

*Scottish Borders Health & Social Care
Integration Joint Board*



Scottish Borders
Health and Social Care
PARTNERSHIP

Meeting Date: 2 March 2022

Report By:	Chris Myers, Chief Officer
Contact:	Hayley Jacks
Telephone:	Via Microsoft Teams
UPDATE ON IMPACT OF INTEGRATION JOINT BOARD REQUIREMENTS AS CATEGORY 1 RESPONDERS UNDER THE CIVIL CONTINGENCIES ACT 2004	
Purpose of Report:	To provide the Health & Social Care Integration Joint Board with further information on the application of the amendment to the Civil Contingencies Act 2004 to include Integration Joint Boards as Category 1.
Recommendations:	The Health & Social Care Integration Joint Board is asked to: <ul style="list-style-type: none"> a) <u>Consider and note</u> the assessment of the obligations, and assessed requirements for the Integration Joint Board outlined within this update paper in relation to the amendment to The Civil Contingencies Act 2004 (Amendment of List of Responders) (Scotland) Order 2004 b) <u>Request</u> that the IJB Audit Committee to build in the review of ongoing arrangements in relation to the Civil Contingencies Act (Amendment of List of Responders) (Scotland) Order 2004 into their audit cycle to ensure that these obligations are met
Personnel:	It is expected that this change will provide further support to staff, by clarifying expectations, and communications that should improve a category 1 response.
Carers:	As above
Equalities:	Equality and diversity implications will be considered in response.
Financial:	The Scottish Government has indicated that this should be a consolidation of the relationship with partners increasing resilience and without additional resource. The IJB does not employ officers to support this area of work specifically and indeed the Health and Social Care Partnership has no specific officers. On the basis it is not expected that there will be additional costs associated to these changes for the Integration Joint Board, and should there be any financial requirement, this would be minimal.
Legal:	It is expected that the arrangements outlined in this paper will ensure compliance against the Civil Contingencies Act 2004

Risk Implications:	It is requested that the IJB Audit Committee be asked to monitor the ongoing risks in compliance.
Direction required:	No Direction required

**AMENDMENT TO CIVIL CONTINGENCIES ACT 2004 TO INCLUDE
INTEGRATION JOINT BOARDS AS CATEGORY 1 RESPONDERS:
FEBRUARY 2022 UPDATE PAPER**



Scottish Borders Health and Social Care Integration Joint Board

SITUATION

In September 2020, Jeane Freeman, former Cabinet Secretary for Health and Sport, wrote a letter to the chair of the Scottish Resilience Partnership to give notification of an amendment that the Scottish Government intended to make to the Civil Contingencies Act 2004 (hereinafter referred to as the Act) to add Integration Joint Boards as Category 1 responders in Scotland. A further letter was sent by Jeane Freeman to NHS and Local Authority Chief Executives, and IJB Chief Officers in January 2021, outlining the next steps in the inclusion of IJB's as Category 1 responders under the Act.

Following consultation, the amendment was considered in the Scottish Parliament in January 2021. Scottish Ministers concluded that there was no reason not to legislate for IJB inclusion within the Civil Contingencies Act 2004 to ensure formal coordinated and appropriate arrangements are in place. The amendment to the Act came into effect in the Spring of 2021.

The Scottish Borders Integration Joint Board noted the letter from the former Cabinet Secretary for Health and Sport in its February 2021 meeting, and that as a public body responsible for strategic commissioning rather than operational delivery, which, the Integration Joint Board was required to that the application of this was limited to the fact that services that are commissioned may be impacted upon in the event of an emergency event requiring a category one response.

In the context of the recent Omicron variant wave of Covid-19, the Integration Joint Board Chief Officer, Chair and Vice Chair of the Integration Joint Board have considered these arrangements further to ensure that the Integration Joint Board is fulfilling its duties under the Act. This report summarises their findings and is intended to provide assurance to the Integration Joint Board that these duties are being fulfilled.

BACKGROUND

Integration Joint Boards, Health Boards and Local Authorities now share a joint responsibility and accountability for drawing up suitable plans which take account of functions managed by each individual body. Therefore, the Integration Joint Board Chief Officers and their teams are now expected to work alongside Health Board and Local Authority colleagues when carrying out the duties relevant to the Civil Contingencies Act 2004.

