

This paper relates to
Agenda Item 6



Title/Subject: Standing Orders
Meeting: Integration Joint Board
Date: 6th November 2015
Submitted By: Chief Governance Officer
Action: For Decision

1. INTRODUCTION

- 1.1 As a newly established public body, the Integration Joint Board needs to adopt standing orders to govern the conduct of its meeting. A set of standing orders is attached for the board's consideration.

2. RECOMMENDATION

- (a) adopt the standing orders appended to the report; and
(b) agree that the standing orders will be reviewed in a year.

3. BACKGROUND

- 3.1 In terms of the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 ("the IJB Order"), the board requires to adopt a set of standing orders. Some of the contents of the standing orders are mandatory in terms of the IJB Order and all of these have been incorporated with one exception which is referred to at 3.4 below.
- 3.2 The standing orders are based on a draft considered by the Transitional Board at its February meeting and incorporate the changes discussed and agreed at that time. In particular, provision has been made for Deputations and to allow voting members to have motions included on the agenda of board meetings.
- 3.3 The standing orders incorporate a requirement to conduct meetings with the same level of openness as in local government. The board will also note that there is an emphasis in the standing orders on decision making by consensus. This is because the IJB Order does not allow the standing orders of the board to allow for a second or casting vote. The standing orders are less complex than those of the council or in the health board with a view to them being proportionate to the needs of this board. It is suggested that they are reviewed again after approximately a year in operation to see if any change is required.

- 3.4 The mandatory provision in the IJB Order which has not been included relates to declarations of interest. It has been recognised by the Government that there is an error in the provision and they are currently consulting on an amendment to the IJB Order to rectify the position. There is a report elsewhere on the agenda which deals with the consultation.

Approved for Submission by: Colin Moodie, Depute Chief Governance Officer

Author – Colin Moodie, Depute Chief Governance Officer

Date: 19 October 2015

List of Background Papers

- 1. Draft Standing Orders**

FALKIRK INTEGRATION JOINT BOARD STANDING ORDERS

1. Title

- 1.1 These are the standing orders of the Falkirk Integration Joint Board made under the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 They will come into force on 6 November 2015.

2. Definitions

In the standing orders, the following terms will have the undernoted meaning:

“Constituent authority” means Falkirk Council or NHS Forth Valley.

“Integration functions” means the functions delegated to the Integration Joint Board pursuant to section 3 of the integration scheme and further described in Annexes 1 and 2 of the scheme.

“Integration scheme” means the document agreed between the constituent authorities in accordance with the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014.

“Integration Joint Board Order” means the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014.

“Third sector interface” means the organisation or partnership which is recognised by the Scottish Government and Falkirk Council as the third sector interface for the council area.

3. General Principles

- 3.1 The following general principles will be given effect to the application of the standing orders:-
 1. that the role of the chairperson is to ensure that the business of the meeting is properly dealt with and that clear decisions are reached;
 2. that the chairperson will seek to promote and identify consensus among the voting members of the Board;
 3. that the chairperson has a responsibility to ensure that the views of all participants are expressed including the advice of officers when this is necessary to inform the decision; and
 4. that meetings are conducted in a proper and timely manner with all members sharing responsibility for the proper and expeditious discharge of business.

