



24 January 2024

Revised Directions Policy and Procedure

Report by Chris Myers, Chief Officer Health & Social Care

1. PURPOSE AND SUMMARY

1.1 To seek review and approval of the updated Directions Policy and Procedure which was originally developed in line with the provisions of the Public Bodies (Joint Working) (Scotland) Act 2014 and statutory guidance from the Scottish Government, and approved by the IJB on 15 December 2021.

2. RECOMMENDATIONS

2.1. **The Scottish Borders Health and Social Care Integration Joint Board (IJB) is asked to:-**

- a) Approve the updated Directions Policy and Procedure that was reviewed in the 18 December 2023 IJB Audit Committee.

3. ALIGNMENT TO STRATEGIC OBJECTIVES AND WAYS OF WORKING

3.1. It is expected that the proposal will impact on the Health and Social Care Strategic Framework Objectives and Ways of Working below:

Alignment to our strategic objectives					
Rising to the workforce challenge	Improving access	Focusing on early intervention and prevention	Supporting unpaid carers	Improving our effectiveness and thinking differently to meet need with less	Reducing poverty and inequalities
X	X	X	X	X	X

Alignment to our ways of working					
People at the heart of everything we do	Good agile teamwork and ways of working – Team Borders approach	Delivering quality, sustainable, seamless services	Dignity and respect	Care and compassion	Inclusive co-productive and fair with openness, honesty and responsibility
X	X	X	X	X	X

4. INTEGRATION JOINT BOARD DIRECTION

4.1 A direction is not required.

5. BACKGROUND

- 5.1 Directions are a legal mechanism intended to clarify responsibilities requirements between partners. Directions are the means by which the SBIJB directs NHS Borders and the Scottish Borders Council how services are to be delivered using the integrated budget (i.e. the budget which is allocated to the SBIJB and for which the SBIJB is responsible).
- 5.2 Directions provide the mechanism for delivering the strategic plan, for conveying and enacting the decisions of the SBIJB, clarifying responsibilities between partners, and improving accountability.
- 5.3 The Directions Policy and Procedure was approved in the 15 December 2021 Health and Social Care Integration Joint Board, and the first formal Directions were issued from the following Integration Joint Board on 2 March 2022.
- 5.4 The Directions Policy and Procedure is due for review every two years. As part of this process, there has been discussion in the Integration Joint Board Audit Committees on 19 June 2023 and on 18 December 2023, where the Audit Committee revised the policy with a view to recommending its approval at the Integration Joint Board. In addition, there has been discussion at the Health and Social Care Joint Executive Team, and with the Chief Executives of the two statutory partner organisations who receive Directions.
- 5.5 Since the launch of the Directions Policy and Procedure, there have been a number of developments which impact on the Directions Policy and Procedure:
 - 5.5.1 There is now a new Strategic Plan for the Integration Joint Board and Health and Social Partnership, 'the Health and Social Care Strategic Framework 2023-26.' Associated to this is a new HSCP Delivery Plan which outlines the workplan for the Integration Joint Board in delivering against the Strategic Framework.
 - 5.5.2 As outlined in the HSCP Delivery Plan 2023-24, the Strategic Implementation Plan (SIP) workstreams have been replaced with a new structure under the Health and Social Care Partnership. This ensures better engagement and closer working between the Integration Joint Board, and wider Health and Social Care Partnership.
 - 5.5.3 The Integration Joint Board reviewed and revised its approach to complying with the Equality Duty and other legal requirements in March 2023. A new set of Equality Outcomes for the period March 2023 to March 2025 were adopted. The equality outcomes are supported by a robust mainstreaming framework which enables the Integration Joint Board to monitor and evaluated compliance with the Equality Duty and the Equality and Human Rights Measurement Framework. Equalities and Human Rights Impact Assessments now accompany all reports submitted to the Integration Joint Board, this to enable Board members to take account of the findings of the impact assessment at the same time as considering the recommendations of the report being put forward.
 - 5.5.4 The Health and Social Care Partnership Joint Executive Team have oversight of progress against the Strategic Framework and associated HSCP Delivery Plan.
 - 5.5.5 All directions are now worked up via the Health and Social Care Partnership Joint Executive Team (JET), ensuring organisational ownership from our statutory partners prior to directions being issued.

