

Standing Orders
for the Proceedings and Business of the
Dumfries and Galloway Integration Joint Board

Version 2 – 17 March 2016

1 General

1.1 These Standing Orders regulate the conduct and proceedings of the Dumfries and Galloway Integration Joint Board. These Standing Orders are made under the Public Bodies (Joint Working) (Scotland) Act 2014 and the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 (No 285) (“the Order”).

1.2 Membership of the Integration Joint Board shall have two categories of members: (i) Voting Members; and (ii) Non-Voting Members

1.3 Dumfries and Galloway Council and Dumfries and Galloway NHS Board have elected to nominate 5 members each to the Integration Joint Board, who shall be the voting members.

1.4 The Order prescribes a list of non-voting members who are to be included in the membership, and these members shall be appointed as described by the Order. The Integration Joint Board may appoint additional non-voting members as it sees fit.

1.5 Dumfries and Galloway Council and the Dumfries and Galloway NHS Board shall also attend to any issues relating to the resignation, removal and disqualification of members in line with the Order. If and when a voting member ceases to be a councillor or a member of the NHS Board for any reason, either on a permanent or temporary basis, then that individual ceases to be a member of the Integration Joint Board.

1.6 If a voting member is unable to attend a meeting of the Integration Joint Board, the relevant constituent authority is to use its best endeavours to arrange for a suitably experienced substitute, who is either a councillor, or as the case may be, a member of the health board. The substitute voting member may vote on decisions put to that meeting, but may not preside over the meeting. If a nonvoting member is unable to attend a meeting of the Integration Joint Board, that member may arrange for a suitably experienced substitute to attend the meeting subject to prior agreement with the Chair.

2 Varying, Revoking or Suspending Standing Orders

2.1 Any statutory provision, regulation or direction by Scottish Ministers shall have precedence if they are in conflict with these Standing Orders.

2.2 Any one or more of these Standing Orders may be varied, suspended or revoked at a meeting of the Integration Joint Board following a motion moved and seconded and with the consent of the majority of voting members present and voting, provided the notice for the meeting at which the proposal is to be considered clearly indicates that there is a proposal to amend the standing orders, and the proposal itself does not result in the Integration Joint Board not complying with any statutory provision or regulation.

3. Chair

3.1 The Chair of the Integration Joint Board will be appointed in line with the terms agreed within the Integration Scheme and the Order. The Chair will preside at every meeting of the Integration Joint Board that he or she attends.

3.2 If both the Chair and Vice Chair are absent, the voting members present at the meeting shall choose a voting Integration Joint Board member to preside.

4. Vice-Chair

4.1 The Vice-Chair of the Integration Joint Board will be appointed in line with the terms agreed within the Integration Scheme and the Order.

4.2 In the absence of the Chair the Vice-Chair shall preside at the meeting of the Integration Joint Board.

5. Calling and Notice of Integration Joint Board Meetings

5.1 The first meeting of an Integration Joint Board is to be convened at a time and place determined by the Chair.

5.2 The Chair may call a meeting of the Integration Joint Board at any time. The Integration Joint Board will approve a forward schedule of meeting dates.

5.3 A request for an Integration Joint Board meeting to be called may be made in the form of a requisition specifying the business to be transacted, and signed by at least two thirds of the number of voting members, and presented to the chair. If the Chair refuses to call a meeting, or does not do so within 7 days of receiving the requisition, the members who signed the requisition may call a meeting. They must also sign the notice calling the meeting. However no business shall be transacted at the meeting other than that specified in the requisition.

5.4 Before each meeting of the Integration Joint Board, a notice of the meeting (in the form of an agenda), specifying the date, time, place and business to be transacted and approved by the Chair, or by a member authorised by the Chair to approve on that person's behalf, shall be delivered electronically to every member (e.g. sent by email) or sent by post to the members' usual place of residence so as to be available to them at least five clear days before the meeting. The notice shall be distributed along with any papers for the meeting that are available at that point.

5.5 With regard to calculating clear days for the purpose of notice, days excluded from the calculation of clear days are the day the notice is sent, the day of the meeting, weekends and public holidays.

5.6 Lack of service of the notice on any member shall not affect the validity of a meeting.

5.7 Integration Joint Board meetings shall be held in public.

5.8 While the meeting is in public the Integration Joint Board may not exclude members of the public and the press (for the purpose of reporting the proceedings) from attending the meeting.

