

Guidance on Directions from Dumfries and Galloway Integration Joint Board to NHS Dumfries and Galloway and Dumfries and Galloway Council

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1. What is the guidance about?

The Public Bodies (Joint Working) (Scotland) Act 2014 (the Act) places a duty on Integration Authorities to develop a Strategic Plan, also known as a Strategic Commissioning Plan for which we have published statutory guidance for integrated functions and budgets under their control. Integrated functions and budgets are those delegated by the Health Board and Local Authority. The legislation sets out what functions and budgets **must** be delegated and those that **may** be delegated.

Each Integration Authority must produce a Strategic Commissioning Plan that sets out how they will plan and deliver services for their area over the medium term, using integrated budgets under their control. Stakeholders must be fully engaged in the preparation, publication and review of the Strategic Commissioning Plan, in order to establish a meaningful coproduction approach, to enable Integration Authorities to deliver the national outcomes for health and wellbeing, and achieve the core aims of Integration.

Integration Authorities require a mechanism to action their Strategic Commissioning Plans and this is laid out in Sections 26 to 28 of the Act. This mechanism takes the form of **binding directions** from the Integration Authority to one or both of the Health Board and Local Authority. Directions are also the means by which to transparently see which body decided what, which body is responsible for what and which body should be audited for what, whether in financial or decision making terms.

In the case of an Integration Joint Board (IJB), a direction must be given in respect of **every** function that has been delegated to the IJB. A direction must set out how each integrated function is to be exercised, and identify the budget associated with that.

Put simply, directions are the means by which an IJB tells the Health Board and Local Authority what is to be delivered using the integrated budget and for the IJB to improve the quality and sustainability of care, as outlined in its Strategic Commissioning Plan.

Directions are also the legal basis on which the Health Board and the Local Authority deliver services that are under control of the IJB. If directions are not being provided or they lack sufficient detail, Health Boards and Local Authorities should be actively seeking directions in order to properly discharge their statutory duties under the Act.

2. Why are we publishing this guidance now?

One issue of concern has been that directions have been regarded as being issued by Chief Officers to themselves as senior operational Directors in Health Boards and Local Authorities. The Act confers the duty of issuing directions on the Integration Authority to constituent authorities. Directions may be issued on behalf of the IJB by an IJB Chief Officer in their role as the Accountable Officer to the IJB, to Chief Executives in the Health Board and Local Authority in their roles as Accountable Officers to the Health Board and Local Authority. These are senior executives acting on behalf of the three statutory public bodies.

Directions are a legal mechanism and are intended to clarify responsibilities and requirements between partners, that is, between the IJB, the Local Authority and the Health Board. They are the means via which clarity on decision making is achieved under integration.

As a legal requirement, the use of directions is not optional for IJB's, Health Boards or Local Authorities, it is obligatory. It is essential that officers of the Health and Social Care Partnership are clear at all times regarding which direction they are acting under.

3. Process for Issuing Directions

Directions are the end point of a process of decision making by the IJB. Directions should not contain surprising or completely unknown information about service change or redesign and should follow a period of wider engagement on the function(s) that are the subject of the direction. This would normally be part of the service planning and design phase of strategic commissioning.

The delivery partners are required to comply with all directions received from the IJB, and may not amend, ignore, appeal or veto any direction. Neither the Local Authority nor the Health Board may not use resources allocated via the Integration Authority in pursuit of a direction for any other purpose than that intended. This demands a mature and collaborative approach to the planning and delivery of change in health and social care services that delivers sustainability, and improves quality and outcomes for local populations.

Integration Authorities have been established to put in place plans to improve the health and wellbeing of their local populations and to make best use of the total resource available to them, hitherto managed and allocated separately by Health Boards and Local Authorities. They have an agenda of change and improvement. It can therefore reasonably be expected that a number of decisions made by IJBs will impact on delivery partners that will require directions to be issued.

IJBs make decisions about service change, service redesign, investment and disinvestment at many of their meetings. Such decisions will necessitate directions to the Health Board or Local Authority, or both, and may indeed require the delivery partners to carry out a function jointly. The issuing of directions should be taking place at any time throughout the year, as well as at the start of the financial year.

To assist with the determination of when a direction should be issued, a small number of IJBs have added a short section to their report format that requires the writer to decide and record if the report requires a direction to be issued to the Local Authority, the Health Board, to both, or that no direction is required. This has been adopted by the Dumfries and Galloway Integration Joint Board via a new template circulated to all relevant parties (**Appendix 1**)

Directions should not be issued unnecessarily and should be proportionate. A direction should always be promoted by a decision made by the IJB. The following might be considered when thinking about when a direction requires to be issued and what it might include:

- Scope and scale of the function
- Finance involved
- Scale and nature of change
- Those impacted by the change
 - Patients
 - People who use services
 - Carers
 - Local Communities
 - Staff
 - Others

- Timescale for delivery

4. Form and Content of Directions

Directions must be in writing and should be sufficiently detailed to ensure the intention of the IJB is adequately captured and effectively communicated. The direction should include information on the required delivery of the function as well as the financial resources that are available for carrying out the function. The direction may specify, in some detail, what the Health Board, the Local Authority or both are to do in relation to carrying out a particular function. A lack of detail or specificity in a

direction may cause difficulties in performance monitoring and hamper the effective delivery of a function.