4. Membership

- 4.1 The membership of the board shall consist of voting and non-voting members.
- 4.2 In accordance with the integration scheme, the voting members will consist of three councillors appointed by Falkirk Council and three members of the health board appointed by Forth Valley Health Board. The members appointed by Forth Valley Health Board must be non-executive members except where regulation 3(5) of the IJB Order applies.
- 4.3 The non-voting members of the board will be as follows:-
- (a) The chief social work officer of Falkirk Council;
 - (b) The chief officer of the board;
 - (c) The proper officer of the board appointed under section 95 of the Local Government (Scotland) Act 1973;
 - (d) A registered medical practitioner whose name is included in the list of primary medical services performers prepared by the health board in accordance with regulations made under section 17P of the National Health Service (Scotland) Act 1978;
 - (e) A registered nurse who is employed by the health board or by a person or body with which the health board has entered into a general medical services contract;
 - (f) A registered medical practitioner employed by the health board and not providing primary medical services;
 - (g) The chief executive of Falkirk Council;
 - (h) The chief executive of Forth Valley Health Board;
 - (i) A person appointed by the board in respect of the staff of Falkirk Council engaged in the provision of services provided under integration functions;
 - (j) A person appointed by the board in respect of staff of the Forth Valley Health Board engaged in the provision of services provided under integration functions;
 - (k) A person appointed by the board in respect of third sector bodies carrying out activities related to health or social care in the Falkirk council area;
 - (l) A person appointed by the Board in respect of service users residing in the Falkirk council area; and
 - (m) A person appointed in respect of persons providing unpaid care in the Falkirk council area.
- 4.4 The persons appointed under 4.3 (d)-(f) shall be appointed by Forth Valley Health Board.

5. Term of Office

- 5.1 Subject to 5.2, the term of office of a member of the board is to be determined by the constituent authorities but is not to exceed three years.
- 5.2 The chief social work officer, the chief officer, the proper officer and the chief executives will remain a member for as long as they hold the office in respect of which they are appointed.
- 5.3 At the end of a term of office determined under 5.1, a member may be re-appointed for a further term of office.

6. Chairperson and Vice Chairperson

- 6.1 In accordance with the integration scheme, the first chairperson will be appointed by the council and will hold office until 30th April 2017. For the next period, the health board will appoint the chairperson for a period of two years. Thereafter, the appointment will alternate between the constituent authorities with each appointment being for a period of two years.
- 6.2 The constituent authority which is not entitled to appoint the chairperson in respect of an appointing period must appoint the vice chairperson of the board in respect of that period.
- 6.3 The health board may only appoint as chairperson or vice chairperson a member of the Board who is a non-executive director of the health board.

7. Substitution

7.1 Voting Members

If a voting member is unable to attend a meeting of the board, the constituent authority which nominated the member is to use its best endeavours to arrange for a suitably experienced substitute who is either a councillor or as the case may be a member of the health board to attend the meeting in place of the voting member. The question of whether the substitute is suitably experienced shall be a matter to be determined by the constituent authority.

7.2 Non-Voting Members

If a member who is not a voting member is unable to attend a meeting of the integration joint board, that member may arrange for a suitably experienced substitute to attend the meeting. Where an appointment is made under 4.3 (i)-(m) above, the Board will also appoint a suitably experienced person or persons to act as a substitute in respect of the person appointed.

8. Meetings

- 8.1 The first meeting of the Board is to be convened at a time and place determined by the chairperson.
- 8.2 The Board will agree a programme of meetings for each year which will constitute the ordinary meetings of the Board.
- 8.3 The chairperson may call a meeting of the Board at such other times as he or she thinks fit. Any meeting so called will constitute a special meeting of the Board.
- 8.4 A request for a meeting of the Board to be called may be made in the form of a requisition specifying the business proposed to be transacted at the meeting and signed by at least two thirds of the voting members, presented to the chairperson.
- 8.5 If the request is made under paragraph 8.3, the chairperson refuses to call a meeting, or does not call a meeting within seven days after the making of the request, the members who signed the requisition may call a meeting.
- 8.6 The business which may be transacted at a meeting called under 8.4 is limited to the business specified in the requisition.

9. Notice of Meetings

- 9.1 Before each meeting of the Board, or a committee of the Board, a Notice of the Meeting specifying the time, place and business to be transacted at it signed by the chairperson, or a member authorised by the chairperson to sign on the chairperson's behalf, is to be sent electronically to every member or sent to the usual place of residence of every member so as to be available to them at least five clear days before the meeting.
- 9.2 A failure to serve notice of a meeting on a member in accordance with 9.1 shall not affect the validity to anything done at that meeting.

9.3 In the case of a meeting of the Board called by members, the notice has to be signed by the members who requisitioned the meeting in accordance with 8.4 above.

