

REPORT TO: POLICY AND RESOURCES COMMITTEE – 25TH APRIL, 2022
REPORT ON: DUNDEE HEALTH AND SOCIAL CARE INTEGRATION SCHEME
REPORT BY: CHIEF EXECUTIVE
REPORT NO: 81-2022

1.0 PURPOSE OF REPORT

1.0 The Public Bodies (Joint Working) (Scotland) Act 2014 requires that Integration Schemes are subject to review every five years from the date of approval by Scottish Ministers. This Act requires consultation with prescribed individuals and with the public as part of the review process. This report sets out the draft revised integration scheme and seeks approval to release the draft revised scheme for formal consultation as required by the Act. A report on the formal consultation and consequent impact on the draft revised scheme will be brought back to the Council for final approval before submission to Scottish Ministers.

2.0 RECOMMENDATIONS

It is recommended that members:

- 2.1 Approve the draft revised Integration scheme to allow for a period of formal consultation.
- 2.2 Note that this report is also subject to approval by the Board of NHS Tayside.
- 2.3 Delegate authority to the Chief Executive to arrange minor amendments to the Scheme prior to formal consultation if so required.
- 2.4 Note that a report on the formal consultation and consequent impact on the draft revised scheme will be brought back to the Council for final approval before submission to Scottish Ministers.

3.0 FINANCIAL IMPLICATIONS

None.

4.0 MAIN TEXT

- 4.1 The way in which health and social care services are planned and delivered across Scotland was changed by the [Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#) (the Act). Local authorities and health boards are required by law to work together to plan and deliver adult community health and social care services. This new way of working is referred to as 'health and social care integration'. To achieve integration of health and social care the Local Authority and the NHS Health Board were required to deliver an Integration Scheme. This is a legally binding agreement, the contents of which are prescribed in [SSI 2014 No. 341](#). The Integration Scheme establishes an Integration Joint Board (IJB) who are responsible for the development of a Strategic Plan aimed at improving and integration health and social care services so that their operation becomes 'seamless' from the perspective of the user of those services. The single strategic plan must progress the nine [National Health and Wellbeing Outcomes](#) and deliver on the Integration principles set out in the Act. The Integration Joint Board then directs the Local Authority and the Health Board to deliver services in a way that will meet the requirements of the strategic plan and within the integrated resources that are available to them.
- 4.2 The Act sets the framework for integrating adult health and social care, to ensure a consistent provision of quality, sustainable care services for the increasing numbers of people in Scotland who need joined-up support and care, particularly people with multiple, complex, long-term conditions. At its heart, integration is about ensuring those who use health and social care

services get the right care and support whatever their needs, at the right time and in the right setting at any point in their care journey, with a focus on community-based and preventative care.

- 4.3 Reference is made to Report number Report 125-2015 (Article XIII of the minute of meeting of the Policy and Resources Committee of 9 March 2015):
<https://www.dundee.gov.uk/minutes/article?articlekey=67723>

To meet the requirements of the Act, Dundee City Council approved an Integration Scheme to establish Dundee Integration Joint Board in March 2015 subject to approval by Scottish Ministers. Approval by Scottish Ministers was achieved in September 2015. The Dundee Integration Joint Board was established thereafter, and the functions identified in the scheme and associated resources were formally delegated to the Integration Joint Board on 1 April 2016.

- 4.4 Integration Schemes were subject to a revision in 2018 which did not require approval following the implementation of the Carers (Scotland) Act 2016 to allow for the required delegation of the local authority functions associated with that Act.

- 4.5 The scheme describes what the parties will do to enable the Integration Joint Board (IJB) to meet its responsibilities (or 'delegated functions'). It does not describe what the IJB will do in detail. The scheme contains high level statements of commitment to ensure flexibility and accommodate future changes. The Dundee Scheme came into force in September 2016. The current Integration Scheme can be found at:
<https://www.dundee.gov.uk/sites/default/files/publications/dundeeintegrationscheme.pdf>

- 4.6 The Act required that the Dundee Integration Scheme be reviewed by September 2020. Following advice from the Scottish Government a review was undertaken in 2020. This identified a number of areas for improvement within the scheme. The Scottish Government allowed for the deferral of any revisions to a later date due the impact of the Coronavirus pandemic. The Dundee review highlighted the need for the following revisions.

Section	Primary Reasons for revision
Context	To update strategic vision and direction underpinning the function of the IJB.
Definitions and interpretations	To clarify the difference between the function of the IJB and function of the HSCP and the relationship and responsibilities of the Partner bodies. To replace the wording 'hosted services'.
Local Governance arrangements	To be updated to be in line with review of IJB standing orders.
Delegation of Functions	For the parties to consider the delegation of further functions which will promote the delivery of integration.
Local operational delivery arrangements	To be updated in line with changed operational management arrangements for some adult mental health services; to continue to clarify the difference between the HSCP and the IJB; to consider the list of required reports; the names of governance groups; the list of support services; include reference to the development of a memorandum of understanding with parties on support arrangements. To reword the section to address progress made during the period of the current scheme. To address the inclusion of an annex on agreed corporate support. To add section on the functioning and role of the SPG. To address challenges and agreements around large hospital provision.
Clinical, care and professional governance	To be updated in line with new arrangements following review of Tayside CCPG framework. To update names of groups. To remove some duplication in the text. To clarify the role of the Tayside forum and sub-groups.
Chief Officer	To correct the names of groups and to address some typing errors.
Workforce	To change reference to timescales. To reflect update approach to workforce planning and organisational development.
Finance	To be updated based on agreements that have developed over the period of the scheme. To further clarify the approach to the calculation of set aside.

	To further clarify the basis for calculation of proportionate contributions under the risk sharing agreement.
Participation and engagement	To allow for a period of consultation on an amended scheme. To update based on arrangements that have developed to further participation and engagement over the period of the current scheme.
Information sharing and data handling	To update in respect of GDPR and the Data Protection Act 2018.
Complaints	To update in line with changes over the period of the scheme including the removal of reference to the Social Work Complaints Review Committee whose work has now been taken over by the Scottish Public Service Ombudsman.
Risk Management	To be updated to take recognition of changes in practice and remove timescales related to the establishment of the IJB.
Annex 1 and 2	To be updated with any further functions to be delegated. Clarification about the extent of the delegation and relative responsibilities of partners in relation to some services eg GP contracts, GP accommodation and management of 2c practices.
Annex 3	To be updated in line with amendments to scheme.

4.7 Work has progressed on delivering the revisions identified as part of the review. This has been undertaken in conjunction with Angus Council, Perth and Kinross Council and NHS Tayside. The aim being to achieve similar Integration schemes across Tayside. This has included the creation of a Tayside wide project group to oversee the work.

4.8 There has been significant learning during the five year period of the existing integration schemes, improved understanding of the legislation, improved integrated arrangements around clinical, care and professional governance, risk management and finance. There has been new policy, practice and guidance from the Scottish Government which has had an impact on some of the wording. Proposed changes have generally improved legislative compliance, provide clarity around governance arrangements and the different accountabilities of the IJB, Dundee City Council and NHS Tayside. The revisions have also addressed the learning and new policy and have been developed to make this very technical document more accessible and understandable.

4.9 The proposed revised scheme is attached as Appendix 1.

5.0 POLICY IMPLICATIONS

This report has been subject to an assessment of any impacts on Equality and Diversity, Fairness and Poverty, Environment and Corporate Risk. There are no major issues.

6.0 CONSULTATIONS

The Council Management Team and Tayside Chief Executive's Group were consulted in the preparation of this report.

7.0 BACKGROUND PAPERS

None.

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Dundee Health and Social Care Integration Scheme

**This integration scheme is to be used in conjunction with the Public Bodies (Joint Working) (Integration Scheme) (Scotland) Regulations 2014
These regulations can be found at <http://www.scotland.gov.uk>**

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1. Establishment

The Public Bodies (Joint Working) (Scotland) Act 2014 (the Act) requires NHS Boards and Local Authorities to integrate planning for, and delivery of, certain adult health and social care services. They can also choose to integrate planning and delivery of other services, additional adult health and social care services and children's health and social care services, beyond the minimum prescribed by Ministers. The Act requires them to jointly prepare an integration scheme setting out how this is to be achieved.