5.9 The Integration Joint Board may pass a resolution to meet in private in order to consider certain items of business, and may decide to do so for the following reasons:

5.9.1 The business relates to the commercial interests of any person and confidentiality is required, e.g. when there is an ongoing tendering process or contract negotiation.

5.9.2 The business necessarily involves reference to personal information, and requires to be discussed in private in order to uphold the Data Protection Principles.

5.9.3 The business necessarily involves reference to exempt information, as determined by Schedule 7A of the Local Government (Scotland) Act 1973.

5.9.4 The Integration Joint Board is otherwise legally obliged to respect the confidentiality of the information being discussed.

5.10 The minutes of the meeting will reflect the reason(s) why the Integration Joint Board resolved to meet in private.

5.11 A member may be regarded as being present at a meeting of the Integration Joint Board if he or she is able to participate from a remote location by a video link or other communication link. A member participating in a meeting in this way will be counted for the purposes of deciding if a quorum is present.

5.12 Where possible the meetings of the integration joint board are to be audio recorded, with the recording subsequently made available for public access.

6. Quorum

6.1 No business shall be transacted at a meeting of the Integration Joint Board unless there are present at least one half of the voting members of the Integration Joint Board.

6.2 If a quorum is not present, the meeting will stand adjourned to such date and time as may be fixed by the Chair.

7. Authority of the Chair at meetings of the IJB and its Committees

7.1 The duty of the person presiding is to ensure that the Standing Orders or the Committee's terms of reference are observed, to preserve order, to ensure fairness between members, and to determine all questions of order and competence. The ruling of the person presiding shall be final and shall not be open to question or discussion.

7.2 Any member who disregards the authority of the Chair, obstructs the meeting, or conducts himself/herself offensively shall be suspended for the remainder of the meeting, if a motion (which shall be determined without discussion) for his/her suspension is carried. Any person so suspended shall leave the meeting immediately and shall not return without the consent of the meeting.

7.3 The Chair has the right to adjourn a meeting in the event of disorderly conduct or other misbehaviour at the meeting.

7.4 No business shall be transacted at any meeting of the Integration Joint Board other than that specified in the notice of the meeting except on grounds of urgency. Any request for the consideration of an additional item of business must be made to the Chair at the start of the meeting and the majority of voting members present must agree to the item being included on the agenda.

8. Adjournment

8.1 If it is necessary or expedient to do so for any reason, a meeting may be adjourned to another day, time and place. A meeting of the Integration Joint Board, or of a committee of the Integration Joint Board, may be adjourned by a motion, which shall be moved and seconded and be put to the meeting without discussion. If such a motion is carried, the meeting shall be adjourned to such day, time and place as may be specified in the motion.

9. Voting

9.1 The Board may reach consensus on an item of business without taking a formal vote and the formal voting process would not need to be used.

9.2 Where a vote is taken, every question at a meeting shall be determined by a majority of votes of the members present and voting on the question. A vote may be taken by members by roll call. In the case of an equality of votes, the person presiding at the meeting does not have a second or casting vote.

9.3 Any voting member may move a motion or an amendment to a motion. Every motion or amendment is required to be moved and seconded.

9.4 Any voting member may second the motion or amendment.

9.5 A motion to adjourn any debate on any question or for the closure of a debate shall be moved and seconded and put to the meeting without discussion.

9.6 Where there is a temporary vacancy in the voting membership of the integration joint board, the vote which would be exercisable by a member appointed to that vacancy may be exercised jointly by the other members nominated by the relevant constituent authority.

9.7 Where there is an equality of votes on matters concerning the appointment of members to office or committees, then a decision will be reached by drawing of lots.

9.8 Where there has been an equality of votes, excluding those matters at 9.6, the Chair of the Integration Joint Board on reflection of the discussion, will bring consideration of the matter to a close for that meeting, and give direction to the Chief Officer on how the matter should be taken forward. The Chief Officer will then be obliged to review the matter, with the aim of addressing any concerns, and developing a proposal which the integration joint board can reach a decision upon in line with Standing Order 9

9.9 Where the matter remains unresolved, and the Chair concludes that the equality of votes is effectively a representation of a dispute between the two constituent parties, then the dispute resolution process which is set out in the integration scheme shall take effect.