10. The Agenda

10.1 Each item of business to be transacted at a meeting will be noted on the Notice of Meeting. No other item of business will be considered at the meeting unless by reason of special circumstances the chairperson is of the opinion that the item should be considered as a matter of urgency. The nature of the special circumstances will be recorded in the minute of the meeting.

10.2 Each item of business will be accompanied by a report unless special circumstances exist for the non-availability of the report. This provision will not apply where the item of business consists only of a presentation to be made to the Board for information purposes.

10.3 Copies of the Notice of Meeting and the accompanying reports will be open for inspection by members of the public at the offices of the Board at least five clear days before the meeting except:-

1. where the meeting is convened at shorter notice in which case the Notice of Meeting and reports will be available for public inspection from the time the meeting is convened; or
2. where the report relates to an item during consideration of which, in the opinion of the Chief Officer, the meeting is likely not to be open to the public.

10.4 The business to be transacted will be:-

- i) Attendance
- ii) Substitutions
- iii) Declarations of Interest
- iv) Minutes
- v) Matters arising
- vi) Continued Business
- vii) New Business
- viii) Motions

11. Access to Meetings

11.1 All meetings of the Board will be open to the public except in the following circumstances:-

1. where it is likely in view of the nature of the business to be transacted that there will be disclosure of exempt information, the public may be excluded from the meeting while that particular item of business is considered; or
2. Standing Order 11.3 applies

11.2 Exempt information means information which falls within any of the categories set out in Appendix 1 to these Standing Orders.

11.3 The chairperson has power to exclude any member of the public from a meeting in order to suppress or prevent disorderly conduct or other misbehaviour which is impeding or likely to impede the work or proceedings of the Board.

11.4 No member of the public will be permitted to speak or take part in the proceedings of a meeting of the Board, other than in accordance with standing order 15.

12. Quorum

12.1 No business is to be transacted at a meeting of the board unless at least one half of the voting members (including substitutes appointed by virtue of Standing Order 7) is present.

13. Conduct of Meetings

13.1 At each meeting of the board, the chairperson, if attending the meeting, is to preside.

13.2 If the chairperson is absent from a meeting of the board, the vice chairperson is to preside.

13.3 If the chairperson and vice chairperson are both absent from a meeting of the Board, a voting member chosen at the meeting by the other voting members attending the meeting is to preside.

13.4 If it is necessary or expedient to do so, a meeting of the board may be adjourned to another date, time or place.

14. Minutes

- 14.1 A record must be kept of the names of the members attending every meeting of the board.
- 14.2 Minutes of the proceedings of each meeting of the board including any decision made at that meeting or to be drawn up and submitted to the next ensuing meeting of the board for agreement after which they are to be signed by the person presiding at that meeting.

15. Deputations

- 15.1 Any person (including an organisation) with an interest in any of the integration functions may not less than 10 clear days before an ordinary meeting of the board request an opportunity to address the board. Any such request will be made to the chief officer and will set out the matter on which the person wishes to address the board.
- 15.2 Where the chief officer is satisfied that the request is made in accordance with this standing order, the request will be noted on the agenda for the next meeting. The board will determine whether to hear from the person making the request. If the request is agreed, the person making the request may address the board for up to 10 minutes and receive questions from board members.

16. Alteration of Standing Orders

The Board shall have the power to alter these Standing Orders at any of its meetings provided due intimation of such proposed alteration shall appear on the face of the Notice of Meeting. Any such alteration may be approved by a majority of voting members present and voting.

17. Remote Attendance at Meetings

- 17.1 Where video conferencing (or other similar technology which allows communication between the place where a meeting of the board is to take place and another place) is available, a member of the board may participate in a meeting by way of such technology although not present at the place where the meeting is to take place.