5.5.6 Due to urgency and/or some there have been 2 instances of directions being submitted directly from the Health and Social Care Partnership Joint Executive Team to the IJB without review by Strategic Planning Group. In these instances, the IJB Chief Officer and HSCP Joint Executive Team have held the risk.

5.5.7 Directions have been routinely reviewed by the IJB Audit Committee, however, in line with the Directions report which is now part of the HSCP Performance and Delivery Report, it is recommended that both the IJB and IJB Audit Committee chose to call items by exception rather than routinely to the IJB Audit Committee for review. The Directions Template (Appendix 2) has been updated accordingly.

5.5.8 There have been challenges relating to timescales for review which have often been too ambitious. As a result, the Directions Template (Appendix 2) has been revised to ensure that timescales are realistically set out.

6 IMPACTS

Community Health and Wellbeing Outcomes

6.1 It is expected that the proposal will impact on the National Health and Wellbeing Outcomes below:

N	Outcome description	Increase / Decrease / No impact
1	People are able to look after and improve their own health and wellbeing and live in good health for longer.	X
2	People, including those with disabilities or long term conditions, or who are frail, are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community.	X
3	People who use health and social care services have positive experiences of those services, and have their dignity respected.	X
4	Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services.	X
5	Health and social care services contribute to reducing health inequalities.	X
6	People who provide unpaid care are supported to look after their own health and wellbeing, including to reduce any negative impact of their caring role on their own health and well-being.	X
7	People who use health and social care services are safe from harm.	X
8	People who work in health and social care services feel engaged with the work they do and are supported to continuously improve the information, support, care and treatment they provide.	X
9	Resources are used effectively and efficiently in the provision of health and social care services.	X

Financial impacts

6.2 There are no costs attached to any of the recommendations contained in this report. However the use of Directions should improve the Integrated Joint Board's financial oversight.

Equality, Human Rights and Fairer Scotland Duty

- 6.3. The Integration Joint Board is a listed public authority and has subject to both the Equality Duty and the Scottish Specific Public Sector Equality Duty since 2015.
- 6.4. The Integration Joint Board published its last Mainstreaming Report and Equality Outcome 2023 to 2025 in March 2023 . The outcomes were co-produced by members of the Strategic Planning Group Equalities & Human Rights Subgroup; in conjunction with relevant communities of interest and senior NHS Borders and Scottish Borders Council staff, the framework for 2023 to 2025 links directly to the Scottish Borders Health and Social Care Framework 2023 to 2026 and key Partnership workplans.
- 6.5. To ensure compliance with the Scottish Specific Public Sector Duty to review and assess policy and practice, the Scottish Borders Health and Social Care Partnership reviewed, revised and renewed their approach to undertaking equality and human rights impact assessments, concluding this in December 2022. The Integration Joint Board is now presented with an equality and human rights impact assessment at the same time they are considering a report from senior management. In addition, the Integration Joint Board take annual report on progress being made to ensure continuous improvement in complying with their legal duties.
- 6.6. A stage 1 Integrated Impact Assessment has been completed and is attached to this document. This found that there was no differential impact as a result of the review of the Directions Policy and Procedure from an Equality Duty, the Scottish Specific Public Sector Equality Duties, Human Rights and the Fairer Scotland Duty.
- 6.7. When required, Equality and Diversity Impact Assessments will be carried out as part of the planning and implementation processes undertaken by the IJB, and the Health and Social Care Partnership.

Legislative considerations

- 6.8. The policy supports continued compliance with the provisions of the Public Bodies (Joint Working) (Scotland) Act 2014. Listed public authorities are defined by Section 149 of the Equality Act 2010 and the specific duties imposed by the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. These regulations were amended in 2016.

Climate Change and Sustainability

- 6.9. None relevant.