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

Directions must clearly identify which of the integrated health and social care functions they relate to. The Integration Authority can direct the carrying out of those functions by requiring that a particular named service or services be provided. Where appropriate, the same document can be used to give directions to carry out multiple functions.

Directions must include detailed information on the financial resources that are available for carrying out the functions that are the subject of the directions, including the allocated budget and how that budget (whether this is a payment or an amount is made available) is to be used. However, directions should not be seen as a mechanism only to advise the delivery partners of resources available to them. Rather, directions are intended to provide clear advice to delivery partners on the expected delivery of any given function, together with the identified resource available.

The exercise of each function can be described in terms of delivery of services, achievement of outcomes and /or by reference to the Strategic Commissioning Plan.

The content of a direction should be informed by the content of a report on the function(s) submitted to and approved by the IJB. For example, where an IJB discussed and approves a report that makes changes to arrangements for the provision of day services for people with a learning disability, the direction would draw on the reports content. The direction should be contained in the same report, using a standard format, in order that it can be approved by the IJB at the same time as the report and its recommendations are approved. There should also be a process in place where the IJB is able to raise queries about the clarity or content of a direction and for those queries to prompt action by officials to make any necessary amendments to the direction.

The issuing of a direction following such a decision is the means by which the IJB will let its delivery partners in the Local Authority, Health Board, or both, know what has been agreed and what is to change in the delivery of the function, together with any concomitant change to the allocation of resources.

5. Process for Issuing and Revising Directions

- Directions should be issued as soon as is practicable following their approval by the IJB. In Dumfries and Galloway this will be **within 7 working days**. The commencement date of the direction will be the date upon which it is approved by the IJB.
- The Chief Officer (or their nominated Deputy) will write to both or either of the Chief Executives of the partner organisations to advise them that the IJB has issued a Direction.
- The Chief Executives will then write to the Chief Officer, as the person who has operational responsibility for the delivery of functions delegated to the IJB, to advise them of the Direction and ask that they ensure that the content of the Direction is adhered to.
- A direction will remain in place until it is varied, revoked or superseded by a later direction in respect of the same functions.
- A log of all directions issued, revised, revoked and completed will be maintained ensuring that it is checked for accuracy and kept up to date. This log will cover the

commencement date, function(s) covered, any identifier (such as a log number), date of issue, identify to which delivery partner(s) issued, any delivery issues, the total resource committed and, where appropriate, the date of revocation or date superseded.

- The log will be monitored and reviewed by the IJB twice in any financial year and used as part of performance management, including audit and scrutiny. This will include monitoring the implementation and/or status of directions that have been approved by the IJB.
- To assist with monitoring and reviewing directions issued, the IJB may seek information from either the Health Board or the Local Authority, or both, about the delivery of the function that is the subject of a direction, including, but not exclusively, when issues are identified in the implementation and delivery of a direction.
- Directions issued at the start of the financial year will subsequently be revised during the year in response to ongoing development, including as a consequence of decisions made in year about service change by the IJB.

For example, should an overspend be forecast in either of the operational budgets for Health or Social Care services delivered by the Health Board and Local Authority, the Chief Officer will need to agree a recovery plan to balance the overspending budget (in line with the Integration Scheme and the statutory guidance for finance under integration). This may require an increase in payment to either the Health Board or Local Authority funded by either:

- Utilising underspend on the other part of the operational integrated budget to reduce the payment to that body; and/or
- Utilising the balance of the general fund, if available, of the Integration Joint Board

A revision to the directions will be required in either case.

6. Improving Practise and Summary of Key Actions

This protocol is intended to provide impetus to improving practise in the issuing of directions by Dumfries and Galloway Integration Joint Board and their implementation by Health Boards and Local Authorities.

The importance of directions as a vital aspect of governance and accountability between partners cannot be overstated. The need to learn from and implement good practice is evident. As practice develops further, IJBs should continue to develop and improve their practice in respect of issuing directions. Local Authorities and Health Boards as the key delivery partners also need to accept and work with these new arrangements, and respond positively to directions issued to them, including the provision of any information regarding the delivery of a function that is the subject of a direction.

This guidance has been prepared as part of a wider work to accelerate the pace and impact of integration. This can only be achieved by the partners working closely together, in mutual regard, and demonstrating a strong, shared commitment to integration through concerted action to deliver sustainable and improved health and social care services for the people of Scotland.

Key actions identified throughout this guidance, which will be implemented in Dumfries and Galloway Integration Joint Board include:

- A standard covering report format, which includes a brief section requiring the author to record whether or not the report requires a direction to be issued to the Health Board, the

Local Authority or both. Directions should include detail on the function to which it relates, required delivery of the function and the financial resources allocated.

