programme. The Public Bodies (Scotland) Act was due to receive Royal Assent in April 2014 and work was underway at national level to develop and consult on regulations and guidance which would need to be kept under review by the Partnership as it developed. The Pathfinder Board had previously considered a high level programme plan identifying the key timescales for the establishment of an Integration Body operating fully within the legislation by April 2015. The Programme Manager, Mr Lamb, advised that the programme plan identified a number of key stages and timescales which were broken down as follows: (a) the development of the Shadow Board by April 2014; (b) the production of the Integration Plan by February 2015 which would need to detail the Governance arrangements for the partnership including membership of the Integration Body and Terms of Reference; and (c) the production of the Strategic Plan for the partnership by 2015 which would set out the strategic outcomes and priorities for the partnership including proposals for service development and budget spend. The Scottish Government had announced funding of £7m across Scotland to assist with the preparation for the implementation of the Act during 2014/15 and it was noted that a bid for £654,000 was being submitted. A copy of the bid was circulated at the meeting. Members discussed the tight timetables, the requirement for IT systems to be compatible, and the need to start focussing on existing strategies and deliverables going forward. The Chief Financial Officer advised that based on population, the Scottish Borders share of the budget available from the Scottish Government would be £140k and Members agreed to progress along those lines.

DECISION

(a) NOTED the report.

(b) AGREED to progress matters on the basis of a minimum additional budget allocation of £140k from Scottish Government.

URGENT BUSINESS

5. Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed.

FINANCE REPORTS

6. There had been tabled at the meeting copies of details of the establishment of the financial management arrangements for the shadow year and a draft shadow budget management report. The Chief Financial Officer highlighted the main areas in relation to the establishment of financial management arrangements which were (a) the creation of an aligned financial plan for the shadow year; and (b) budget monitoring and management report and governance responsibilities for managing the budget. He also presented information relating to the draft shadow budget management report. Monitoring reports would be based on the spreadsheets issued.

DECISION

NOTED the reports.

SHADOW INTEGRATION BOARD – GOVERNANCE

7. There had been circulated copies of a report by the Chief Executive of Scottish Borders Council on proposed governance arrangements for Health & Social Care, making recommendations to Council/NHS Borders on disbanding the current Health and Social Care Pathfinder Board and replacing this with a Shadow Board until 1 April 2015. A similar report would be considered by NHS Borders Board at its meeting on 3 April 2014. The report explained that the Public Bodies (Joint Working) (Scotland) Act was passed by the Scottish Parliament on 25 February 2014, with a proposed date for implementation of 1 April 2015.

The current Health and Social Care Pathfinder Board consisted of 5 Elected Members and 5 NHS Borders Board members. It was now thought to be appropriate, with the main legislation agreed by the Scottish Parliament, to progress matters beyond the scope of the current Pathfinder Board and move to a Shadow Board to operate in 2014/15, ready for the start of the Joint Integration Board from 1 April 2015. The terms of reference for the proposed Shadow Board, as detailed in Appendix 1 to the report, made it clear that the Shadow Board would have, as far as possible within existing legislation, the same responsibilities for services as the final Joint Integration Board would have when legislation had been fully enacted. Until the new legislation was enacted, any decisions of the Shadow Integration Board would require to be ratified at the next available meetings of both Scottish Borders Council and NHS Borders Board. Details of the initial remit and constitution of the Shadow Board were contained in Appendix 2 to the report. However, the list of functions remitted to the Shadow Board was likely to change during the shadow period as further legislation was enacted and discussions took place between the Council and NHS Borders. There were a number of policy statements by Scottish Government containing areas for inclusion, and approval was being sought to delegate authority to the Chief Executive - in consultation with the Leader and Member for Health Services, and the Chief Executive of NHS Borders - to add, remove or amend any services within the remit of the Shadow Board, as required and in compliance with the Public Bodies (Joint Working) (Scotland) Act 2014 and any consequential Regulations, Orders, Directions and Guidance. A similar recommendation would be contained in the report to NHS Borders Board. To ensure that both NHS Borders and Scottish Borders Council complied with legislation governing the two bodies, a set of Standing Orders had been drawn up to be used by all members of the Shadow Board and these were contained in Appendix 4 to the report. A dispute resolution process for the Shadow Board had also been drafted and this was included at Appendix 5 to the report. A further report would be brought to Council in early 2015 on the changes required to establish the Joint Integration Board from 1 April 2015. Members noted that in relation to Appendix 4 of the report, paragraph 2.1 the Membership should refer to six elected Members of Scottish Borders Council and six Members of NHS Borders and that paragraph 2.8 should be deleted.