The first Dundee Integration Scheme established a "body corporate" arrangement, as set out in s1(4)(a) of the Act. This scheme was produced in 2021 following a review in 2020. It continues to provide for a body corporate model for the integration of health and social care in Dundee and confirms the detail of how NHS Tayside and Dundee City Council will integrate relevant services. The corporate body will be known as Dundee Integration Joint Board (IJB). To give effect to the single operational management of integrated services by the Chief Officer, the parties agree that the integrated operating unit will be known as Dundee Health and Social Care Partnership.

This agreement covers the health and wellbeing of all adults including older people. It includes children's services as noted in annex 1 of this Integration Scheme and takes account of the needs of children at times of transition to adulthood in the context of 'whole family' approaches. Robust working arrangements will be put in place to ensure effective joint working with Children's services in both these cases.

2. Our Shared Vision for Integration

NHS Tayside and Dundee City Council are the partners in this integration scheme. As partners we recognise that the main purpose of integration is:

- To improve the wellbeing of people who use health and social care services, in particular those whose needs are complex, and which require support from health and social care at the same time.
- To improve the wellbeing of those for whom it is necessary to provide timely and appropriate support in order to keep them well.
- To promote informed self-management and preventative support to avoid crisis or ill health.
- To jointly deliver on the national health and wellbeing outcomes.

Our shared vision for integration between NHS Tayside and Angus, Dundee City and Perth & Kinross Councils is for a confident and ambitious Integration Joint Boards which support people to achieve better outcomes and experience fewer inequalities, where voices are heard and people are supported to enjoy full and positive lives in the community.

We aim to deliver success in integration where:

- People experience improved health and wellbeing.
- Integrated services provide holistic care focused on outcomes.
- Pathways between health, social work and social care services become seamless.
- Inequalities are reduced.
- Shared resources are deployed using best value principles to achieve better outcomes, maximise efficiencies from integrated care allowing public funds to go further to meet demand.
- Good clinical, care and professional governance improves the quality of service delivery.

To achieve this, we will:

- Build on the Integration delivery principles set out in the Act.
- Respect the principles of human rights, equalities, and independent living, treating people fairly.
- Ensure that staff are well informed, we will work collaboratively to embed this shared vision within staff teams, supporting and developing staff from all organisations to respond appropriately, putting people first.
- Recognise that our people are our greatest asset, and it is through their talents and ambitions that real improvement will continue to be made.
- Treat staff fairly and consistently with dignity and respect in an environment where diversity is valued.
- Provide staff with a continually improving and safe working environment, promoting the health and wellbeing of staff.
- Support staff to understand the importance of the communities we service and develop positive approaches to engage, listen and act.
- Involve staff in decisions.
- Support staff to learn from and build on best practice, ensuring that they are appropriately trained and developed.
- Support the Integration Joint Board to deliver on its strategic plan, progressing the national health and wellbeing outcomes.
- Work together to promote integrated working by our staff and minimise unnecessary duplication.

The local vision for integration is set out in the Dundee Integration Joint Board's Strategic Plan. The Strategic Plan and progress with its delivery can be found on www.dundeehscp.com

Integration Scheme Between

Dundee City Council, a Local Authority established under the Local Government etc. (Scotland) Act 1994 and having its principal offices at City Chambers, City Square, Dundee DD1 3BY ("the Council");

and

Tayside Health Board, a Health Board established under section 2(1) of the National Health Service (Scotland) Act 1978 (operating as "NHS Tayside") and having its principal offices at Level 10, Ninewells Hospital, Dundee DD1 9SY ("NHS Tayside").

Together referred to as "the Parties".

Definitions and Interpretations

In this Integration Scheme, the following terms shall have the following meanings:

"Act" means the Public Bodies (Joint Working) (Scotland) Act 2014.

"Angus" means the local government area for Angus as defined in the Local Government etc. (Scotland) Act 1994.

"Dundee" means the local government area for Dundee City as defined in the Local Government etc. (Scotland) Act 1994.

"Perth & Kinross" means the local government area for Perth & Kinross as defined in the Local Government etc. (Scotland) Act 1994.

“Delegated Functions” means the legislative functions listed in Annex 1 and 2 of this Scheme that are delegated to the Integration Joint Board.

“Direction” means the formal instruction to the Parties by the Integration Joint Board that is to be undertaken by each party on behalf of the Integration Joint Board and the financial resources that are being made available to each party in undertaking these services in accordance with Section 26 of the Act.

“Director of Mental Health and Learning Disability” means the post that operationally manages the inpatient mental health, inpatient learning disability and inpatient drug and alcohol services in NHS Tayside that relate to those functions that are delegated to the IJB.

“Scheme” means this Integration Scheme.

“Strategic Plan” means the plan which the Integration Joint Board is required to prepare and implement in relation to the delegated functions in accordance with section 29 of the Act.

“Integrated Budget” means the Budget for the delegated functions set out in Annex 1 and 2 of this scheme.

“Integration Joint Board (IJB)” means the Dundee Integration Joint Board established by Order under section 9 of the 2014 Act.

“Membership Order” means The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 (SI 2014 no 285).

“National outcomes” means the National Health and Wellbeing Outcomes prescribed by the Scottish Ministers in Regulation 2 Public Bodies (Joint Working) (National Health and Wellbeing Outcomes) (Scotland) Regulations 2014 SI No 343.

“Non-current assets” means those assets which are **not** anticipated to be consumed/exhausted within 12 months of being acquired and are thus eligible to be capitalised on the balance sheet. For example, property, plant, equipment, finance elements, service concessions, investment properties, intangible assets etc.

“Operational Management” means all the day-to-day functions required to control the delivery of delegated health and social care services including clinical, care and professional governance, finance, risk and staff governance, the configuration of those services and all functions associated with ensuring the implementation of directions issued by the Integration Joint Board.

“Operational Risk” means the risk of incurring detriment due to inadequate or failed internal processes, people, controls or from external events.

“Oversight” means the requirement to be assured that functions are being delivered as directed, that the strategic plan is being delivered and that integrated services operate safely and to the quality expected (i.e., clinical care and professional governance). This might include receiving reports about shifts in service delivery that demonstrate the implementation of directions and the strategic plan. Oversight is not about day-to-day operational management.

“Parties” means the Angus Council/ Dundee City Council/Perth& Kinross Council and NHS Tayside.

“Partners” means communities, staff, third sector, service users and carers and independent sector.

“Requisition” means the financial resources that each of the parties makes available to the Integration Joint Board in order to deliver the scope of devolved services in line with the strategic plan of the Integration Joint Board.

“The Chief Officer” means the Chief Officer of the Integration Joint Board appointed by the Integration Joint Board in accordance with Section 10 of the Act.

“The Chief Finance Officer” means the Chief Finance Officer appointed by the Integration Joint Board in terms of section 95 of the Local Government (Scotland) Act 1973.

“Lead Partner” means the Chief Officer that through NHS Tayside has operational management of certain health care services that are best managed on a Tayside wide basis.

'Acute services' means those services set out in Part 2 of annex 1 which are delivered in Ninewells Hospital or Perth Royal Infirmary. It does not include medicine for the elderly services delivered in Perth Royal Infirmary or inpatient services provided in a community hospital.

"Reporting year" means the 1 April to 31 March each year.

"Planning Period" means the 3-year term of the IJB strategic plan

1. CHOICE OF INTEGRATION MODEL

- 1.1 In accordance with section 2(3) of the Act, the Parties have agreed that the integration model set out in section 1(4)(a) of the Act will be put in place in Dundee namely the delegation of functions by the Parties to a **body corporate** established by Order under section 9 of the Act. This Scheme comes into effect on the date the Parliamentary Order to establish the Integration Joint Board comes into force.
- 1.2 As the Parties intend to delegate functions 'to a body corporate' there will be no wholesale transfer of staff either between the Council and NHS, or vice versa, or from both organisations.

2. DELEGATION OF FUNCTIONS

- 2.1 The functions that are to be delegated by NHS Tayside to the Integration Joint Board are set out in Part 1 of Annex 1. The description of the services to which these functions relate are set out in Part 2, Part 3, and Part 4 of Annex 1 of this Scheme. Unless specified in Annex 1 Part 4 health services to be integrated only relate to persons over the age of 18 years. Where delegated functions include children and young people under the age of 18, the services to be integrated and identified in Annex 1 Part 4 are organised on an all-age basis (i.e. birth to death).
- 2.2 The functions that are delegated by Dundee City Council to the Integration Joint Board are set out in Part 1 and Part 2 of Annex 2. The description of the services to which these functions relate are set out in Part 3 of Annex 2 of this scheme.

