

Scottish Borders Health and Social Care Partnership Integration Joint Board Audit Committee

18 December 2023

Directions Policy

Report by Chris Myers, Chief Officer Health & Social Care



Scottish Borders
Health and Social Care
PARTNERSHIP

1. PURPOSE AND SUMMARY

1.1 To seek review and discussion of the enclosed Directions Policy and Procedure which was 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) Audit Committee is asked to:-**

- a) Discuss and review the Directions Policy.
- b) Note that all directions are now worked up via the Joint Executive Team (JET).
- c) Note that due to risk or urgency some directions are submitted directly to the IJB without review by SPG.
- d) Note the suggestion that the review of directions is including in the new HSCP Delivery Report for reporting by exception rather than to the IJB Audit Committee.
- e) Note the timescales for review are often ambitious.
- f) Note the governance routes to the IJB need to be streamlined.

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 – | Delivering quality, sustainable, seamless services | Dignity and respect | Care and compassion | Inclusive co-productive and fair with openness, |

| | | | | | |
|---|-----------------------|---|---|---|----------------------------|
| | Team Borders approach | | | | 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.

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 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

6.4 The policy ensures compliance with the provisions of the Public Bodies (Joint Working) (Scotland) Act 2014

Climate Change and Sustainability

6.5 None relevant.

Risk and Mitigations

6.6 Appropriate use of the Directions Policy and Procedure should reduce the level of risk to the Integrated Joint Board, NHS Borders and the Scottish Borders Council

7 CONSULTATION

Communities consulted

7.1 The new policy and procedure will 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

Approved by:

Chris Myers, Chief Officer Health & Social Care

Author(s)

Iris Bishop, Board Secretary

Background Papers: Directions Policy and Procedure appended below.

Previous Minute Reference: 15.12.21 IJB meeting

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

Directions Policy and Procedure

Scottish Borders 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/>

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/>

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. They 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.

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.

Moving forward, Directions will be clearly associated with an SBIJB decision, 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 consideration by the Strategic Planning Group prior to issuing to the SBIJB for review. A Direction should therefore not come as a surprise to either partner.

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 which is reviewed annually and produced every 3-5 years
- 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

The SBIJB's Strategic Planning Group (SPG) has responsibility for considering all 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.

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 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 tracker template 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 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 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 will be used as the template for monitoring progress on the delivery of each Direction on a six monthly 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 responsibility for maintaining an overview of Directions and ensuring that these reflect strategic needs and priorities sits with the Planning and Performance support team to the SBIJB.

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.

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 every two years or sooner in the event of new guidance or good practice becoming available.

| | |
|--------------------------|--------------------------------|
| Date of policy approval: | TBC |
| Date of implementation: | ON DAY OF APPROVAL |
| Date of review: | 2 YEARS AFTER DATE OF APPROVAL |

5. Appendices

Appendix 1: Summary of Directions Procedure

Appendix 2: Template to accompany SBIJB Directions



Appendix 1: Summary of Directions Procedure

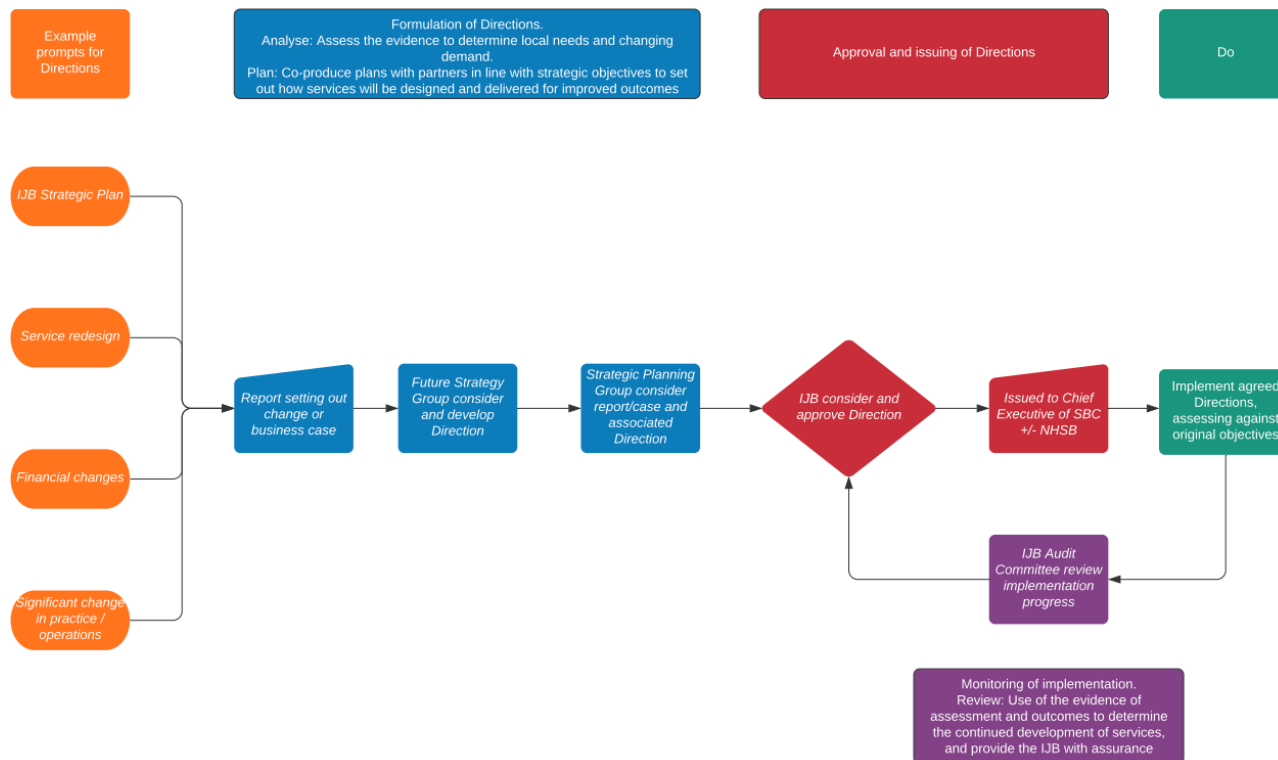


Figure 1 Directions Procedure, including reference to Strategic Commissioning cycle phases (Plan, Do, Review, Analyse)

Appendix 2: Template to accompany SBIJB Directions

| DIRECTIONS FROM THE SCOTTISH BORDERS 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 |
| 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 be commence and conclude carried out at the latest |
| 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 Plan, the National Health and Wellbeing Outcomes and IJB Performance Measures |
| Date Direction will be reviewed | Provide month / year to be reviewed by Audit Committee. No more than 6 months from date of approval |