

10.00am, Thursday, 12 March 2015

Health and Social Care Integration Scheme: Final for Submission.

Item number

Report number

Executive/routine

Wards

All

Executive summary

The report presents the Final Integration Scheme between NHS Lothian and the City of Edinburgh Council in line with the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014.

It outlines:

- The consultation process and responses;
- A summary of the changes to the Integration Scheme; and
- The Final Integration Scheme for submission to the Scottish Government.

Links

Coalition pledges

P12 and P43

Council outcomes

CO10, CO11, CO12, CO13, Co14, Co15

Single Outcome Agreement

SO2

Health and Social Care Integration Scheme: Final for Submission.

Recommendations

- 1.1 Note the responses to the consultation and the approach taken due to the timescale for submission.
- 1.2 Note the requirement to review the terms of reference and membership of some Council committees and other governance arrangements in light of the creation of the IJB and the Scottish Government expectations about its operational role.
- 1.3 Approve the Final Integration Scheme for submission to Scottish Government.
- 1.4 Agree that any minor changes required by Scottish Government following submission to secure approval will be delegated to the Council's Chief Executive in consultation with the Leader of the Council.

Background

- 2.1 The report presents the Final Integration Scheme between NHS Lothian and the City of Edinburgh Council in line with the requirements of the Public Bodies (Joint Working) (Scotland) Act. It outlines the consultation process that has been undertaken and the approach to considering responses.

Main report

Public Bodies (Joint Working) (Scotland) Act.

- 3.1 The Public Bodies Act received Royal Assent at the start of April 2014. It requires that NHS Lothian and City of Edinburgh create a new Integration Authority for the area of Edinburgh with responsibility for delivering the national Health and Wellbeing Outcomes.
- 3.2 Policy and Strategy Committee approved the 'body corporate' model for the creation of the Integration Authority in Edinburgh in August 2014 as agreed with NHS Lothian. As a result the plan is for Edinburgh to have an Integration Joint Board (IJB).
- 3.3 The Integration Scheme is the document which sets out how the Integration Authority will be established. The Scottish Government requires:
 - a Draft Scheme to be prepared and agreed by NHS Lothian and City of Edinburgh Council;
 - the Draft Scheme to be consulted upon publicly;

- the Draft Scheme to be amended, as appropriate, from the consultation; and
- a Final Scheme be submitted to Scottish Government for approval by 31 March 2015.

Consultation Process

- 3.4 The Draft Integration Scheme was approved for consultation by Policy and Strategy Committee on 20 February 2015. The timescale for the consultation was five weeks. The short period was due to a delay to the planned consultation timetable triggered by a lack of clarity around the late release of Scottish Government guidance in December 2014.
- 3.5 The consultation process followed the Council's 'Consulting Edinburgh' framework and the Draft Scheme was made available to a very wide range of individuals and organisations. A list of those to be consulted was provided in Annex 4 of the Draft Scheme. (This was not exhaustive). A Consultation and Communications Plan was prepared in support of the work.
- 3.6 It has been a challenge to make the consultation meaningful for respondents, as many of the elements of the Draft Scheme are specified in legislation or regulations and therefore cannot be altered, irrespective of consultation comments.
- 3.7 A summary of the Integration Scheme was prepared which identified areas where it was within 'the control' of the Council and NHS Lothian to make local changes and also asked a number of questions related to other elements of integration which will be useful for those developing the IJB.
- 3.8 The Draft Integration Scheme was also submitted to Scottish Government for informal guidance on improving the content of the Scheme.
- 3.9 In order to maximise the time available for the consultation, the period between the close of the consultation and the deadlines for Council and NHS Board meetings was reduced to less than one week. This has necessitated a two stage approach to handling responses. Details of the consultation responses and process are provided below.

Consultation Responses

- 3.10 Responses to the consultation were accepted up to 1pm on 23 February.
- 3.11 There were 23 responses to the consultation. Eleven on behalf of organisations and twelve from individuals.
- 3.12 Due to the tight 'turn-around' time all submissions were reviewed on the basis of a 2 stage process. Stage 1 responses: matters material to the content, or submission of the Integration Scheme and Stage 2 responses: matters affecting other elements of integration.

- 3.13 Matters material to the content, or submission of the Integration Scheme (Stage 1 responses), have been collated and presented to the Integration Joint Chief Officers Oversight Group for review. This included legal input from the Council's external solicitors.
- 3.14 Stage 1 matters were reviewed by the Group and changes were accepted / rejected based on joint decision and legal advice. The Integration Scheme has been updated with the accepted changes. Appendix 1 contains a summary of the comments, the decision and the rationale.
- 3.15 Matters affecting other elements of integration (Stage 2 responses) will be collated and reviewed for the next Joint Chief Officers Oversight Group for action and response.
- 3.16 A combined response on Stage 1 and Stage 2 responses will be prepared and reported to Council within one cycle and published. This will also be shared with the Shadow Health and Social Care Partnership in its role as shadow Integration Joint Board.
- 3.17 The main themes emerging from the overall consultation were:
- The need for strong representation from a range of stakeholders on the IJB and Strategic Planning Groups and for a truly collaborative approach which the IJBs will need to consider, once established;
 - Support for the approach to use existing structures for clinical and care governance structures, but also concern that this may not deliver an integrated approach to governance. This section of the Scheme has been refined to respond to the consultation process;
 - Support for the delegation of additional functions, but some concerns about the impact on the relationship with functions that will not be delegated which the IJBs will need to manage, once established; e.g. criminal justice;
 - Difficulty in understanding a complex legal document and some complaints on the short length of the consultation which was driven by the national process.