3. MEMBERSHIP OF THE INTEGRATION JOINT BOARD

- 3.1 Membership of the Integration Joint Board will be determined in accordance with the Membership Order.
- 3.2 Dundee City Council will nominate three of its councillors to the Integration Joint Board and Tayside NHS Board will nominate three Tayside NHS Board members to the Integration Joint Board, to be voting members.

4. LOCAL GOVERNANCE ARRANGEMENTS

- 4.1 The term of office of a member of the Integration Joint Board is a maximum of three years however a member may be reappointed for a further three-year term of office. Board members appointed by the Parties will cease to be members of the Integration Joint Board in the event that they cease to be a Non-Executive board member of Tayside NHS Board or an elected member of Dundee City Council. The Chief Social Work Officer, Chief Officer and Chief Finance Officer remain members of the Integration Joint Board for as long as they hold the office in respect of which they are appointed.
- 4.2 The Chairperson and Vice Chairperson will be drawn from the Tayside NHS Board and the Council voting Members of the Integration Board. If a Council Member is to serve as Chairperson, then the Vice Chairperson will be a member nominated by the NHS Board and vice versa. The appointment to Chairperson and Vice Chairperson is time limited to a period not exceeding two years and carried out on a rotational basis between Council and NHS Board appointed Chairpersons. The Council or NHS Board may change their appointee as Chairperson or Vice Chairperson during an appointing period.

5 LOCAL OPERATIONAL MANAGEMENT ARRANGEMENTS

The local operational arrangements agreed by the Parties are:

- 5.1 The Integration Joint Board has the responsibility for the planning of services in relation to all delegated functions and is required by section 29 of the Act to prepare a Strategic Plan. The Strategic Plan must set out the arrangements for carrying out the integration planning principles as set out in section 4 of the Act and how these arrangements are intended to achieve or contribute to achieving the National Health and Wellbeing Outcomes.
- 5.2 The Integration Joint Board is responsible for the planning of all functions that are delegated as specified in Annex 1 and Annex 2 of this Scheme. For the avoidance of doubt this includes certain inpatient acute services, inpatient mental health, inpatient learning disability and inpatient drug and alcohol services as detailed in Annex 1.
- 5.3 The Integration Joint Board is responsible for oversight of all delegated functions through the Chief Officer. NHS Tayside are responsible for the operational management of all health services including, community-based health services. acute services, inpatient mental health, inpatient learning disability and inpatient drug and alcohol services. The operational management is through the Chief Officer HSCP, Chief Officer Acute Services and Executive Lead for Mental Health and Learning Disabilities. NHS Tayside will provide information on a regular basis to the Integration Joint Board on the performance and governance of these services. Dundee City Council is responsible for the operational management of all social work and social care services through the Chief Officer. Dundee City Council will provide information on a regular basis to the Integration Joint Board on the performance and governance of those services.
- 5.4 NHS Tayside are responsible for the operational management of all health services including, community-based health services. acute services, inpatient mental health, inpatient learning disability and inpatient drug and alcohol services. The operational management is through the Chief Officer HSCP, Chief Officer Acute Services and Executive Lead for Mental Health and Learning Disabilities respectively. NHS Tayside will provide information on a regular basis to the Integration Joint Board on the performance and governance of these services.
- 5.5 The Council is responsible for the operational management of all social work and social care services through the Chief Officer. AREA Council will provide information on a regular basis to the Integration Joint Board on the performance and governance of those services.
- 5.6 The Integration Joint Board will have oversight of delegated acute, mental health inpatient, learning disability inpatient and drug and alcohol inpatient services to ensure compliance with the strategic plan of the Integration Joint Board.
- 5.7 NHS Tayside have agreed with Angus Council, Dundee City Council and Perth & Kinross Council the integrated operational management arrangements for certain health care services that continue to be best delivered on a Tayside wide basis. These arrangements are set out in

Annex 1 Part 3. The Lead Partner (Chief Officer) may be subject to change further to a variation in the agreement between the Councils and NHS Tayside.

- 5.8 The Integration Joint Board has a performance framework which will contain the lists of targets and measures that relate to the delegated integration functions, and which progress their Strategic Plan. The Parties will provide the relevant information to the Integration Joint Board to meet the requirements of the performance framework allowing the Integration Joint Board to be assured that the strategic plan and directions are being delivered and to enable The Integration Joint Board to prepare a report as required by S 42 of the Act and in accordance with The Public Bodies (Joint Working) (Content of Performance Reports) (Scotland) Regulations 2014. The Parties will also provide information on the non-integrated functions of the partners that will have to be considered by the Integration Joint Board when preparing their Strategic Plan. The reporting cycle is set out in the Performance Framework but will be no less than annually in order that the Integration Joint Board can prepare its annual report in accordance with section 42 of the Act.
- 5.9 The Integration Joint Board will routinely receive from the Chief Officer and Chief Finance Officer, for agreement and approval, reports as relevant. The Integration Joint Board upon consideration of such reports may issue, amend or withdraw a Direction to the relevant party.-
- 5.10 Information will be provided by the Parties, to the Integration Joint Board setting out the arrangements they have made to ensure that a direction has been delivered and that the objectives of the Strategic Plan will be achieved. If it is considered by the Integration Joint Board that any of the arrangements made by either of the parties are not sufficient, the Chief Officer will bring this to the attention of the party in question, in writing, with details of any further action which the Integration Joint Board considers should be taken.
- 5.11 It will be the responsibility of the Parties to work collaboratively to provide the Integration Joint Board with support services which will allow the Integration Joint Board to carry out its functions and requirements. The Parties will agree a memorandum of understanding to define the terms and arrangements whereby the Parties agree to make available to the Integration Joint Board such professional, technical, or administrative resources as are required to support the development of the Strategic Plan and the carrying out of delegated functions. These arrangements will be reviewed through regular reports from the Chief Officer of the Integration Joint Board.
- 5.12 NHS Tayside will provide the necessary activity and financial data for services, facilities or resources that relate to the planned use of services, provided by other Health Boards, by people who live within Dundee.
- 5.13 The Council will provide the necessary activity and financial data for services, facilities or resources that relate to the planned use of services within other local authority areas by people who live within Dundee.
- 5.14 The Parties agree to use all reasonable endeavours to ensure that the other Tayside Integration Joint Boards and any other relevant Integration Authority will share the necessary activity and financial data for services, facilities and resources that relate to the planned use of resources by residents in their Integration Authority area.
- 5.15 The Parties commit to advise the Integration Joint Board where they intend to change operational service provision in any area of provision including support services that will have a resultant impact on the Strategic Plan.

6. CHIEF OFFICER

The Integration Joint Board shall appoint a Chief Officer in accordance with section 10 of the Act. The arrangements in relation to the Chief Officer agreed by the Parties are:

- 6.1 The Chief Officer is the accountable officer for delegated functions to the Integration Joint Board. The Chief Finance Officer is responsible for the proper administration of the Integration Joint Board's financial affairs. A key element of the Chief Officer's role will be to develop close working relationships with elected members of Dundee City Council and Non-Executive and Executive Tayside NHS Board members.
- 6.2 The Parties agree to operate a single integrated operational management model for delegated functions (with the exception of acute services, mental health inpatient, learning disability inpatient and drug and alcohol inpatient services). To give effect to the single operational management of integrated services by the Chief Officer, the parties agree that the integrated operating unit will be known as Dundee Health and Social Care Partnership.
- 6.3 The Parties agree that the Chief Officer will be responsible for the operational management and performance of integrated services related to the functions that are delegated to the Integration Joint Board, except delegated acute services, adult mental health inpatient, learning disability inpatient and drug and alcohol inpatient services.
- 6.4 The Chief Officer will report directly to the Chief Executive of the Council and the Chief Executive of NHS Tayside on operational management. Joint performance review meetings, involving both Chief Executives and the Chief Officer will take place on a regular basis and at a minimum quarterly.
- 6.5 The Chief Officer will have in place management structures that ensure accountability and responsibility for professional, clinical and care governance in respect of the integrated services for which they have direct operational management responsibility. In relation to those services set out in 5.4 above where NHS Tayside retain operational management responsibility, the Chief Officer will put in place appropriate reporting structures which provide adequate and effective oversight and assurance in relation to professional, clinical and care governance.
- 6.6 The Chief Officer managing services on a pan-Tayside basis will be known as the Lead Partner. Where a Chief Officer is the Lead Partner in relation to a service set out in Annex 1 part 3 the Parties agree that the Lead Partner:
 - Co-ordinates the strategic planning of the lead partner services.
 - Will seek approval from all Integration Joint Boards on its proposed strategy for those services as required in Section 29 of the Act having regard to all localities in the Tayside area.
 - Will provide reports on those services to other Integration Joint Boards at least in every planning period, ensuring consultation where significant service change is planned at any point.
- 6.7 The Chief Officer (Acute Services) will have operational management responsibility for Ninewells Hospital, Perth Royal Infirmary and Stracathro Hospital in respect of delegated acute functions.
- 6.8 The Executive Lead for Mental Health and Learning Disability Services will have operational management responsibility for delegated functions that relate to adult mental health inpatient, learning disability inpatient and drug and alcohol inpatient services.