Risk and Mitigations

- 6.10. Appropriate use of the Directions Policy and Procedure supports the risk management by the Health and Social Care Integration Joint Board.

7 CONSULTATION

Communities consulted

- 7.1 The revised policy and procedure has been developed by the Integration Joint Board Audit Committee. The policy will continue to ensure consultation through the Strategic Planning Group

on new Directions before they are considered by the Integration Joint Board, unless they are escalated due to urgency or high level risk.

Integration Joint Board Officers consulted

7.2 The IJB Board Secretary and the IJB Chief Officer have been consulted, and all comments received have been incorporated into the final report.

7.3 In addition, consultation has occurred with our statutory operational partners at the:

- HSCP Joint Executive Team

Approved by:

Chris Myers, Chief Officer Health & Social Care

Author(s)

Chris Myers, Chief Officer Health & Social Care
Iris Bishop, Board Secretary

Background Papers: [15 December 2021 Directions Policy and Procedure.](#)

Previous Minute Reference: [Minutes of 15 December 2021 IJB meeting](#)

For more information on this report, contact us at chris.myers2@borders.scot.nhs.uk

Directions Policy and Procedure

Scottish Borders Health and Social Care Integration Joint Board

1. Purpose

The Policy and Procedure seeks to enhance the governance, transparency and accountability between the Scottish Borders Integration Joint Board (SBIJB) and partner organisations NHS Borders and the Scottish Borders Council, by clarifying responsibilities. The Policy and Procedure has been developed to ensure compliance with Scottish Government statutory requirements and guidance on Directions. This policy sets out the process for formulating, approving, issuing and reviewing Directions.

This Policy and Procedure has been developed in line with the provisions set out in the Public Bodies (Joint Working) (Scotland) Act 2014¹ and Scottish Government best practice guidance².

2. Policy

2.1. Legislative and policy framework

The Public Bodies (Joint Working) (Scotland) Act 2014 (the Act) states that an Integration Joint Board must give a Direction to a constituent authority to carry out each function delegated to the integration authority.

The responsibility for decisions about the planning and strategic commissioning of all health and social care functions that have been delegated to the IJB sits wholly with the IJB as a statutory public body.

The Act further places a duty on Integration Authorities to develop a strategic plan for integrated functions and budgets under their control. Integration Authorities require a mechanism to action these strategic commissioning plans and this mechanism takes the form of binding Directions from the Integration Authority to one or both of the Health Board and Local Authority.

In February 2016, the Scottish Government issued a 'Good Practice Note' on the use of Directions. The final report of the Ministerial Strategic Group (MSG) Health and Community Care Review of Progress with Integration, published February 2019, proposed enhanced governance and accountability arrangements.

2.2. Definition and purpose of Directions

Directions are a legal mechanism intended to clarify responsibilities requirements between partners. Directions are the means by which the SBIJB directs NHS Borders and the Scottish Borders Council how services are to be delivered using the integrated budget (i.e. the budget which is allocated to the SBIJB and for which the SBIJB is responsible).

The primary purpose of Directions are to set a clear framework for the operational delivery of the functions that have been delegated to the SBIJB and to convey the decision(s) made by the SBIJB about any given function(s)³.

¹ Public Bodies (Joint Working) (Scotland) Act 2014. Available from: https://www.legislation.gov.uk/asp/2014/9/pdfs/asp_20140009_en.pdf

² Scottish Government. Good Practice Note. Directions from integration authorities to health boards and local authorities: guidance. Available from: <https://www.gov.scot/publications/good-practice-note-directions-integration-authorities-health-boards-local-authorities/>

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In line with national guidance on good practice, clear Directions must be given in respect of every function that has been delegated to the SBIJB. Directions are legally binding and must be implemented by the statutory partners that receive them. As a result, it is essential that they are appropriately developed. Directions must provide sufficient detail to enable NHS Borders and the Scottish Borders Council to discharge their statutory duties under the Act. Specific Directions can be given to NHS Borders, the Scottish Borders Council or both organisations depending on the services to be provided (Appendix B includes the Direction template to be used). However, Directions should not be issued unnecessarily and should be proportionate.