8. It was noted during the discussions that the next meeting was scheduled to be held on 23 June 2014 but it was considered that a meeting of the Shadow Board should be held before then to progress matters and a provisional date was agreed as Monday 28 April 2014 at 2.00 p.m., subject to the Clerk to the Council clarifying with the NHS Borders Board Secretary that this date was acceptable.

DECISION

(a) NOTED the following recommendations which would be considered by Council on 27 March 2014:-

- (i) to note progress with the Integration Programme;**
- (ii) that the Health and Social Care Pathfinder Board be disbanded and the Scheme of Administration be amended accordingly;**
- (iii) that a Health and Social Care Shadow Integration Board be established with effect from 7 April 2014 until 1 April 2015;**
- (iv) to approve the terms of reference of the Shadow Integration Board as detailed in Appendix 1 to the report;**
- (v) to approve the remit and constitution of the Shadow Integration Board as detailed in Appendix 2 to the report and that this be added to the Scheme of Administration;**
- (vi) to note the appointment of the Leader, the two Depute Leaders (Finance and Health Service), the Executive Member for Social Work, and the Executive Member for Education to the Shadow Integration Board;**

- (vii) to appoint a further Elected Member to the Shadow Integration Board;
 - (viii) that the Shadow Integration Board evaluates and defines the scope of the functions detailed in Appendix 3 to the report for future consideration;
 - (ix) to approve the Standing Orders to be used by the Shadow Board as detailed in Appendix 4 to the report as amended;
 - (x) to approve the Dispute Resolution process as detailed in Appendix 5 to the report; and
 - (xi) to delegate authority to the Chief Executive - in consultation with the Leader and Member for Health Services, and the Chief Executive of NHS Borders - to add, remove or amend any services within the remit of the Shadow Board, as required and in compliance with the Public Bodies (Joint Working) (Scotland) Act 2014 and any consequential Regulations, Orders, Directions and Guidance.
- (b) **AGREED**, subject to the Clerk clarifying with the NHS Borders Board Secretary, that the first meeting of the Shadow Board be held in Council Headquarters on 28 April 2014 at 2.00 p.m. As previously agreed meetings would also be held on 23 June 2014, 22 September 2014, 15 December 2014, 23 March 2015 and 22 June 2015.

MEMBERS

Ms E. Fleck and Dr S. MacDonald left the meeting.

CHIEF OFFICER APPOINTMENT

9. The Programme Director advised that the job description for the Health and Social Care Chief Officer had been drafted and was being graded through Scottish Borders Council and NHS Borders processes. It was anticipated that the position would be advertised as soon as possible. Calum Campbell advised that he hoped that the Chief Officer would be appointed in 6 – 8 weeks.

**DECISION
NOTED.**

COMMUNICATIONS – NEWSLETTER

10. There had been circulated copies of Issue 1 – February 2014 - Health and Social Care Integration Programme Update. Members discussed the branding noting that no strong steer had been received. The Programme Director referred to the header used in the Newsletter and advised she would contact the virtual group which was looking at engagement and ask them to discuss the branding. Further Newsletters would be issued after each Board meeting.

**DECISION
AGREED that:**

- (a) the Programme Director would discuss branding with the virtual group which was looking at engagement; and
- (b) further Newsletters would be issued after each Board meeting.

The meeting concluded at 3.45 p.m.