The excerpt from the Scottish Government website, highlighting the rationale for extending Category 1 Responder status to IJB's and specifically the role of the Chief Officer, can be found at <https://www.gov.scot/publications/consultation-amend-civil-contingencies-act-2004-include-integration-joint-boards-government-response/>

Where there is a risk of an emergency which will impact functions delegated to the Integration Joint Board, there will be formal coordinated and appropriate arrangements in place for emergency planning; information sharing and cooperation with other responders; and joined up information sharing and advice for the public.

The aim of the amendment is to consolidate the partnership relationship, ensuring an effective and efficient and timely response for services delegated to Integration Joint Boards.

ASSESSMENT

The Civil Contingencies Act (2004) puts into place the obligations listed below for Category 1 Responders. The assessment of the Chief Officer, Chair and Vice Chair of the obligations of the Scottish Borders Health and Social Care Integration Joint Board in respect of implementing its duties under the Act are outlined below:

Obligation	Assessed requirement for the Scottish Borders Integration Joint Board	Current status
1. Assess the risk of emergencies occurring and use this to inform contingency planning.	<p>The Integration Joint Board is required to work closely with partners in NHS Borders, the Scottish Borders Council and Lothian and Borders Local Resilience Partnership partners.</p> <p>The Integration Joint Board is required to assess the risk of emergencies occurring that could impact on strategic commissioning functions of the IJB in delivering its overall strategic objectives.</p>	This is in place, through the Chief Officer and Chair of the Integration Joint Board.
2. Put in place emergency plans.	The role of the Integration Joint Board is to be assured that emergency and business continuity plans have been put into place by NHS Borders and the Scottish Borders Council, and to provide strategic support to these delivery partners in the event of an emergency response.	Emergency and business continuity plans are in place in both organisations. In addition, the business continuity plans of operational partners are reviewed by the Health and Social Care Partnership teams in NHS Borders and Scottish Borders Council.

<p>3. Put in place business continuity management arrangements.</p>	<p>The development of Critical Functions framework supports compliance with the Civil Contingencies Act (2004).</p> <p>In addition, Integration Joint Board members may be asked to support the Chief Officer, along with operational partners in NHS Borders and Scottish Borders Council by temporarily reducing the strategic requirements / building in tolerance to planning processes or Directions issued by the Integration Joint Board in the event of an emergency situation where business continuity arrangements are put into place.</p>	<p>A Health and Social Care Critical Functions framework has been developed which has been developed in partnership with NHS Borders and the Scottish Borders Council. This has now been adopted by the Health and Social Care operational teams.</p> <p>The Critical Functions framework is a risk-based approach, with the following three operational objectives:</p> <ol style="list-style-type: none"> 1. Protect individuals and areas at highest risk; 2. Prioritise measures to reduce risks and harm to individuals / hospital demand where possible; and, 3. Proactively manage risk
<p>4. Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency.</p>	<p>This will be undertaken in partnership with NHS Borders and the Scottish Borders Council.</p>	<p>In early January, a joint press release went out of behalf of NHS Borders, the Scottish Borders Council and the Integration Joint Board to the public during the Omicron Covid-19 wave. We have also communicated with our service users in writing to outline the impacts of the pandemic on service users and increased risks.</p>
<p>5. Share information with other local responders to enhance co-ordination.</p>	<p>The Integration Joint Board has a duty to cooperate with other local responders, including through the Local Resilience Partnership, NHS Borders Gold Command, and the Scottish Borders Council Recovery Group.</p>	<p>The Integration Joint Board Chief Officer liaises with the Scottish Borders Council, NHS Borders, the Lothian and Borders Local Resilience Partnership and Community Planning Partnership.</p>
<p>6. Co-operate with other local responders to enhance co-ordination and efficiency.</p>	<p>As above.</p>	<p>As above.</p>

RECOMMENDATIONS

The Scottish Borders Health and Social Care Integration Joint Board are asked to:

- a) Consider and note the assessment of the obligations, and assessed requirements for the Integration Joint Board outlined within this update paper in relation to the amendment to The Civil Contingencies Act 2004 (Amendment of List of Responders) (Scotland) Order 2004
- b) Request that the IJB Audit Committee to build in the review of ongoing arrangements in relation to the Civil Contingencies Act (Amendment of List of Responders) (Scotland) Order 2004 into their audit cycle to ensure that these obligations are met