



REPORT TO: HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD – 19TH APRIL 2023

REPORT ON: DUNDEE INTEGRATION JOINT BOARD DIRECTIONS POLICY

REPORT BY: CHIEF FINANCE OFFICER

REPORT NO: DIJB19-2023

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to seek approval from the Integration Joint Board (IJB) to adopt a Directions Policy to support the issuing of Directions from the IJB to Dundee City Council and NHS Tayside.

2.0 RECOMMENDATIONS

It is recommended that the Integration Joint Board (IJB):

2.1 Approves the proposed Directions Policy as set out in Appendix 1 to this report.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising directly from this report.

4.0 MAIN TEXT

4.1 Section 53 of the Public Bodies (Joint Working)(Scotland) Act 2014 provides that local authorities, health boards and integration joint boards must have regard to any guidance issued by the Scottish Ministers about its functions under or in relation to that Act. The Scottish Government issued updated Guidance to local authorities, health boards and integration joint boards on Directions from Integration Authorities to Health Boards and Local Authorities in March 2020.

4.2 The IJB requires to direct Dundee City Council and/or NHS Tayside on how the delegated functions are to be delivered to action their Strategic Commissioning Plan. This includes identifying what funding will be available for the delivery of those functions and how services will operate and change to deliver the Integration Delivery Principles and National Health and Wellbeing Outcomes.

4.3 Written Directions are legally binding and are the mechanism used by an IJB to issue those instructions. Directions are legally binding and must be implemented by the Council and the NHS Board on receipt from the IJB.

4.4 The proposed Directions Policy is set out in Appendix 1 and lays out the process for formulating, approving, issuing and reviewing directions for the IJB to issue to partner organisations i.e. Dundee City Council and NHS Tayside. The IJB is asked to adopt this policy as part of its system of governance.

4.5 The IJB is responsible for approving all Directions. Directions will be reviewed and issued at the start of the financial year to establish the budget for each service to be delivered. In order to provide flexibility, and take account of strategic and financial developments and service changes throughout the year, or a change in local circumstances; Directions will be issued at

any time as required by IJB decisions and will be subject to formal approval by the IJB as part of that decision making process.

- 4.6 The adoption of this Directions Policy will enhance governance, transparency and accountability between the IJB, Dundee City Council and NHS Tayside, by clarifying responsibilities and relationships.

5.0 POLICY IMPLICATIONS

- 5.1 This report has been subject to the Pre-IIA Screening Tool and does not make any recommendations for change to strategy, policy, procedures, services or funding and so has not been subject to an Integrated Impact Assessment. An appropriate senior manager has reviewed and agreed with this assessment.

6.0 RISK ASSESSMENT

- 6.1 This report has not been subject to a risk assessment as it forms part of the IJB's governance process

7.0 CONSULTATIONS

- 7.1 The Chief Officer, Dundee City Council Legal Services and the Clerk were consulted in the preparation of this report.

8.0 DIRECTIONS

- 8.1 The Integration Joint Board requires a mechanism to action its strategic commissioning plans and this is provided for in sections 26 to 28 of the Public Bodies (Joint Working)(Scotland) Act 2014. This mechanism takes the form of binding directions from the Integration Joint Board to one or both of Dundee City Council and NHS Tayside.

Direction Required to Dundee City Council, NHS Tayside or Both	Direction to:	
	1. No Direction Required	X
	2. Dundee City Council	
	3. NHS Tayside	
	4. Dundee City Council and NHS Tayside	

9.0 BACKGROUND PAPERS

- 9.1 None.

Dave Berry
Chief Finance Officer

DATE: 26th March 2023

Dundee City Integration Joint Board
Directions Policy and Procedure
March 2023

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1 Introduction

This document sets out the policy and procedure of the Dundee City Integration Joint Board (IJB) in relation to the issuing of Directions by the IJB to either NHS Tayside or Dundee City Council (DCC) described by the term Partners.