- 6.9 Members of the senior management teams of both the Council and NHS Tayside have a key role in supporting Health and Social Care Integration in Dundee. The Chief Officer will be a substantive member of the senior management teams of both Dundee City Council and NHS Tayside.
- 6.10 The Parties agree that the Chief Officer will have appropriate corporate support and a senior team of 'direct reports' in order to fulfill their accountability for the Strategic Plan and for the safe, efficient and effective operational management and performance of integrated services and for the oversight of delegated, inpatient mental health, inpatient learning disability and inpatient drug and alcohol functions, to the population of Dundee.
- 6.11 The Parties jointly agree that a member of the senior team of direct reports who is an employee of either the Council or NHS Tayside will be designated as the Depute Chief Officer. This Depute Chief Officer will carry out the functions of the Chief Officer if/when the Chief Officer is absent or otherwise unable to carry out their functions for a period exceeding two weeks.
- 6.12 The Chief Officer shall establish and maintain effective working relationships with a range of key stakeholders across NHS Tayside, the Council, the third and independent sectors, service users and carers, Scottish Government, trade unions and relevant professional organisations. They will be a key partner in the formation of the Dundee Community Partnership Plan.

7. CLINICAL, CARE AND PROFESSIONAL GOVERNANCE

The Parties recognise that the establishment and continuous review of the arrangements for Clinical and Care Governance and Professional Governance are essential in delivering their obligations and quality ambitions.

- 7.1 Explicit lines of professional and operational accountability are essential to assure the IJB, and the Parties, of the robustness of governance arrangements for their duties under the Act. They underpin delivery of safe, effective and person-centred care in all care settings delivered by employees of the Council, NHS Tayside, and the third and independent sectors.
- 7.2 In relation to delegated functions, NHS Tayside is accountable for the clinical and care governance of health services, and Dundee City Council is accountable for governance of social work and social care services.
- 7.3 The Parties are accountable for ensuring appropriate clinical and care governance arrangements in respect of their duties under the Act. The Parties will have regard to the principles of the [Scottish Government's Clinical and Care Governance Framework](#) (or its successor document), including the focus on localities and service user and carer feedback. The parties will agree an integrated framework for the delivery for Integrated Clinical, Care and Professional Governance arrangements. Professional and service user networks or groups will inform an agreed Clinical and Care Governance framework directing the focus towards a quality approach, continuous improvement, and the integration of delegated functions and services
- 7.4 The structure of the Clinical and Care Governance arrangements as it relates to the delegated functions and the provision of assurance to the Integration Joint Board and the Parties is set out in the Integrated Clinical, Care and Professional Governance framework. The framework will be reviewed regularly.
- 7.5 Professional governance responsibilities will continue to be carried out by the professional leads through to the health and social care professional regulatory bodies.
- 7.6 Principles of Clinical and Care Governance will be embedded at service user/clinical care/professional interface using the integrated framework. The Parties will ensure that explicit arrangements are made for professional supervision, learning, support, and continuous improvement for all staff.

- 7.7 The Parties will provide, by way of assurance to the Integration Joint Board, evidence of effective performance management and clinical, care and professional governance systems in relation to the operational delivery of the integrated services.
- 7.8 Both Parties will retain separate duty of candour policies. The Parties agree to work towards an integrated duty of candour procedure to be included in the Integrated Clinical, Care and Professional Governance framework.
- 7.9 The Parties have established a Dundee Clinical, Care and Professional Governance Group to consider matters in relation to delegated functions which are integrated under the operational management of the Chief Officer.
- 7.10 The Dundee Clinical, Care and Professional Governance Group will include representatives of the Chief Social Work Officer, Medical Director, Director of Nursing and Midwifery, Director of Allied Health Professions and Director of Pharmacy.
- 7.11 The Dundee Clinical, Care and Professional Governance Group will provide oversight, advice, guidance and assurance to the Chief Officer, the Integration Joint Board, the Council, and the NHS Tayside Board in respect of clinical care and professional governance for delegated health and social care functions and the services that are integrated.
- 7.12 In respect of clinical, care and professional governance for delegated health functions where services are managed by the Chief Officer for Acute Services and the Executive Lead for Mental Health, NHS Tayside Board will establish a Care Governance Committee. The Care Governance Committee will provide oversight, advice, guidance, and assurance to the Integration Joint Board in relation to those delegated functions.
- 7.13 The Care Governance Committee executive professional leads and the Dundee Clinical, Care and Professional Governance Group will provide advice to the Dundee Strategic Planning Group and localities for the purposes of locality planning in respect of inpatient (acute, mental health drug and alcohol and learning disability) and community services respectively.
- 7.14 The Chief Social Work Officer, the Medical Director, Director of Nursing and Midwifery, Director of Pharmacy or their representatives and a Medical Practitioner whose name is included in the list of primary medical services performers, will provide professional advice to the Chief Officer and the Integration Joint Board in respect of the overview and consistency of the Clinical and Care Governance and Professional Governance Framework.
- 7.15 The Chief Officer (Acute services) and the Executive Lead for Mental Health and Learning Disability will have in place management structures that ensure accountability and responsibility for professional, clinical and care governance for services which they have operational management responsibility which relate to delegated functions.

8. WORKFORCE

The arrangements in relation to their respective workforces agreed by the Parties are:

- 8.1 The Parties are committed to ensuring staff possess the necessary skills and knowledge to provide service users in Dundee with the highest quality services. Any future changes in staff arrangements will be planned and co-ordinated and will involve the full engagement of those affected by the changes in accordance with established practices and procedures.
- 8.2 The Parties will agree a framework for the delivery of an Integrated Workforce and Organisational Development Plan for delegated functions. In doing so the plan will consider the needs of the integrated health and social care workforce, including the impact of third and independent sector care provision as part of the overall planning process. The Plan will set out how support and development will be provided for and to the workforce within the requirements of the NHS Reform (Scotland) Act 2004, any relevant guidance e.g. for NHS employees this would include the Staff Governance Standards and how the workforce will be developed to meet the requirements of the Integration Joint Board's Strategic Plan. Reviews of the Workforce and Organisational Development Plan will be undertaken annually in conjunction with the Integration Joint Board.

- 8.3 The Parties will continue to provide human resource services and workforce planning information by the appropriate corporate human resource functions within the Council and NHS Tayside.
- 8.4 The Parties will ensure that professional/clinical supervision arrangements are in place.
- 8.5 The Parties will agree and maintain appropriate procedures which meet the requirements of the National Whistleblowing Standards and ensures that all staff who work within a Health and Social Care Partnership (across NHS and local authorities) can raise any concerns through the associated procedures. This will also include a requirement to report all concerns to the IJB and NHS Board on a quarterly basis.