Directions must identify the integrated health and social care function it relates to and include information on the financial resources that are available for carrying out this function. The financial resource allocated to each function is a matter for the SBIJB to determine. The Act makes provision for the allocations of budgets for the sums 'set aside' in relation to commissioned services within large hospitals and finance statutory guidance published in 2015 provides detail⁴.

Directions must also provide information on the delivery requirements. Directions may, if appropriate, specify a particular service or services to be provided.

In summary, the purpose of Directions is to set a clear framework for the operational delivery of the functions that have been delegated to the SBIJB and therefore all Directions must be in writing. Functions may be described in terms of delivery of services, achievement of outcomes and/or the strategic plan priorities.

The legislation does not set out fixed timescales for Directions. A Direction will stand until it is revoked, varied or superseded by later Direction in respect in the same function.

³ Scottish Government. Directions from integration authorities to health boards and local authorities: statutory guidance. Available from: <https://www.gov.scot/publications/statutory-guidance-directions-integration-authorities-health-boards-local-authorities/>

⁴ Scottish Government. Financial planning for large hospital services and hosted services: guidance. Available from: <https://www.gov.scot/publications/guidance-financial-planning-large-hospital-services-hosted-services/>

3. Procedure

3.1. Formulating Directions

As noted in the policy section, Directions provide the mechanism for delivering the strategic plan, for conveying and enacting the decisions of the SBIJB, clarifying responsibilities between partners, and improving accountability.

Directions are clearly associated with SBIJB decisions, for example to approve a specific business case or to transform a service. Directions are formulated at the end of a process of decision-making which has included wider engagement with partners as part of commissioning and co-production. This will include appropriate consideration of Equalities and Human Rights, consideration by the Health and Social Care Partnership Joint Executive Team, and the Strategic Planning Group prior to issuing to the SBIJB for review. A Direction should therefore not come as a surprise when it has been issued.

The development of new or revised Directions will be informed by a number of factors, including but not limited to:

- Content of the SBIJB's Strategic Plan (Health and Social Care Strategic Framework 2023-26) and the associated HSCP Delivery Plan for the financial year
- Specific service redesign or transformation programmes linked to an approved business case
- Financial changes or developments (eg additional funding opportunities, matters relating to set-aside budgets or requirement to implement a recovery plan)
- A change in local circumstances
- A fundamental change to practice or service
- An issue requiring Board level decision

The SBIJB's Strategic Planning Group (SPG) has responsibility for considering draft business cases before submission to the SBIJB and overseeing the delivery of the strategic plan and therefore will play a key role in helping to shape Directions.

In exceptional cases, e.g. due to the need to escalate by exception due to levels of risk / short notice national policy directives, there may be escalation direct from the Health and Social Care Partnership Joint Executive Team to the Integration Joint Board without consideration from the Strategic Planning Group.

As Directions will continue to evolve in response to service change/redesign and investment priorities, new or revised Directions may be formulated at any point during the year and submitted to the SBIJB for approval. Please refer to the section below 'Approving and issuing Directions' for further detail.

3.2. Approving and issuing Directions

The SBIJB is responsible for considering and approving all Directions. All reports to the SBIJB will identify the implications for Directions and will make a clear recommendation regarding the issuing of Directions, for example if a new Direction is required, or an existing Direction is to be varied or revoked. The detail of the new or revised Direction will be appended to the SBIJB report using the agreed template (Appendix 2) and will be submitted to the SBIJB for approval.

Once approved, written Directions will be issued formally by the Chief Officer, on behalf of the SBIJB, to the Chief Executives of both statutory partner organisations (NHS Borders and the Scottish Borders Council) as

soon as practicably possible. Partners will be asked to acknowledge receipt of Directions and advised of performance reporting arrangements (as indicated in the section below).

Best practice denotes that Directions will be reviewed and issued at the start of the financial year. However, in order to provide flexibility and take account of strategic and financial developments and service changes, or a change in local circumstances, Directions may be issued at any time, subject to formal approval by the SBIJB.