1.1 What are Directions?

Purpose

The IJB does not employ staff so it cannot deliver services itself. Therefore, it has to instruct Partners to deliver the services which are needed to fulfil the IJB's functions and to action its strategic plan. Directions are the mechanism used by the IJB to tell the Partners what the IJB wants them to deliver.

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

Directions must be given in respect of every function which has been delegated to the IJB.

The IJB must also coordinate Directions in relation to those functions where it is Lead Partner for Tayside and which include functions relating to acute unscheduled care and, in relation to the lead partner role for coordinating the strategic planning of certain services across Tayside, such as Psychology, Specialist Palliative Care and Dietetics. Lead Partner services require a Direction from each IJB, not the Lead Partner alone.

Each Direction must provide sufficient detail so that the Partners know what they have to deliver. Directions are also important in ensuring transparency, so that it is clear who decided what, who is responsible for what and who is accountable for what. Directions are the means via which clarity on decision making is achieved under integration. ***Directions are therefore both a necessary and important aspect of governance under integration, providing a means by which responsibilities are made clear and evident.***

The requirement to issue Directions is set out in legislation. Therefore, ***the issuing of Directions by the IJB is not optional. It is mandatory.*** Directions come at the end point of a process of planning and decision making and therefore have been subject to discussion and due consideration across all parties. The Partners may not amend, ignore, appeal or veto any direction. The Partners cannot use resources allocated in a Direction for any purpose other than that set out in the Direction. ***"This demands a mature and collaborative approach to the planning and delivery of change in health and social care services that delivers sustainability. It is designed to help local partners improve quality and outcomes for local populations,"*** Statutory Guidance para 3.3.

National Guidance relating to Directions

The final report of the Ministerial Strategic Group (MSG) Health and Community Care Review of Progress with Integration, published February 2019, proposed enhanced governance and accountability arrangements which could only be delivered through improvements in Directions.

Revised statutory guidance on directions was published by the Scottish Government in March 2020. This statutory guidance informed the development of this policy and procedure, to ensure it meets key requirements to improve governance, transparency, and accountability between the IJB and Partners.

2 DIRECTIONS POLICY

2.1 This policy seeks to enhance governance, transparency, and accountability between the IJB, DCC and NHS Tayside, by clarifying responsibilities and relationships in relation to the issuing of Directions by the IJB.

2.2 Principles

The IJB will:

- Ensure that a Direction is issued to one or both Partners in relation to **all** of its functions;
- Consider whether a Direction is required in respect of every report it considers;
- Recognise that a Direction is the end point of a process of decision making by the IJB and is the means through which the IJB can achieve improvement in the quality and sustainability of care as outlined in its Strategic Commissioning Plan;
- Ensure that collaboration with NHS Tayside and DCC is undertaken in respect of all service developments so that Directions do not include surprising or unknown information and are therefore deliverable within a reasonable timescale;
- Ensure that each Direction is issued in line with procedures and guidance to ensure that the Direction can achieve its intended outcomes;
- Ensure that the decisions in relation to Directions are transparent and reported in sufficient detail to ensure public accountability;
- Monitor the implementation and effectiveness of Directions; and
- Issue new Directions when further or different action is required.

2.3 Monitoring of Directions

The Chief Officer will ensure that all Directions are reviewed through the IJB Performance and Audit Committee and IJB as appropriate.

The IJB's Performance and Audit Committee will assume responsibility for maintaining an overview of progress with the implementation of Directions, and,

where relevant request a mid-year progress report. The Performance and Audit Committee will escalate key delivery issues to the IJB.

The responsibility for maintaining an overview of Directions and ensuring that these reflect strategic needs and priorities sits with the Chief Officer and Chief Financial Officer.

The Chief Officer will maintain a log of directions issued and ensure that this is shared with the IJB and relevant Partners for monitoring purposes. This will include the function(s) covered, Direction reference number, and date of issue, identification of which delivery partner is issued with the Direction and the total resource committed. This tracker will be used to monitor and report progress on the delivery of each Direction at least on an annual basis.

It is expected that new Directions will also be made throughout the year to give effect to decisions of the IJB. The Chief Officer and Chief Finance Officer can prepare a report to the IJB seeking amendment or variation of Directions at any time.