9. FINANCE

- 9.1 The Chief Finance Officer of the Integration Joint Board will be accountable to the Chief Officer and the Integration Joint Board for the Annual Accounts, Financial Plan (including the Annual Financial Statement as required under Section 39 of the Act) and providing financial advice to the Integration Joint Board. The Chief Finance Officer will provide financial advice and support to the Chief Officer and the Integration Joint Board on the financial resources used for operational delivery.
- 9.2 The Parties will provide co-operation and finance and corporate support services as required to effectively support the financial management of the Integration Joint Board, unless subsequently agreed otherwise by the Parties and the Integration Joint Board.
- 9.3 The Financial Strategy underpinning the Integration Joint Board's Strategic Plan will be prepared by the Chief Officer and Chief Finance Officer following discussions with the Parties and will reflect the Parties respective medium term financial planning assumptions where available. The Parties will consider the implications of the Integration Joint Board's planned Budget Requisitions over the period of the Strategic Plan will ensure the services commissioned by the Integration Joint Board are delivered within the financial resources available.
- 9.4 The Council will host the financial transactions of the Integration Joint Board unless or until agreed otherwise. These transactions will cover Requisitions made to the Integration Joint Board from the Parties and the Direction back to the Parties for commissioned services, cost of the Integration Joint Board, External Audit, Chief Officer, Chief Finance Officer and any other relevant costs.
- 9.5 The Chief Finance Officer will make annual budget Requisitions to the Parties in line with their respective budget setting timetables. The budget Requisitions will be calculated with initial reference to the pertinent year of the latest Strategic Plan agreed by the Integration Joint Board and in line with agreement by the Parties and will include the costs of the Integration Joint Board, External Audit, the Chief Officer, Chief Finance Officer and any other relevant costs.
- 9.6 The Parties will engage with the Chief Officer and Chief Finance officer while considering these Requisitions through their respective budget setting processes.
- 9.7 Where any adjustments are made from the proposals/assumptions contained in the Strategic Plan this will be made clear in the budget requisition made by the Chief Finance Officer to the Parties.
- 9.8 The Integration Joint Board may consider any substantial changes to its Strategic Plan based on the final financial settlement with the Parties.
- 9.9 The Parties will confirm the actual budget Requisition to the Integration Joint Board within a suitable timescale to enable the Integration Joint Board to agree its delegated budget by the 31st March preceding the start of the new financial year. The Integration Joint Board will approve and provide Direction to the Parties before the start of the Integration Joint Board financial year, in the relevant year, regarding the functions that are being directed, how they are to be delivered and the resources to be used in delivery.

- 9.10 The process for determining the value of the resources used in 'large hospitals' to be set aside by NHS Tayside and made available to the Integration Joint Board will be determined with regard to hospital capacity that is expected to be used by the population of the Integration Joint Board and will incorporate as a minimum but not exclusively:
- Actual occupied bed days and admissions in recent years.
 - Planned changes in activity and case mix due to the effect of interventions in the Strategic Plan.
 - Planned changes in activity and case mix due to changes in population need (i.e. demography and morbidity).
- 9.11 The value of the 'large hospital' set aside will be calculated by applying unit costs to the hospital capacity using a costing methodology to be agreed between the Parties and the Integration Joint Board
- 9.12 On an annual basis the Large Hospital Set Aside budget will be adjusted to reflect planned hospital capacity, as set out in the Strategic Plan. The Strategic Plan will set out any planned changes in hospital capacity, with the resource consequences determined through detailed business cases which will be reflected in the Integration Joint Board's financial plan. These business cases may include:
- The planned changes in activity and case mix due to interventions in the Strategic Plan and the projected activity and case mix changes due to changes in population need.
 - Analysis of the impact on the affected hospital budgets, taking into account cost behaviour (i.e. fixed, semi fixed and variable costs) and timing differences (i.e., the lag between reduction in capacity and the release of resources).
- 9.13 The Parties will provide ongoing assurance through the provision of sufficient information to the Integration Joint Board that appropriate arrangements are in place to ensure best value principles are followed by the Parties in relation to services commissioned by the IJB.
- 9.14 As part of the process of preparing the Annual Accounts of the Integration Joint Board, the Chief Financial Officer will be responsible for liaising with the Parties to agree balances between the Integration Joint Board and the Parties at the end of the financial year in accordance with the respective annual account's timescales of the Parties. The Chief Financial Officer will also be responsible for provision of other information required by the Part to complete their annual accounts including Group Accounts
- 9.15 The Parties will routinely make available to the Chief Finance Officer information regarding the corporate financial reporting position of their respective parent bodies. The frequency, form and content of reports will be agreed with the Chief Finance Officer
- 9.16 The Parties will provide financial information to the Chief Finance Officer and the Integration Joint Board on a monthly basis regarding delegated services directed in line with the Strategic Plan and for NHS Tayside, the associated 'large hospital' set aside financial performance including actual activity levels. The frequency, form and content of reports will be agreed with the Chief Finance Officer.
- 9.17 The Chief Finance Officer will ensure routine financial reports are available to the Chief Officer and the Integration Joint Board on a timely basis and include, as a minimum, annual budget, full year outturn projection and commentary on material variances. All Integration Joint Board finance reports will be shared with the Parties simultaneously.
- 9.18 Where an unplanned year end overspend in the Integration Joint Board's budget is projected the Chief Officer and the Chief Finance Officer must present a recovery plan to the Integration Joint Board and the Parties to address in year overspends and any recurring overspends for future financial years.
- 9.19 In the event that the recovery plan is unsuccessful, and an overspend is evident at the year end, uncommitted reserves held by the Integration Joint Board would firstly be used to address any overspend. If, after the application of reserves, there remains a forecast overspend, a revised Strategic Plan must be developed to enable the overspend to be managed in subsequent years.

- 9.20 In the event that an overspend is evident following the application of a recovery plan, use of reserves or where the Strategic Plan cannot be adjusted, the overspend will be shared in proportion to the spending Direction for each Party for that financial year, adjusting these spending directions to ensure the Parties budgets are on a like for like basis.
- 9.21 In the event that an underspend is evident, within the Integration Joint Board's year end position, this will be retained by the Integration Joint Board in line with the IJB reserves policy unless the following conditions apply:
- Where a clear error has been made in calculating the budget Requisition, or
 - In other circumstances agreed through a tripartite agreement between the Parties and the Integration Joint Board.
- 9.22 If the conditions in 9.21 apply the underspend will be returned to each of the Parties in proportion to the spending Direction for each Party for that financial year, adjusting these spending Directions to ensure the Parties budgets are on a like for like basis.
- 9.23 Balancing payments may require to be made between the Parties to reflect imbalances between Requisitions and the amount of devolved budgets. The frequency and timing of any such payment will be agreed between the Parties and the Integration Joint Board.
- 9.24 In exceptional circumstances the Parties may agree to reduce the payment in-year to the Integration Joint Board. Exceptional circumstances will only be considered where the situation faced by the Parties could not have reasonably been foreseen at the time the integrated joint budget for the year was agreed. Consideration must be made by the Parties as to the use of contingency amounts or accessible reserves held by the Parties in the first instance prior to approaching the Integration Joint Board with a proposal to reduce in-year payments. The proposal must be agreed through a tri- partite agreement between the Integration Joint Board and the Parties
- 9.25 In the event that a material calculation error in the spending Directions provided by the Integration Joint Board to the Parties is discovered this will be adjusted for and revised Directions issued to the Parties.
- 9.26 Parties may increase the payment in year to the Integration Joint Board for supplementary allocations in relation to the delegated services approved for the Integration Joint Board which could not have been reasonably foreseen at the time the Integration Joint Board budget for the year was agreed. Proposals must be agreed through a tri partite agreement between the Parties and the Integration Joint Board.
- 9.27 The Strategic Plan will provide the basis for the Integration Joint Board to present proposals to the Parties to influence capital budgets and prioritisation.
- 9.28 The Integration Joint Board will not hold any non-current assets or related debts. The Integration Joint Board will require to develop a business case for any planned investment, or change in use of assets, for consideration by the Parties.
- 9.29 The Chief Finance Officer will make annual capital budget requests to the Parties in the format reflected within their respective budget guidance and to align with their respective budget setting timetables.
- 9.30 Any profit or loss on the sale of an asset owned by NHS Tayside will be retained by NHS Tayside and any proceeds on the sale of an asset owned by the Council will be retained by the Council unless agreed otherwise or as required to reflect national guidance.

10. PARTICIPATION AND ENGAGEMENT

To be revised once consultation on the scheme is completed

- 10.1 A proportionate joint consultation on this Scheme took place prior to the date of approval. The following principles were agreed by the Parties and followed in respect of the consultation process:
- The views of all participants were valued
 - It was transparent

- The results of the consultation exercise were published
- It was an accessible consultation
- The material for consultation was provided in a variety of formats
- The draft scheme was published, and comments invited from members of the public
- It was the continuation of an on-going dialogue about integration

10.2 The stakeholders consulted were:

- NHS Tayside Board
- Angus Council
- Dundee City Council
- Perth and Kinross Council
- Angus Integration Joint Board
- Dundee Integration Joint Board
- Perth & Kinross Integration Joint Board
- Health professionals
- Users of health care
- Carers of users of health care
- Commercial providers of health care
- Non-commercial providers of health care
- Social care professionals
- Users of social care
- Carers of users of social care
- Commercial providers of social care
- Non-commercial providers of social care
- Staff of NHS Tayside and Dundee City Council
- Union and staff representatives
- Non-commercial providers of social housing
- Third sector bodies carrying out activities related to health or social care
- General Public including those with protected characteristics
- Elected members of Angus, Dundee City and Perth and Kinross Councils

10.3 A range of engagement methods were used to consult on the Scheme:

- Online questionnaires for all stakeholders across all partner platforms
- Online content and digital assets across all partners' social media signposting to the Scheme hosted on the Council, NHS Tayside and the HSCP websites
- Joint media releases with audio and video packages made available
- Staff briefings in various, accessible formats- online, video, Q and A's etc.
- Briefings with members of NHS Tayside Board, Elected Members of the Council and with the Integration Joint Board members.

