



PERTH & KINROSS INTEGRATION JOINT BOARD

31 AUGUST 2022

DIRECTIONS POLICY

Report by Chief Officer for the Integrated Joint Board
(Report No. G/22/109)

PURPOSE OF REPORT

The purpose of this report is to provide the Perth & Kinross Integration Joint Board (IJB) with a new Directions Policy which has been developed in line with the provisions of the Public Bodies (Joint Working) (Scotland) Act 2014 and statutory guidance published in January 2020.

1. RECOMMENDATION(S)

It is recommended the IJB:

- 1.1. Approves the Directions Policy and Procedure at Appendix 1 with effect from 1 September 2022.
- 1.2. Requests that the Chief Officer prepares an Addendum relating to the Lead Partner role for Pan-Tayside functions for approval at the next meeting of the IJB on 26 October 2022.
- 1.3. Notes the requirement to amend the report template for IJB reports to comply with the policy.
- 1.4. Notes the intention to devote time at an IJB Development Session for all IJB members on 14 September on the implementation of the policy.

2. SITUATION/BACKGROUND / MAIN ISSUES

2.1 Legislation and Statutory Guidance

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 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 plans and this mechanism takes the form of binding directions from the Integration Joint Board to one, or both, of the Health Board and Local Authority.

- 2.2 Directions are the means by which the IJB tells the Health Board and the Council what is to be delivered using the integrated budget. A direction **must** be given in respect of every function that has been delegated to the IJB. Directions are a legal mechanism, the use of directions is not optional for IJBs, Health Boards or Local Authorities, it is obligatory.
- 2.3 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 in respect of directions. As a result, revised **statutory guidance** on directions was published by the Scottish Government in January 2020.

2.4 Current context

The Perth and Kinross IJB does not have an approved policy on the use of directions. Without this there is a risk that the IJB does not comply fully with its legal requirements. There is also a risk to the IJB of failure to deliver on its strategic plans if directions are not well-articulated, properly understood, achievable or measurable. The lack of a comprehensive directions policy inhibits the effective use of directions and adds to the lack of clarity around governance and accountability for integration.

2.5 Proposals

Perth and Kinross IJB has issued high level directions to Perth and Kinross Council NHS Tayside and a log of the Directions issued to August 2022 is produced at Appendix 2. A review of these Directions, along with feedback from the work of the Independent Oversight and Assurance Group on decisions and directions as they relate to mental health services, has highlighted the need for improvement.

- 2.6 The Directions policy at Appendix 1 has been developed to ensure compliance with the statutory guidance on Directions issued by the Scottish Government in January 2020. The new Directions Policy clarifies the process for formulating, approving, issuing, monitoring, and reviewing directions, and will clarify the delivery requirements for integrated functions with NHS Tayside and Perth and Kinross Council.
- 2.7 The key elements of the new direction policy are:
- Enhanced governance arrangements to ensure that directions are clearly associated with an IJB decision, with clear roles and responsibilities defined.
 - A focus on delivering change by ensuring that directions are formulated or revised at any point during the year in response to service redesign, transformation, and financial developments.
 - A clear statement in respect of partner responsibilities around the implementation of directions.

- Enhanced performance monitoring arrangements including the development of a directions log and widening the remit of the IJB Audit and Performance Committee to monitor progress.
 - A commitment to reviewing the directions policy every two years or sooner in the event of new guidance or good practice becoming available.
- 2.8 It is acknowledged that more work is required in respect of directions as they relate to the Lead Partner role as set out in the revised Integration Scheme approved at the end of June 2022. It is proposed that the Chief Officer will work with representatives of the Angus and Dundee IJBs, NHS Tayside, and legal advisers to bring forward an addendum to this policy dealing specifically with the process of decision-making and the issuing of directions as they relate to services for which the IJB has Lead Partner role (a delegated lead and coordination function for health services pan-Tayside). It is proposed that this will be brought forward to the IJB for approval at its meeting on 26 October 2022.
- 2.9 Moving forward, partners on the Strategic Planning Group will also help to shape directions as part of the consideration of specific strategies or business cases before these are submitted to the IJB. As directions are formulated at the end of a process of decision-making, there is a clear expectation of prior co-production and engagement with partners.

3. CONCLUSION

The Perth and Kinross IJB does not have an approved policy on the use of directions. The requirement to issue Directions is set out in legislation and is mandatory. The lack of a comprehensive directions policy is likely to inhibit the effective use of directions and give rise to a lack of clarity around governance and accountability for integration. A review of the current arrangements has highlighted a gap and the pressing requirement to have a policy and procedure that will enhance governance, transparency, and accountability between the IJB, PKC and NHS Tayside, by clarifying responsibilities and relationships in relation to the issuing of Directions by the IJB.

Directions must be given in respect of every function which has been delegated to the IJB. This also extends to the Lead Partner role for delegated health services that are planned for and managed on a Pan-Tayside bases. Given the complexity of this and the need to collaborate with the other IJB's, a separate section will be devoted to this more complex arrangement.

Author(s)

Name	Designation	Contact Details
Jacquie Pepper	Chief Officer	jpepper@pkc.gov.uk
Sarah Rodger	Legal Manager	srodger@pkc.gov.uk

Annex

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
HSCP Strategic Commissioning Plan	None
Transformation Programme	None
Resource Implications	
Financial	None
Workforce	None
Assessments	
Equality Impact Assessment	None
Risk	Yes
Other	None
Consultation	
External	None
Internal	Yes
Legal and Governance	
Clinical/care/professional Governance	Yes
Corporate Governance	Yes
Directions	None
Communication	
Communications Plan	None

1. Strategic Implications

There are no direct strategic implications arising from this report.

2. Resource Implications

There are no direct financial or workforce implications arising from this report

3. Assessments

- 3.1 There are no equality issues within this report. This report does not introduce a new policy, function, or strategy or recommend a change to an existing policy, function or strategy which has a differential impact on any of the protected characteristics. Therefore, no Equality Impact Assessment is required. There are no Equalities Outcomes implications within this report.
- 3.2 There is a risk to the IJB of failure to comply with statutory duties in the absence of a Directions Policy. There is also a risk to the IJB of failure to deliver on its strategic plans if directions are not well-articulated, properly understood, achievable or measurable. The lack of a comprehensive directions policy is likely to inhibit the effective use of directions and add to the lack of clarity around

governance and accountability for integration.

4. Consultation

- 4.1 There is no requirement to carry out external consultation on this policy. However, it will be necessary to involve and consult with representatives of Angus IJB and Dundee IJB and NHS Tayside in relation to the development of agreed procedures for decision-making and for issuing directions in relation to Pan-Tayside Health services which are delegated to Perth and Kinross IJB under the 2022 Integration Scheme.
- 4.2 The Chief Officer, Chief Financial Officer, and Legal Adviser to the IJB have been consulted in the preparation of this report. The Chair and Vice Chair of the IJB and Chair of the Audit and Performance Committee have been consulted in the preparation of this report in the preparation of this report.

5. Directions

No directions require to be issued as a result of this report.

6. Communications

A communications plan is not required as a result of this report.

7. Appendices

- | | |
|------------|---|
| Appendix 1 | Perth and Kinross Integrated Joint Board Directions Policy and Procedure August 2022. |
| Appendix 2 | Perth and Kinross Integrated Joint Board Directions Log to August 2022. |