2.4 Performance and Effectiveness Controls

The Performance and Audit Committee will review the effectiveness of the IJB's performance in relation to Directions on an annual basis having regard to the following controls:

- A policy is in place to define the aims and purpose of Directions;
- The requirements of the Public Bodies (Joint Working) (Scotland) Act 2014 have been met (in particular, the requirement to issue a Direction in relation to **all** functions);
- The Directions have been clearly stated;
- The Directions issued comply with the Scottish Government's Statutory Guidance;
- Directions are necessary and proportionate;
- The procedure ensures Directions clearly align to the Strategic Plan;
- The procedure ensures Directions are communicated with DCC and NHST, including setting expectations for their completion;
- A procedure is in place to ensure Directions are subsequently revised during the year in response to developments and there is a process in place to revoke/supersede previous versions; and
- A robust process is in place for annual reporting and monitoring arrangements, ensuring they are clear and implemented in practice.

2.5 Implementation of Directions by Partners

DCC and NHST are responsible for complying with and implementing the IJB's Directions. Should either partner experience difficulty in implementing a Direction, or require further detail regarding expectations, this should be brought to the attention of the Chief Officer in the first instance.

Initially, the Chief Officer will seek to resolve issues, liaising with and involving the IJB Chair or Vice-Chair accordingly. If resolution proves difficult, for example if

issues are particularly complex, the IJB will be informed prior to initiating the dispute resolution process outlined in the Integration Scheme.

3 Directions Procedure

3.1 This procedure sets out the process for formulating, approving, issuing and reviewing directions for the IJB

3.2 Formulating Directions

As indicated in Section 1, the purpose of Directions is to set a clear framework for the delivery by the NHS, DCC, or both of the IJB's functions and plans. It is important to reiterate that the IJB must issue a Direction in relation to **all** of its functions.

Directions must be in writing. This is a legal requirement.

A Direction can also vary, amend, or revoke a previous Direction.

3.3 The Direction template

The Direction Template (Appendix B) will be used to formulate each Direction. It will be clearly associated with an IJB decision. This means that Directions could be made in relation to a range of different matters. Some will be more general, and others will be very specific. Some examples could be:

- A decision to approve a business case which then requires action by one of the Partners.
- A decision to make a specific change to services or to transform a service.
- A decision which relates to implementation of an aspect of the Strategic Commissioning Plan.
- A decision which relates to approval of a particular Strategy which then requires to be implemented by one or both Partners.
- Financial changes or developments (e.g., additional funding opportunities, matters relating to set-aside budgets or requirement to implement a recovery plan).
- An annual Direction in relation to the budget requisition and how that relates to the functions to be delivered by the Partners.

3.4 Content of Directions

Directions should contain a number of things.

Every Direction **must** as a minimum set out:

- ***Which function or functions it relates to***
e.g., services to unpaid carers under the Carers (Scotland) Act 2016, and
- ***The financial resources available*** - the budget and how it is to be used
e.g., £60,000 to increase choice available to unpaid carers for short breaks.

A Direction **may** also specify:

- *The scope and scale of the function*
- *The way a function is to be carried out*

e.g., how a function or service is to be delivered or what action the Partner is required to take. This can be set out in whatever level of detail the IJB considers appropriate and linked to achievement of outcomes or to the Strategic Plan.

- *Those impacted by the change, people who use services, staff, carers communities, others.*
- *That functions be carried out jointly by NHS and DCC.*
- *That some aspects of a function carried out by one Partner and the remainder by the other Partner.*
- *Timescales*
- *What monitoring arrangements are to be in place.*

Directions should not be issued unnecessarily and should be proportionate. A direction should always be prompted by a decision made by the IJB.

3.5 Key Questions

There are some key questions which will assist in deciding if a Direction is required:

- Is the IJB making a decision (as opposed to noting something)?
- Does the decision relate to delivery of services?
- Does the decision mean that there will be a need for the Partner/s to make changes to the way they deliver services?
- Can the decision only be implemented through the Partners doing something?
- Does the IJB want to monitor performance or outcomes in a particular way, which relies on the Partner doing something or giving information back to the IJB?