10.4 The Parties will support the Integration Joint Board to prepare and review an Involvement and Engagement Plan by providing appropriate resources and support. The plan will be aligned to relevant national standards.

10.5 The Parties and the Integration Joint Board will carry out Equality and Socio-Economic Impact Assessments (EQSEIAs), to ensure that services and policies do not disadvantage communities and staff. The Parties will make available communication support to allow the Integration Joint Board to engage and participate.

10.6 The Parties will continue to allocate responsibility to senior managers and their teams to support local public and staff involvement and communication.

11. INFORMATION SHARING AND DATA HANDLING

11.1 The Parties agree to be bound by the Information Sharing Protocol and to use the Scottish Information Sharing Toolkit and guidance from the Information Commissioners Office, in respect of information sharing.

- 11.2 The Parties, alongside other relevant stakeholders will ensure that there are appropriate high level information sharing protocols in place to govern information sharing and data handling arrangements. The Parties have developed an Information Sharing Protocol which covers guidance and procedures for staff for sharing of information. This will be reviewed regularly.
- 11.3 The Data Protection Officers of NHS Tayside, the Council and the IJB, acting on behalf of the Parties, will meet annually, or more frequently, if required, to review the Information Sharing Protocol and will provide a report detailing recommendations for amendments, for the consideration of the IJB, Council and NHS Tayside.
- 11.4 With regard to person identifiable material, data will be held in both electronic and paper formats and only be accessed by authorised staff, in order to provide the patient or service user with the appropriate service.
- 11.5 In order to provide fully integrated services it will be necessary to share personal information between the parties and with external agencies. Where this is the case, the Parties and the IJB will apply a legal basis contained in Article 6 of the General Data Protection Regulations ('the GDPR'). Generally, this will be either public task or legal obligation but, where appropriate, any of the other legal bases contained in Article 6 will be used and this will include appropriate information governance assessments to demonstrate due diligence to meet the required data protection obligations.
- 11.6 Where the sharing consists of 'special category' information the legal basis for sharing will be consistent with the requirements of Article 9 of the GDPR and schedule 1 of the Data Protection Act 2018 ('the DPA').
- 11.7 In order to comply with the requirements of the DPA and the GDPR, the Parties and the IJB will always ensure that personal data it holds will be processed in line with the Data Protection Principles contained within Article 5 of the GDPR and section 35- 40 of the DPA

12. COMPLAINTS

The Parties agree the following arrangements in respect of complaints on behalf of, or by, service users.

- 12.1 Both Parties will retain separate complaints policies reflecting the distinct statutory requirements. The Parties agree to work towards integrated complaints procedure from the earliest point of contact as far as the differing legislative requirements will allow.
- 12.2 The Parties agree that complaints should be viewed with a positive attitude and valued as feedback on service performance leading to a culture of good service delivery. The Parties agree the principle of early frontline resolution to complaints and the Parties will efficiently direct complaints to ensure an appropriate response.
- 12.3 There will be a single point of contact for complainants in relation to integrated services. This will be agreed between the Parties to co-ordinate complaints specific to the delegated functions to ensure that the requirements of existing legal/prescribed elements of health and social care complaints processes are met.
- 12.4 All complaints procedures will be clearly explained, well publicised, accessible, will allow for timely recourse and will sign-post independent advocacy services.
- 12.5 The person making the complaint will always be informed which Complaints Handling Procedure is being applied to their complaint.
- 12.6 The Parties will produce a quarterly joint report, outlining the learning from upheld complaints. This will be provided for consideration by the Clinical, Care and Professional Governance Group.
- 12.7 This arrangement will respect the statutory and corporate complaints handling processes currently in place for health and social care services. This arrangement will benefit carers and service users by making use of existing complaints procedures and will not create an additional complaint handling process.

12.8 Data sharing requirements relating to any complaint will follow the Information and Data sharing protocol set out in section 10 of this scheme.

13. CLAIMS HANDLING, LIABILITY & INDEMNITY

13.1 The Parties and the Integration Joint Board recognise that they could receive a claim arising from, or which relates to, the work undertaken as directed, and on behalf of, the Integration Joint Board.

13.2 The Parties and the Integration Joint Board agree to ensure that any such claims are progressed quickly and in a manner, which is equitable between them.

13.3 Scots Law (including common law and statutory rules) relating to liability will apply.

13.4 The Parties and the Integration Joint Board will assume responsibility for progressing and determining any claim which relates to any act or omission on the part of one of their employees.

13.5 The Parties and the Integration Joint Board will assume responsibility for progressing and determining any claim which relates to any building which is owned or occupied by them.

13.6 In the event of any claim against the Integration Joint Board or in respect of which it is not clear which party should assume responsibility then the Chief Executives of the Parties and the Chief Officer (or their representatives) will liaise and determine which party should assume responsibility for progressing the claim.

14. RISK MANAGEMENT

14.1 The Parties and the Integration Joint Boards in Tayside will agree a Shared Risk Management strategy. The primary objectives of this strategy are to:

- Promote awareness of risk and define responsibility for managing risk;
- Establish communication and sharing of risk information;
- Initiate measures to reduce exposure to risk and potential loss through the design & implementation of robust portfolios of internal controls; and establish standards and principles for the efficient management of risk, including regular monitoring, reporting and review.

14.2 The strategy will be reviewed every three years.

14.3 The Integration Joint Board will be responsible for managing strategic risk. The Parties will retain responsibility for managing operational risks.

14.4 The Parties will make relevant resources available to support the Integration Joint Board in its risk management.

14.5 The Parties will maintain their own risk management strategies, systems and processes in relation to the management of risk inclusive of operational risk. The Parties will make information on operational risks available to the Chief Officer at a minimum of quarterly to support assessment of strategic risk by the Integration Joint Board. Where a number of operational risks impact across multiple service areas or, because of interdependencies, require more strategic leadership, these risks will be escalated to the Chief Officer as having 'strategic risk' status for the attention of the Integration Joint Board. The Chief Officer will maintain a register of strategic risks for the Integration Joint Board and will share this with the Parties quarterly to support understanding

14.6 The Chief Officer will have overall responsibility for the Integration Joint Board's strategic risk management framework, ensuring that suitable and effective arrangements are in place to manage the risks relating to the functions within the scope of the IJB. The Chief Officer will keep the Parties informed of any significant, existing or emerging risks that could seriously impact the Integration Joint Board's ability to deliver the outcomes of their Strategic Plans or the reputation of the Integration Joint Board.

14.7 The Parties and the Integration Joint Board will consider these risks at least annually and notify each other where they have changed.

15. DISPUTE RESOLUTION MECHANISM

15.1 In the event of a failure by the Parties to reach agreement between or amongst themselves in relation to any aspect of this Scheme or the integration functions then they will follow the process laid out below:

15.1.1 Either party can invoke this Dispute Resolution Mechanism by serving written notice of their intention to do so on the other Party. Such notice will be deemed to be received on the day following the issuing of the notice. The date following the issuing of the notice is herein referred to as "the relevant date".

15.1.2 The Chief Executives of the Parties will meet, within seven days of the relevant date, to attempt to resolve the issue;

15.1.3 If unresolved, and within 21 days of the relevant date, the Parties will each prepare a written note of their position on the issue and exchange it with the others;

15.1.4 In the event that the issue remains unresolved, representatives of the Parties will proceed to independent mediation with a view to resolving the issue.

15.1.5 Within 28 days of the relevant date, duly authorised representatives the Parties will take reasonable steps to meet with a view to appointing a suitable independent person to act as a mediator. If agreement cannot be reached then a referral will be made to the President of the Law Society of Scotland inviting the President to appoint a person to act as mediator. The mediation process shall be determined by the mediator appointed and shall take place within 28 days of the mediator accepting appointment.

- 15.2 Where the issue remains unresolved after following the processes outlined in 15.1.1-15.1.5 above, the Parties agree that they will notify Scottish Ministers that agreement cannot be reached.
- 15.3 The notification will explain the nature of the dispute and the actions taken to try to resolve the dispute including any written opinion or recommendations issued by the mediator.
- 15.4 The Parties agree to be bound by this determination of this dispute resolution mechanism.