Operational Oversight of the Integration Joint Board

- 3.18 The expectation of Scottish Government is that the Integration Joint Board will be fully responsible for the carrying out of functions that have been delegated to it. However as it cannot employ or contract staff, it requires to direct the Health Board and the Council to deliver services on its behalf. The Health Board and the Council will therefore always be responsible in law for the delivery of services. The effect of this is that the operational governance of integration functions will be a combination of the governance activities of the Integration Joint Board and the governance activities of the Health Board and the Council.

- 3.19 This means that governance responsibility lies across three organisations (the Health Board, the Council and the Integration Joint Board). In preparing the Scheme, cognisance has been made of this arrangement, whilst seeking to minimise duplication of governance functions. Therefore the principle followed in developing the Integration Scheme has been that existing governance structures will be amended to provide governance for the IJB and that the IJB will have the authority to develop additional governance committees if these are required.
- 3.20 The integration scheme sets out detailed measures on the governance of integration functions throughout the text. Over and above those measures, the parties will ensure that the IJB members are involved in overseeing the carrying out of integration functions through the following measures:
- The terms of reference and membership of the relevant committees of Lothian Health Board and the Council will be reviewed, and the IJB will be consulted as part of this process (and all future reviews); and
 - In order to develop a sustainable long term solution for the oversight of the integration functions by the IJBs, a working party will be convened, with membership from all four Lothian IJBs and the parties. This working party will develop recommendations for approval by each Lothian IJB.

Final Integration Scheme

- 3.21 The Final Integration Scheme has been prepared. This includes; resolution of all outstanding matters within the Draft Scheme; changes made following receipt of informal advice from Scottish Government; and all accepted changes arising from Stage 1 of the review of consultation responses.
- 3.22 The Council is requested to approve the Final Scheme for submission to Scottish Government.
- 3.23 NHS Lothian approved the Edinburgh Integration Scheme on 4 March 2015.
- 3.24 Providing the Council approves the Integration Scheme it will be submitted to Scottish Government before the 1st April 2015, the deadline set in the Regulations.
- 3.25 Scottish Government has advised that the process to approve the Integration Schemes will take 12 weeks. During this period Scottish Government will review the schemes and liaise with partnerships to obtain information or clarity. The Cabinet Secretary will sign-off the Integration Scheme at week 8 and then the Order will be laid in Parliament for 28 days. After this the IJB can be legally constituted.
- 3.26 There may be further changes required to the Integration Scheme as a result of the Scottish Government process. Any changes are likely to be minor because Scottish Government has been informally advising on the content of the draft Scheme. In order to facilitate this process, it is recommended that the Council

delegate authority for any minor changes to the Chief Executive in consultation with the Leader of the Council.

Measures of success

- 4.1 The Scottish Government has issued final National Outcomes for the delivery of integrated Health and Social Care as part of the final Regulations. These are as expected.
- 4.2 The Strategic (Commissioning) Plan work stream is tasked with planning for the delivery of these outcomes for the services in scope. The Programme Sub Group on Performance and Quality is tasked with establishing local outcomes for measuring the success of the new Integrated Joint Board (Shadow Health and Social Care Partnership) in relation to the national outcomes. A joint baseline has been developed and work is continuing on a joint framework for the future.
- 4.3 The approach to performance is set out in Section 5 of the Integration Scheme.

Financial impact

- 5.1 It is estimated that the Integration Joint Board will encompass a combined budget of around £590 million; c£200 million of Council funds, c£300million of NHS Lothian funds, and an early estimate of acute related 'set-aside' funds of c£90 million.
- 5.2 The resources for the functions in scope will be delegated to the IJB for governance, planning and resourcing purposes. The Strategic Plan will identify how the resources are to be spent to deliver on the national outcomes and how the balance of care will be shifted from institutional to community-based settings.
- 5.3 The arrangements for financing the Integration Authority are set out in Section 9 of the Integration Scheme.
- 5.4 The plan is to prepare an integrated budget to commence from 1 April 2016.

Risk, policy, compliance and governance impact

- 6.1 A detailed risk log is maintained for the integration programme and reported through the status reporting process to the Shadow Health and Social Care Partnership (the shadow IJB) and through the Council's CPO Major Projects reporting procedure.
- 6.2 Enterprise level risks for integration are also identified on Corporate Management Team, Health and Social Care and NHS Lothian risk registers.