These questions might also be useful in helping decide what recommendations should be in a report to the IJB. It is particularly important that there is careful thought about whether the IJB needs to make decisions about the subject matter of the report, and if so, what decisions. The reporting template for the IJB will clearly set out in every report when Directions are required and, make recommendations about the detail to be contained in those Directions.

3.6 Role of Officers

The Chief Officer of the IJB has responsibility for considering all draft reports before submission to the IJB as well as overseeing the delivery of the Strategic Commissioning Plan. Therefore, the Chief Officer will play a key role in helping to shape Directions and ensuring that these are presented to the IJB for decision at a point when the discussions and planning with Partners has reached a suitable stage, and, that the IJB can confidently agree the content of Directions knowing that these will be understood by the Partners and can be delivered in accordance with the detail specified in those Directions.

IJBs make decisions about service change, service redesign, and investment and disinvestment at many of their meetings. Such decisions will necessitate directions to the Health Board or Local Authority, or both, and may indeed require the delivery partners to carry out a function jointly.

The Chief Finance Officer is responsible for ensuring the accuracy of financial commitments on behalf of the IJB and will therefore also have a key role in helping shape Directions as they relate to finance.

3.7 Approving and issuing Directions

The IJB is responsible for approving all Directions.

Directions will be reviewed prior to their expiry date to ensure they are still valid and the IJB will be formally asked to extend these as necessary. Directions will also be reviewed should the IJB's annual budget setting process require a change in the level of funding associated with the delivery of a Direction.

In addition, Directions will also be issued at any time as required to implement IJB decisions and will be subject to formal approval by the IJB as part of their decision-making process.

3.8 Reports

All reports to the IJB will recommend whether a Direction is required or whether the recommendation will impact on existing Directions. It is the IJB's responsibility however to ensure that they identify whether a Direction is required in relation to any report they consider.

The detail of the new or revised Direction will be appended to the IJB report using the Direction template (Appendix B).

3.9 Communication of Directions to Partners

Once approved, written Directions and the associated IJB report will be emailed, within 7 days of IJB approval, by the Chief Officer, on behalf of the IJB, to the Chief Executives of either or both Partners.

Many Directions will be implemented by the Chief Officer as part of their role as an operational manager of both NHST and Dundee City Council. It may appear that the Chief Officer is directing themselves to do something, however, this is not a reason for failing to issue Directions as they are an essential part of the Governance and accountability arrangements in relation to the operation of an IJB.

4. Review

This policy will be reviewed by April 2024 or sooner as a result of changes to legislation or national guidance on Directions.