PART 1

Functions delegated by NHS Tayside to the Integration Joint Board

Set out below is the list of functions that will be delegated by NHS Tayside to the Integration Joint Board as set out in the Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Regulations 2014. The functions in this list are being delegated only in respect of the services described in Annex 1 part 2(a) and Part 2(b)

Functions prescribed for the purposes of section 1(6) and 1(8) of the Act

Column A <i>Enactments to be conferred</i>	Column B <i>Limitations</i>
The National Health Service (Scotland) Act 1978	
All functions of Health Boards conferred by, or by virtue of, the National Health Service (Scotland) Act 1978	Except functions conferred by or by virtue of— section 2(7) (Health Boards); section 2CB(a) (functions of Health Boards outside Scotland); section 9 (local consultative committees); section 17A (NHS contracts); section 17C (personal medical or dental services); section 17 I(b) (use of accommodation) section 17J (Health Boards' power to enter into general medical services contracts); section 28A (remuneration for Part II services); section 38 (c) (care of mothers and young children); section 38A(d) (breastfeeding); section 39(e) (medical and dental inspection supervision and treatment of pupils and young persons); section 48 (residential and practice accommodation); section 55(f) (hospital accommodation on part payment); section 57 (accommodation and services for private patients); section 64 (permission for use of facilities in private practice); section 75A(a) (remission and repayment of charges and payment of travelling expenses); section 75B(b) (reimbursement of the cost of services provided in another EEA state); section 75BA(c) (reimbursement of the cost of services provided in another EEA state where expenditure is incurred on or after 25 October 2013); section 79 (purchase of land and moveable property);

Column A <i>Enactments to be conferred</i>	Column B <i>Limitations</i>
	<p>section 82(d) (use and administration of certain endowments and other property held by Health Boards);</p> <p>section 83(e) (power of Health Boards and local health councils to hold property on trust);</p> <p>section 84A(f) (power to raise money, etc., by appeals, collections etc.);</p> <p>section 86 (accounts of Health Boards and the Agency);</p> <p>section 88 (payment of allowances and remuneration to members of certain bodies connected with the health services);</p> <p>Section 98(g) (payment of allowances and remuneration to members of certain bodies connected with the health services);</p> <p>paragraphs 4, 5, 11A and 13 of Schedule 1(c) to the Act (Health Boards);</p> <p>and functions conferred by—</p> <p>The National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989(h);</p> <p>The Health Boards (Membership and Procedure) (Scotland) Regulations 2001/302</p> <p>The National Health Service (Clinical Negligence and Other Risks Indemnity Scheme) (Scotland) Regulations 2000;</p> <p>The National Health Services (Primary Medical Services Performers Lists) (Scotland) Regulations 2004;</p> <p>The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004;</p> <p>The National Health Service (Discipline Committees) (Scotland) Regulations 2006;</p> <p>The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006;</p> <p>The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 and</p> <p>The National Health Service (General Dental Services) (Scotland) Regulations 2010; and</p> <p>The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Regulations 2011(a)</p>
Disabled Persons (Services, Consultation and Representation) Act 1986 (a)	
Section 7 (Persons discharged from hospital)	
Community Care and Health (Scotland) Act 2002(b)	
All functions of Health Boards conferred by, or by virtue of, the	

Column A <i>Enactments to be conferred</i>	Column B <i>Limitations</i>
Community Care and Health (Scotland) Act 2002.	
Mental Health (Care and Treatment) (Scotland) Act 2003 (c)	
All functions of Health Boards conferred by, or by virtue of, the Mental Health (Care and Treatment) (Scotland) Act 2003.	<p>Except functions conferred by—</p> <p>section 22 (Approved medical practitioners);</p> <p>section 34 (inquiries under section 33:co-operation) (b);</p> <p>section 38 (duties on hospital managers: examination, notification etc.) (c);</p> <p>section 46 (hospital managers' duties: notifications) (a);</p> <p>section 124 (transfer to other hospital);</p> <p>section 228 (request for assessment of needs: duty on local authorities and Health Boards);</p> <p>section 230 (appointment of patient's responsible medical officer);</p> <p>section 260 (provision of information to patient);</p> <p>section 264 (detention in conditions of excessive security: state hospitals);</p> <p>section 267 (orders under sections 264 to 266: recall)</p> <p>section 281(b) (correspondence of certain persons detained in hospital);</p> <p>and functions conferred by-</p> <p>The Mental Health (Safety and Security) (Scotland) Regulations 2005(c)</p> <p>The Mental Health (Cross border transfer: patients subject to detention requirement or otherwise in hospital) (Scotland) Regulations 2005(d);</p> <p>The Mental Health (Use of Telephones) (Scotland) Regulations 2005 (e); and</p> <p>The Mental Health (England and Wales Cross border transfer: patients subject to requirements other than detention) (Scotland) Regulations 2008(f).</p>
Education (Additional Support for Learning) (Scotland) Act 2004	
Section 23 (other agencies etc. to help in exercise of functions under this Act)	
Public Services Reform (Scotland) Act 2010	
All functions of Health Boards conferred by, or by virtue of, the Public Services Reform (Scotland) Act 2010	<p>Except functions conferred by—</p> <p>section 31(Public functions: duties to provide information on certain expenditure etc.); and</p> <p>section 32 (Public functions: duty to provide information on</p>

Column A <i>Enactments to be conferred</i>	Column B <i>Limitations</i>
	exercise of functions).
Patient Rights (Scotland) Act 2011	
All functions of Health Boards conferred by, or by virtue of, the Patient Rights (Scotland) Act 2011	Except functions conferred by The Patient Rights (complaints Procedure and Consequential Provisions) (Scotland) Regulations 2012/36(a).
Carers (Scotland) Act 2016	
Section 31 (duty to prepare local carer strategy)	

PART 2

Services provided by NHS Tayside which are to be integrated.

The functions listed in Annex 1 Part 1 are delegated only in relation to these services:

- Accident and emergency services provided in a hospital
- Inpatient hospital services relating to the following branches of medicine:
 - General medicine
 - Geriatric medicine
 - Rehabilitation medicine
 - Respiratory medicine
 - Psychiatry of learning disability
- Palliative care services provided in a hospital
- Inpatient hospital services provided by general medical practitioners
- Services provided in a hospital in relation to an addiction or dependence on any substance
- Mental health services provided in a hospital, except secure forensic mental health services
- District nursing services
- Services provided out with a hospital in relation to addiction or dependence on any substance
- Allied health professionals in an outpatient department, clinic, or out with a hospital
- Public dental services
- Primary medical services
- General dental services
- Ophthalmic services
- Pharmaceutical services
- Primary care out-of-hours
- Geriatric medicine
- Palliative care
- Community learning disability services
- Mental health services provided out with a hospital

- Continence services provided out with a hospital
- Home renal dialysis services
- Services provided by health professionals that aim to promote public health

PART 3

Services provided by NHS Tayside which are to be integrated

The functions listed in Annex 1 Part 1 delegated in relation to these services that are to be integrated are delivered on a pan-Tayside basis. Whilst these arrangements may be subject to change by agreement of Tayside NHS Board and the three Tayside Local Authorities, the Parties recommend that they are delivered on a Lead Partner basis as follows:

Angus	Dundee	Perth and Kinross
<ul style="list-style-type: none">• Primary care services (excluding the NHS Board administrative, contracting, and professional advisory functions)• Locality Pharmacy• GP Out of Hours• Continence• Speech and Language Therapy	<ul style="list-style-type: none">• Psychology• Sexual and Reproductive Health services• Homeopathy• Specialist Palliative Care• The Centre for Brain Injury Rehabilitation (CBIRU)• Eating disorders• Dietetics• Medical Advisory• Tayside Health Arts Trust• Keep Well• Psychotherapy	<ul style="list-style-type: none">• Public Dental Services/Community Dental Services• Prisoner Healthcare• Forensic Medical services and Custody Nursing• Podiatry

PART 4

The following services from Part 2 of Annex 1 and Part 3 of annex 1 will also be integrated in respect of people under the age of 18:

- Accident and Emergency services provided in a hospital
- Public dental services
- Primary medical services provided under a general medical services contract, and arrangements for the provision of services made under section 17C of the National Health Service (Scotland) Act 1978, or an arrangement made in pursuance of section 2C (2) of the National Health Service (Scotland) Act 1978
- General dental services provided under arrangements made in pursuance of section 25 of the National Health (Scotland) Act 1978
- Ophthalmic services provided under arrangements made in pursuance of section 17AA or section 26 of the National Health Service (Scotland) Act 1978
- Pharmaceutical services and additional pharmaceutical services provided under arrangements made in pursuance of sections 27 and 27A of the National Health Service (Scotland) Act 1978
- Primary medical services out-of-hours
- Community learning disability services
- Home renal services
- Services provided by allied health professions
- Sexual and reproductive services

PART 1

Functions delegated by Dundee City Council to the Integration Joint Board

Set out below is the list of functions that are delegated by the Council to the Integration Joint Board as set out in the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Regulations 2014.