- 6.3 The approach to risk management for the IJB is set out in Section 14 of the Integration Scheme.

Equalities impact

- 7.1 The integration of health and social care services aims to overcome some of the current 'disconnects' within and between existing health and social care services for adults, to improve pathways of care, and to improve outcomes.
- 7.2 Furthermore, the intention is to improve access to the most appropriate health treatments and care. This is in line with the human right to health.
- 7.3 A combined EqHRIA procedure between NHS Lothian and Health and social Care Services has been developed. This will be used for all EqHR impact assessments as required across the joint service once the Integrated Joint Board is fully established.
- 7.4 An impact assessment of all four Lothian Draft Schemes was completed on February 10th by representatives from NHS Lothian the four Local Authorities in Lothian. The impact assessment will be published on the NHS Lothian website. The main negative impacts identified from the EQIA were:
- The objective to reduce use of hospital-based services will increase the burden of care in the community. This may have a negative impact on carers and especially women who make up a higher proportion of informal carers in Lothian.
 - The ambition to reduce inequalities is unlikely to be achieved by IJBs alone because of the wider determinants of ill health. Community Planning will have a much greater influence in reducing inequalities so the relationship between the CPP and the IJB will be important. This issue will be raised by NHS Lothian with the IJBs with the recommendation that IJB members ensure there is a robust and effective relationship between the IJB, its Strategic Planning Group and the Community Planning Partnership.

Sustainability impact

- 8.1 The proposals in this report will help achieve a sustainable Edinburgh because:
- joint health and social care resources will be used more effectively to meet and manage the demand for health and care services
 - they will promote personal wellbeing of older people and other adults in needs of health and social care services; and
 - they will promote social inclusion of and care for a range of vulnerable individuals.

Consultation and engagement

- 9.1 Consultation and engagement form a key work stream in the programme. A number of events have taken place and mechanisms are being established to ensure the Shadow Health and Social Care Partnership is engaging at all levels. This includes the recruitment of service users and carers as members of the Shadow Health and Social Care Partnership with the express purpose of bringing their own perspective to the discussions. A comprehensive engagement programme is also underway to engage with a range of staff and practitioners across health and social care services.
- 9.2 This report provides an update on the consultation on the Draft Integration Scheme, the approach taken with responses and the changes that will be made to the scheme as a result of responses received. A full report on the consultation will be provided to Council within one cycle.
- 9.3 Finally, the Strategic Commissioning Plan process will adopt a co-production approach to developments to ensure timely and productive engagement with key stakeholders. Work is well-advanced for the establishment of the shadow Strategic Planning Group.

Background reading/external references

Corporate Management Team – 18 February 2017, Health and Social Care Integration – General Update.

Finance and Resources Committee – 3 February 2015, Draft Integration Scheme for Consultation

Health, Social Care and Housing Committee - 27 January 2015, Draft Integration Scheme for Consultation

Corporate Policy and Strategy Committee – 20 January 2015, Draft Integration Scheme for Consultation

Finance and Resources Committee – 15 January 2015, Health and Social Care Integration - Update

Corporate Management Team – 7 January 2017, Health and Social Care Integration – General Update.

Finance and Resources Committee – 28 November 2014, Health and Social Care Integration - Update

Finance and Resources Committee – 30 October 2014, Health and Social Care Integration - Update

Finance and Resources Committee – 30 September 2014, Health and Social Care Integration - Update

Finance and Resources Committee – 28 August 2014, Health and Social Care Integration - Update

Corporate Policy and Strategy Committee- 5 August 2014, Health and Social Care Integration – Options Analysis of Integration Models.

Corporate Policy and Strategy Committee- 5 August 2014, Response to Draft Regulations relating to the Public Bodies (Joint Working) (Scotland) Act 2014.

Finance and Resources Committee – 30 July 2014, Health and Social Care Integration Update

Finance and Resources Committee 5 June 2014, Health and Social Care Integration Update

Corporate Policy and Strategy Committee- 13 May 2014, Health and Social Care Integration Update

Finance and Resources Committee - 7 May 2014, Health and Social Care Integration Update.

Corporate Management Team – 19 March 2014, Health and Social Care Integration – General Update.

Corporate Management Team – 5 February 2014, Health and Social Care Integration – General Update.

Corporate Management Team - 8 January 2014, Health and Social Care Integration, Progress on the Public Bodies (Joint Working) (Scotland) Bill.

See reports above for earlier reporting.

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Links

Coalition pledges	Ensuring Edinburgh and its residents are well cared for.
Council outcomes	Health and Wellbeing are improved in Edinburgh and there is a high quality of care and protection for those who need it.
Single Outcome Agreement	Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health
Appendices	Appendix 1: Summary of Responses material to Integration Scheme Submission and action taken Appendix 2: Final Integration Scheme