3.3. Implementation of Directions

NHS Borders and the Scottish Borders Council are legally responsible for complying with and implementing SBIJB's Directions. Should either partner experience difficulty in implementing a Direction, or require further detail regarding expectations, this should be brought to the attention of the Chief Officer in the first instance.

Initially, the Chief Officer will seek to resolve issues, liaising with and involving the SBIJB Chair or Vice-Chair accordingly. If resolution proves difficult, for example if issues are particularly complex, the SBIJB will be informed prior to initiating the dispute resolution mechanism outlined in the SBIJB's Code of Corporate Governance⁵.

3.4. Monitoring and review of Directions

A Directions tracker is contained within the HSCP Performance and Delivery report and will be used as the template for monitoring progress on the delivery of each Direction on an ongoing basis. The SBIJB's Audit Committee will assume responsibility for maintaining an overview of progress with the implementation of Directions, requesting progress reports from NHS Borders and the Scottish Borders Council, and escalating key delivery issues to the SBIJB. Directions issued at the start of the year should be subsequently revised during the year in response to developments.

The Chief Officer and Chief Financial Officer will ensure that all Directions are reviewed annually through the work of the Audit Committee. Recommendations for variation, closure and new Directions will be brought to the SBIJB at the start of each financial year.

This annual process does not preclude in-year development, formulation or revision of Directions. It is expected that new Directions will be brought forward throughout the year to reflect strategic developments and service transformation, accompanying the relevant IJB report.

⁵ Scottish Borders Health & Social Care Integration Joint Board Code of Corporate Governance. Available from: https://www.scotborders.gov.uk/downloads/file/1988/code_of_corporate_governance

4. Review of Directions Policy and Procedure

This Directions Policy and Procedure will be reviewed in the following timescales, or sooner in the event of new guidance, policy or good practice becoming available.

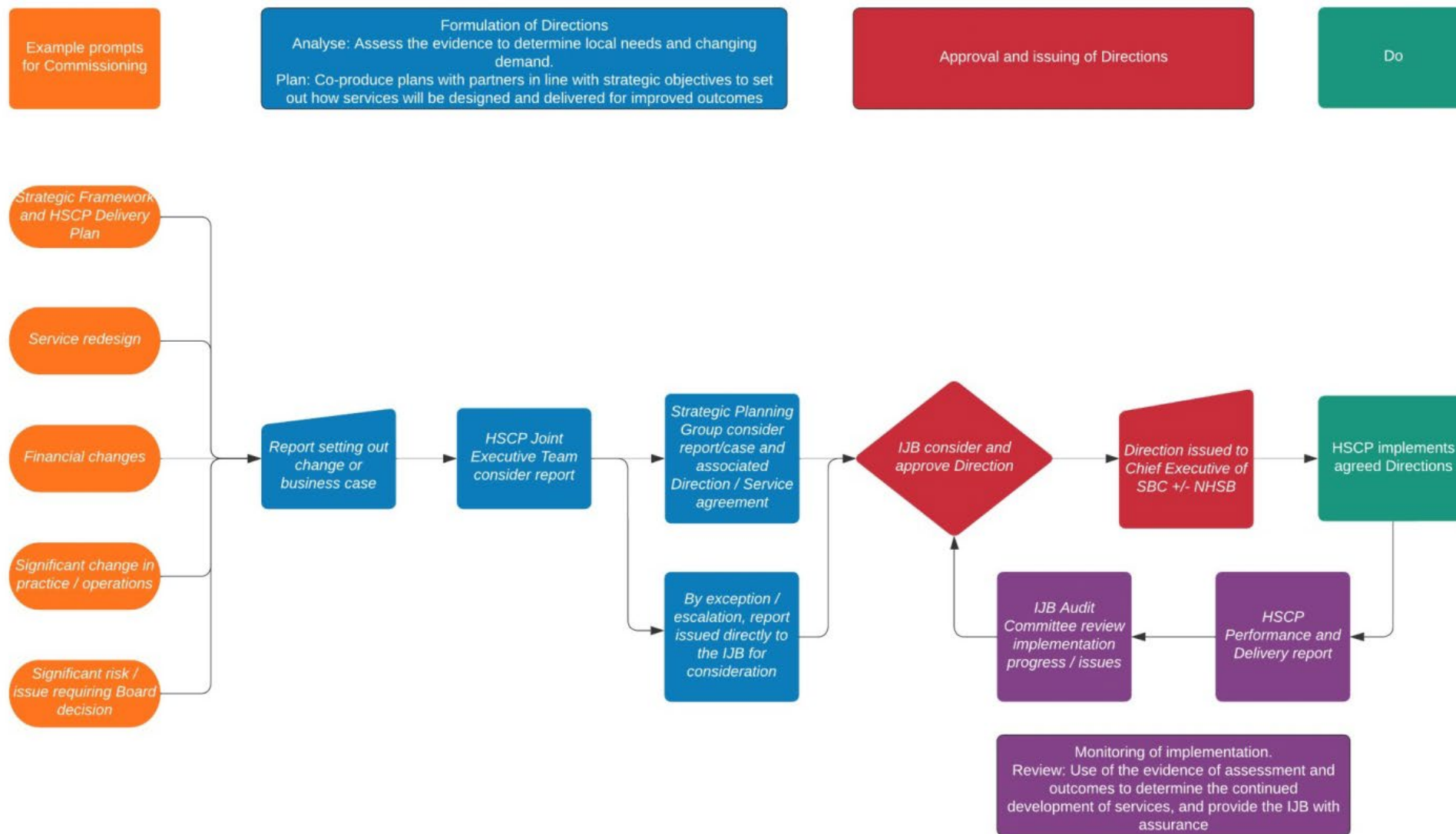
Date of policy approval:	24 JANUARY 2024
Date of implementation:	25 JANUARY 2024
Date of review:	31 MARCH 2026