5. Background reading / reference documents

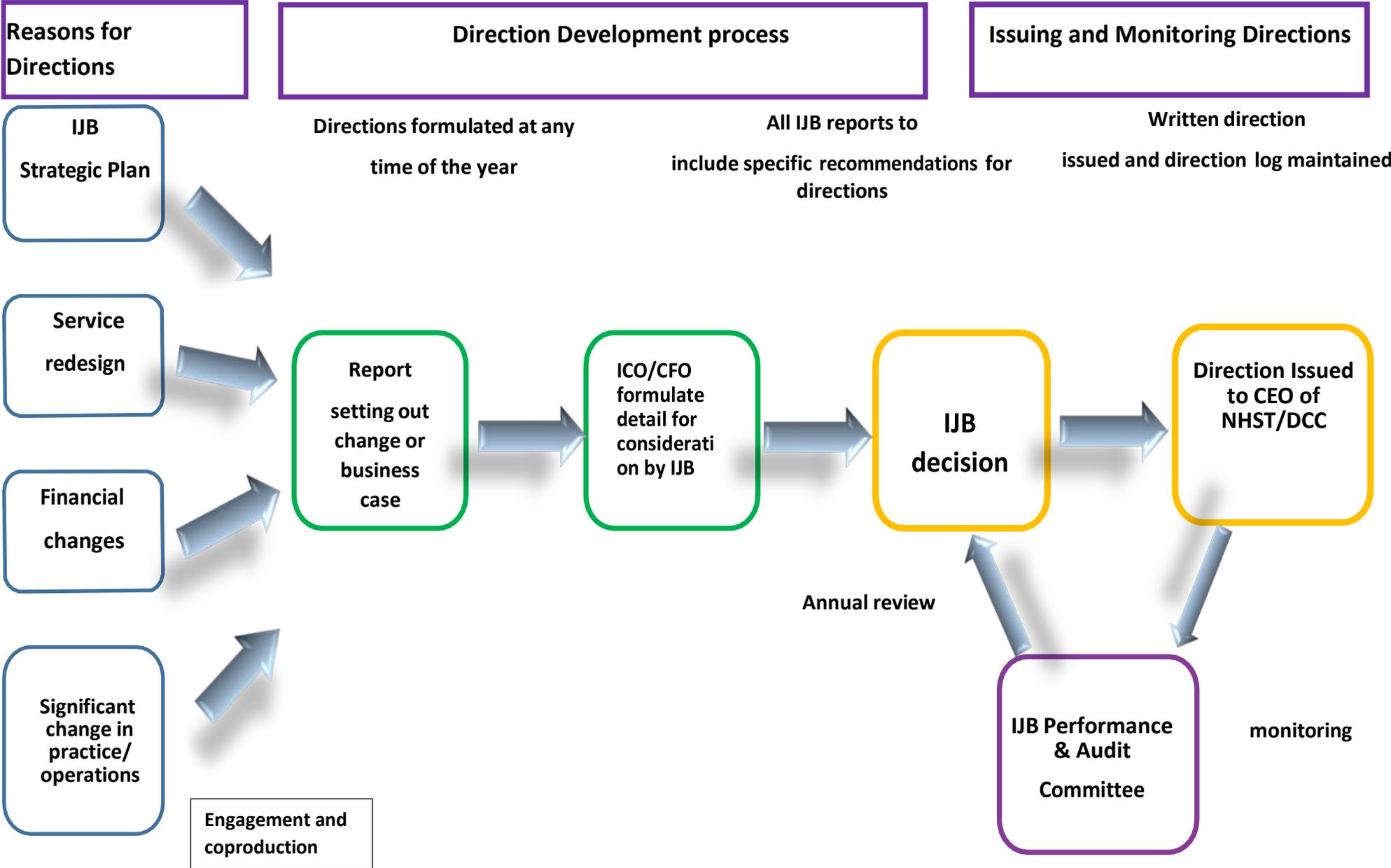
[Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#)

[Good Practice Note: Directions from Integration Authorities to Health Boards and Local Authorities \(The Scottish Government, March 2016\)](#)

[Ministerial Strategic Group \(MSG\) Health and Community Care Review of Progress with Integration](#)

[Statutory Guidance: Directions from Integration Authorities to Health Boards and Local Authorities \(The Scottish Government, January 2020\)](#)

Appendix A – Flowchart



Appendix B - Directions Template.

DUNDEE INTEGRATION JOINT BOARD

DIRECTION ISSUED UNDER S26-28 OF THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

1	Direction reference Number	IJB report no./year	Direction reference to be superseded (if relevant)	
2	Date of IJB	Date of IJB meeting where decision agreed, and Direction approved	IJB report reference	No./year
3	Report Title	As per IJB report		
4	Date from which direction takes effect	Date of IJB or date in future		
5	Direction to (delete as appropriate)	Dundee City Council NHS Tayside Both		
6	Functions covered by Direction	Reference to functions delegated in the Integration Scheme to the IJB		
7	Reference to Strategic Plan	Priority area		
8	Full text of Direction			
9	Budget allocated for the implementation of the Direction			

10	Intended Outcomes to be delivered by this Direction	
11	Performance monitoring requirements for this Direction	Date when implementation progress report may be required by the IJB. The key performance measures that are expected to be impacted by the decision Impact on and Progress towards national outcomes other reporting requirements
12	Review date	Date by which Direction will be delivered and therefore Direction requires to be reviewed Date of review of annual financial instructions