- The content of a direction should be informed by the content of the report on the function(s) approved by the IJB and should be contained in the same report, using a standard format
- A log of all directions issued, revised, revoked and completed will be maintained. This log will be reviewed twice in any financial year by the IJB and used as part of performance management processes, including audit and scrutiny.
- Directions will be issued within 7 working days following approval by the IJB, in writing by the IJB Chief Officer (or their nominated deputy) to the Chief Executive of either the Health Board or the Local Authority, or both. Each in their roles as Accountable Officers to the relevant statutory body.
- The Chief Executive(s) will then write to the Chief Officer, who has operational responsibility for the Health and Social Care Partnership for carrying out functions delegated to it, asking that the Health and Social Care Partnership carry out the actions as outlined within the Direction.
- Directions are legally binding. In this context, this means that, on receipt, certain actions are now required.
- All directions must be reviewed on an annual basis by the Integration Joint Board Performance and Finance Committee. The date of the review of the direction will be entered into the log of directions
- It is the responsibility of the Corporate Governance Officer to ensure that all directions requiring a review have had reviews completed and logged timeously.
- A direction template should be completed for those reports seeking a direction issued by the IJB (this is appended to the Health and Social Care Partnership report template at **Appendix 1**)



Integration Joint Board

[Date]

This Report relates to
Item [X] on the Agenda

[Paper Title]

(Paper presented by [Name(s)])

For [Approval, Discussion, Noting]

Approved for Submission by	Title and Organisation
Author	i.e. person who drafted the report – Name, Title, Organisation
List of Background Papers	
Appendices	

Direction Required to Council, Health Board or Both	Direction to:	
	1. No Direction Required	
	2. Dumfries and Galloway Council	
	3. NHS Dumfries and Galloway	
	4. Dumfries and Galloway Council and NHS Dumfries and Galloway	

SECTION 1: REPORT CONTENT

Title/Subject: [xxxxxxxxxxxxxxxxxxxxxx]
Meeting: Integration Joint Board
Date: [xxxxx]
Submitted By: [xxxxx]
Action: For Approval/Discussion/Noting

1. Introduction

- 1.1 An opening paragraph providing the purpose of the Report and the action required, for example, for discussion, for information, for approval

2. Recommendations

2.1 The Integration Joint Board is asked to:

- **Delegate authority to [Officer's Title] to [detail specific action or outcome together with an outline of action required to achieve it] on behalf of the IJB. All report recommendations should be listed at the start of the report. This should be a list of actions for the IJB to note or take decision on.**

3. Background

- 3.1 If relevant, a statement providing any contextual information regarding the subject. This may include any underpinning national or local policy or strategy.

4. Main Body of the Report

- 4.1 Information should be written in plain English. Technical aspects should be described clearly with minimal use of jargon.

5. Conclusions

- 5.1 Based on the information provided, what are the conclusions that lead to the recommendations at the start of the Report.

SECTION 2: COMPLIANCE WITH GOVERNANCE STANDARDS

6. Resource Implications

- 6.1. An estimate of the implications of the subject on resources of the HSCSMT or partners including the implications of any recommendations should be provided which included how the task/project will be undertaken with regard to both financial and staff resources.

This section should include:

- The lead constituent authority and lead officer, if appropriate;
- The budget from which any resource will be allocated or impacted on; and

Any additional financial or staffing requirements and the suggested budget or fund from which resource will be allocated.

7. Impact on Integration Joint Board Outcomes, Priorities and Policy

- 7.1. A statement regarding how the subject links with/contributes to the local integration 9 national outcomes, principles (refer to the IJB Strategic Plan 2016-2019) and also links with any national or local policy.

8. Legal & Risk Implications

- 8.1. A statement that highlights any legal issues and risk that may arise, relating to the integration authority or the constituent partners.

9. Consultation

- 9.1. A statement which notes whether consultation is necessary and if so how and when this has/will be undertaken.

10. Equality and Human Rights Impact Assessment

- 10.1. The IJB will be a public body, for the purposes of the Equality Act 2010. Members must ensure that equalities implications have been considered and that an equalities impact assessment is completed, where appropriate.

11. Glossary

- 11.1. Please ensure that all acronyms etc are set out in full. All acronyms must be set out in full the first time they appear in a paper with the acronym following in brackets.

Dumfries and Galloway Integration Joint Board



DIRECTION

(ISSUED UNDER SECTIONS 26-28 OF THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014)

1.	Title of Direction and Reference Number	
2.	Date Direction Issued by Integration Joint Board	
3.	Date from which Direction takes effect	
4.	Direction to	
5.	Does this direction supersede, amend or cancel a previous Direction? If yes, include the reference number(s)	
6.	Functions covered by Direction	
7.	Full text of Direction	
8.	Budget allocated by Integration Joint Board to carry out Direction	
9.	Desired Outcomes	
10.	Performance Monitoring Arrangements	
11.	Date Direction will be Reviewed	