18. Decision Making

- 18.1 Where the Board is to take a decision, the chairperson will determine whether there is consensus among the voting members on the proposed decision. In the absence of consensus, the question will be determined by a majority of the votes of the voting members attending.
- 18.2 Where the proposed decision consists of a recommendation in a report submitted to the Board, the recommendation may be moved and seconded by voting members as a motion to the Board. Where no amendment is moved and seconded, the chairperson following discussion will put the matter to a vote for or against the motion. Where an amendment is moved and seconded the chairperson following discussion will put the matter to a vote for the amendment or the motion.
- 18.3 Any motion relevant to the item of business may be moved by a voting member. If seconded, the motion will be dealt with in accordance with 18(2) above.
- 18.4 In the event of an equality of votes no decision may be made on that item of business at the meeting.
- 18.5 Where 18.4 applies, the Chief Officer after consulting with the chairperson, the vice chairperson and the constituent authorities, shall reconsider the proposal giving rise to the equality of votes and may:
- ix) present the proposal to a future meeting of the Board in an amended form;
 - x) provide the Board with further and better information on the proposal; and
 - xi) provide the Board with advice on any legal, financial or other risk arising from the failure to take a decision.
- 18.6 Where 18.4 applies, standing order 19 will not have effect.

19. Revocation of Previous Decisions

- 19.1 A decision by the Board cannot be considered or changed within six months or being made unless:-
- i) it is required by statute;
 - ii) or two thirds of the voting members present and voting agree otherwise.

20. Motions

- 20.1 Without prejudice to standing order 18, a voting member of the board may submit a motion to the board on any matter within its decision making remit. Any such motion will be submitted at least 10 clear days before any ordinary meeting of the board to the chief officer.
- 20.2 Unless the chief officer determines that the motion is outwith the board decision making remit, or contains defamatory or otherwise improper content, the motion will appear on the agenda for the next meeting.

21. Committees

- 21.1 The board may establish committees of its members for the purpose of carrying out such of its functions as it may determine.
- 21.2 Where the board establishes a committee, it must determine who will act as chairperson of the committee.
- 21.3 A committee established must include voting members and must include an equal number of the voting members appointed by the health board and the council.
- 21.4 Any decision relating to carrying out of functions under the Act or to integration functions taken by a committee established by virtue of this standing order must be agreed by a majority of the votes of the voting members who are members of the committee.
- 21.5 Meetings of committees will be conducted in accordance with standing orders 3, 4, 7, 9 to 11, 13, 14 and 17 to 20 subject to all references to the board being read as references to the committee.

Exempt Information

The following categories of information are defined as being “exempt”:-

- (i) Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office holder or applicant to become an office holder under, the Council;
- (ii) Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority;
- (iii) Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the Council;
- (iv) Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the Council;
- (v) Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement of that child made under the Children (Scotland) Act 1995;
- (vi) Information relating to the financial or business affairs of any particular person (other than the Council);
- (vii) Information relating to anything done or to be done in respect of any particular person for the purposes of any matter referred to in section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons);
- (viii) The amount of any expenditure proposed to be incurred by the Council under any particular contract for the acquisition of property or the supply of goods or services;
- (ix) Any terms proposed, or to be proposed by or to the Council, in the course of negotiations for a contract for the acquisition or disposal of any property or the supply of goods or services;

- (x) The identity of the Council (as well as any other person, by virtue of item (vi) above) as the person offering any particular tender for a contract for the supply of goods or services;
- (xi) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the Council;
- (xii) Any instructions to Counsel and any opinion of Counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:-
 - (a) any legal proceedings by or against the Council, or
 - (b) the determination of any matter affecting the Council, (whether, in either case, proceedings have been commenced or are in contemplation);
- (xiii) Information which, if disclosed to the public, would reveal that the Council proposes:-
 - (a) to give under any enactment a notice under, or by virtue of, which requirements are imposed on a person, or
 - (b) to make an order or direction under any enactment;
- (xiv) Any action taken, or to be taken in connection, with the prevention, investigation or prosecution of crime;
- (xv) The identity of a protected informant.

For the purposes of these standing orders, references to the Council in this appendix shall be read as including a reference to the Health Board or the Integration Joint Board as the context requires.