5. Appendices

Appendix 1: Directions Procedure, including reference to Strategic Commissioning cycle phases (Plan, Do, Review, Analyse)

Appendix 2: Scottish Borders Health and Social Care Integration Joint Board Direction Template

Appendix 1 Directions Procedure, including reference to Strategic Commissioning cycle phases (Plan, Do, Review, Analyse)



Appendix 2: Scottish Borders Health and Social Care Integration Joint Board Direction Template

DIRECTIONS FROM THE SCOTTISH BORDERS HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD	
Directions issued under S26-28 of the Public Bodies (Joint Working) (Scotland) Act 2014	
Reference number	Use format SBIJB-Date of IJB Meeting where Direction approved [DDMMYY] - Sequential number e.g. SBIJB-151221-1
Direction title	Insert brief Direction title
Direction to	State whether Scottish Borders Council, NHS Borders, or both
IJB Approval date	Insert date of IJB meeting when Direction was approved
Does this Direction supersede, revise or revoke a previous Direction – if yes, include the reference number(s)	No Yes (Reference number: _____) Supersedes / Revises / Revokes (delete as appropriate)
Services/functions covered by this Direction	List all services/functions covered by this Direction (e.g. palliative care, older adult social care etc)
Full text of the Direction	Outline clearly what the IJB is directing the Council, Health Board or both to do. The level of specificity is a matter of judgement to be determined by the IJB in relation to each Direction.
Timeframes	To start by: To conclude by: Consider and note the deadlines by when the Direction is expected to commence and conclude at the latest. If it is felt that IJB Audit Committee require to review the direction out with standard exception reporting, then please note this in this section.
Links to relevant SBIJB report(s)	Insert hyperlinks here
Budget / finances allocated to carry out the detail	State the financial resources allocated to enable NHS Borders or the Scottish Borders Council or both to implement the Direction. Provide sufficient detail especially if the Direction relates to multiple functions or services
Outcomes / Performance Measures	Detail of what the Direction is intended to achieve, or hyperlink to the appropriate document. Include reference to the link to the Strategic Framework, the National Health and Wellbeing Outcomes and any relevant performance measures