Functions prescribed for the purposes of section 1(7) of the Public Bodies (Joint Working) (Scotland) Act 2014

Column A Enactment conferring function	Column B Limitation
National Assistance Act 1948(a)	
Section 48 (duty of councils to provide temporary protection for property of persons admitted to hospitals etc.)	
The Disabled Persons (Employment) Act 1958(b)	
Section 3 (Provision of sheltered employment by local authorities)	
The Social Work (Scotland) Act 1968(c)	
Section 1 (local authorities for the administration of the Act.)	So far as it is exercisable in relation to another integration function.
Section 4 (provisions relating to performance of functions by local authorities.)	So far as it is exercisable in relation to another integration function.
Section 8 (research.)	So far as it is exercisable in relation to another integration function.
Section 10 (financial and other assistance to voluntary organisations etc. for social work.)	So far as it is exercisable in relation to another integration function.
Section 12 (general social welfare services of local authorities.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 12A (duty of local authorities to assess needs.)	So far as it is exercisable in relation to another integration function.

Column A Enactment conferring function	Column B Limitation
Section 12AZA (assessments under section 12A - assistance)	So far as it is exercisable in relation to another integration function.
Section 13 (power of local authorities to assist persons in need in disposal of produce of their work.)	
Section 13ZA (provision of services to incapable adults.)	So far as it is exercisable in relation to another integration function.
Section 13A (residential accommodation with nursing.)	
Section 13B (provision of care or aftercare.)	
Section 14 (home help and laundry facilities.)	
Section 28 (burial or cremation of the dead.)	So far as it is exercisable in relation to persons cared for or assisted under another integration function.
Section 29 (power of local authority to defray expenses of parent, etc., visiting persons or attending funerals.)	
Section 59 (provision of residential and other establishments by local authorities and maximum period for repayment of sums borrowed for such provision.)	So far as it is exercisable in relation to another integration function.
The Local Government and Planning (Scotland) Act 1982(a)	
Section 24(1) (The provision of gardening assistance for the disabled and the elderly.)	
Disabled Persons (Services, Consultation and Representation) Act 1986(b)	
Section 2 (rights of authorized representatives of disabled persons.)	
Section 3 (assessment by local authorities of needs of disabled persons.)	
Section 7 (persons discharged from hospital.)	In respect of the assessment of need for any services provided under functions contained in welfare enactments within the meaning of section 16 and which are integration functions.

Column A Enactment conferring function	Column B Limitation
Section 8 (duty of local authority to take into account abilities of carer.)	In respect of the assessment of need for any services provided under functions contained in welfare enactments (within the meaning set out in section 16 of that Act) which are integration functions.
The Adults with Incapacity (Scotland) Act 2000(c)	
Section 10 (functions of local authorities.)	
Section 12 (investigations.)	
Section 37 (residents whose affairs may be managed.)	Only in relation to residents of establishments which are managed under integration functions.
Section 39 (matters which may be managed.)	Only in relation to residents of establishments which are managed under integration functions.
Section 41 (duties and functions of managers of authorised establishment.)	Only in relation to residents of establishments which are managed under integration functions
Section 42 (Authorisation of named manager to withdraw from resident's account.)	Only in relation to residents of establishments which are managed under integration functions
Section 43 (statement of resident's affairs.)	Only in relation to residents of establishments which are managed under integration functions
Section 44 (resident ceasing to be resident of authorised establishment.)	Only in relation to residents of establishments which are managed under integration functions
Section 45 (appeal, revocation etc.)	Only in relation to residents of establishments which are managed under integration functions
The Housing (Scotland) Act 2001(a)	
Section 92 (assistance for housing purposes.)	Only in so far as it relates to an aid or adaptation.
The Community Care and Health (Scotland) Act 2002(b)	
Section 5 (local authority arrangements for of residential accommodation outwith Scotland.)	
Section 14 (payments by local authorities towards expenditure by NHS bodies on prescribed functions.)	

Column A Enactment conferring function	Column B Limitation
The Mental Health (Care and Treatment) (Scotland) Act 2003(c)	
Section 25 (Care and support services etc.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 26 (services designed to promote well-being and social development.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 27 (assistance with travel.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 33 (duty to inquire.)	
Section 34 (inquiries under section 33: Co-operation.)	
Section 228 (request for assessment of needs: duty on local authorities and Health Boards.)	
Section 259 (advocacy.)	
The Housing (Scotland) Act 2006(a)	
Section 71(1)(b) (assistance for housing purposes.)	Only in so far as it relates to an aid or adaptation.
The Adult Support and Protection (Scotland) Act 2007(b)	
Section 4 (council's duty to make inquiries.)	
Section 5 (co-operation.)	
Section 6 (duty to consider importance of providing advocacy and other.)	
Section 11 (assessment orders.)	
Section 14 (removal orders.)	
Section 18 (protection of moved persons property.)	

Column A Enactment conferring function	Column B Limitation
Section 22 (right to apply for a banning order.)	
Section 40 (urgent cases.)	
Section 42 (adult protection committees.)	
Section 43 (membership.)	
Social Care (Self-directed Support) (Scotland) Act 2013(a)	
Section 5 (choice of options: adults.)	
Section 6 (choice of options under section 5: assistances.)	
Section 7 (choice of options: adult carers.)	
Section 9 (provision of information about self-directed support.)	
Section 11 (local authority functions.)	
Section 12 (eligibility for direct payment: review.)	
Section 13 (further choice of options on material change of circumstances.)	Only in relation to a choice under section 5 or 7 of the Social Care (Self-directed Support) (Scotland) Act 2013 .
Section 16 (misuse of direct payment: recovery.)	
Section 19 (promotion of options for self-directed support.)	
Carers (Scotland) Act 2016	
Section 6 (duty to prepare adult carer support plan)	
Section 21 (duty to set local eligibility criteria)	
Section 24 (duty to provide support)	
Section 25 (provision of support to carers: breaks from caring)	

Section 31 (duty to prepare local carer strategy)	
Section 34 (information and advice service for users)	
Section 35 (short breaks services statements)	

PART 2

Functions, conferred by virtue of enactments, prescribed for the purposes of section 1(7) of the Public Bodies (Joint Working) (Scotland) Act 2014

Column A Enactment conferring function	Column B Limitation
The Community Care and Health (Scotland) Act 2002	
Section 4(a) The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulations 2002(b)	

PART 3

Services currently provided by Dundee City Council which are to be integrated

- Social work services for adults and older people
- Services and support for adults with physical disabilities and learning disabilities
- Mental health services
- Drug and alcohol services
- Adult protection and domestic abuse
- Carers support services
- Community care assessment teams
- Care home services
- Adult placement services
- Health improvement services
- Aspects of housing support, including aids and adaptations and those areas of housing support that involve an indistinguishable overlap between personal care and housing support
- Day services
- Local area co-ordination
- Respite provision
- Occupational therapy services
- Re-ablement services, equipment and telecare

In view of the timescales involved this report was approved by the Chief Executive in consultation with the Convener of the Policy and Resources Committee, Labour Group Spokesperson, Conservative Group Spokesperson, Liberal Democrat Group Spokesperson, the Lord Provost, the Independent Member and the Alba Party Member.

Gregory Colgan

Chief Executive

24th March 2022

Date

John Alexander

Convener of Policy and Resources Committee

24th March 2022

Date

Kevin Keenan

Labour Group Spokesperson

25th March 2022

Date

Derek J Scott

Conservative Group Spokesperson

25th March 2022

Date

Fraser Macpherson

Liberal Democrat Group Spokesperson

24th March 2022

Date

Ian Borthwick

Lord Provost

24th March 2022

Date

Gregor Murray

Independent Member (Councillor Murray)

24th March 2022

Date

Alan Ross

Alba Party Member (Councillor Ross)

25th March 2022

Date