9.10 Where either of the Parties fails to agree with the other on any issue related to the Integration Scheme, then they will follow the process as set out below:

- (a) The Chief Executives of the Parties will meet to resolve the issue;
- (b) If unresolved, the Parties will each prepare a written note of their position on the issue and exchange it with the other within 21 calendar days of the meeting in (a);
- (c) In the event that the issue remains unresolved, representatives of the Parties will proceed to mediation with a view to resolving the issue;
- (d) A representative of each of the Parties will meet with a view to appointing a suitable independent person to act as mediator. If agreement cannot be reached 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 will commence within 28 calendar days of the meeting in (c); and
- (e) Where the issue remains unresolved after following the processes outlined in (a) - (d) above, and if mediation does not allow an agreement to be reached within 6 months from the date of its commencement, or any other such time as the Parties may agree, either Party may notify Scottish Ministers that agreement cannot be reached.

10. Changing a Decision

10.1 A decision of the Integration Joint Board cannot be changed by the Integration Joint Board within six months unless the Chair rules that there has been a material change of circumstance.

11. Minutes

11.1 The names of members present at a meeting of the Integration Joint Board, or of a committee of the Integration Joint Board, shall be recorded. The names of any officers in attendance shall also be recorded.

11.2 Minutes of the proceedings of each meeting of the integration joint board or a committee, including any decision at that meeting, are to be drawn up and submitted to the next ensuing meeting of the integration joint board or at the committee for agreement after which they must be signed by the person presiding at that meeting.

12 Matters Reserved for the Integration Joint Board

Standing Orders

12.1 The Integration Joint Board shall approve its Standing Orders.

Committees

12.2 The Integration Joint Board shall approve the establishment of, and terms of reference of all of its committees.

12.3 The Integration Joint Board shall appoint all committee members, as well as the chair of any committees.

Strategic Planning

12.4 The Integration Joint Board shall establish a Strategic Planning Group (Section 32) of Public Bodies (Joint Working) Scotland Act 2014), and appoint its membership (except for the members nominated by each constituent party).

12.5 The Integration Joint Board shall approve its Strategic Plan (Section 33) and any other strategies that it may need to develop for all the functions which have been delegated to it. The Integration Joint Board will also review the effectiveness of its Strategic Plan (Section 37).

12.6 The Integration Joint Board shall review and approve its contribution to the Community Planning Partnership for the local authority area. The Integration Joint Board shall also appoint its representative(s) to appropriate Community Planning forums.

Risk Management

12.7 The Integration Joint Board shall approve its Risk Management Policy.

12.8 The Integration Joint Board shall define its risk appetite and associated risk tolerance levels.

Health & Safety

12.9 In the event that the Integration Joint Board employs five or more people, it shall approve its Health & Safety Policy.

Finance

12.10 The Integration Joint Board shall approve its annual financial statement (Section 39)

12.11 The Integration Joint Board shall approve Standing Financial Instructions and a Scheme of Delegation.

12.12 The Integration Joint Board shall approve its annual accounts.

12.13 The Integration Joint Board shall approve the total payments to the constituent bodies on an annual basis, to implement its agreed Strategic Plan.

Performance Management

12.15 The Integration Joint Board shall approve the content, format, and frequency of performance reporting.

12.16 The Integration Joint Board shall approve its performance report (Section 43) for the reporting year.

13 Integration Joint Board Members – Ethical Conduct

13.1 Voting and non-voting members of the Integration Joint Board are required to subscribe to and comply with the Code of Conduct which is made under the Ethical Standards in Public Life etc (Scotland) Act 2000. The Commissioner for Public Standards can investigate complaints about members who are alleged to have breached their Code of Conduct. The Chief Officer (or his/her authorised nominee) shall maintain the Integration Joint Board's Register of Interests.

13.2 The Chief Officer (or his/her authorised nominee) shall ensure the Register is available online for public inspection.

13.3 Members must always consider the relevance of any interests they may have to any business presented to the Integration Joint Board or one of its committees and disclose any direct or indirect pecuniary and non-pecuniary interests, which the Member considers should be disclosed, in relation to such business, before taking part in any discussion on the matter.

13.4 The Member disclosing the interest is to decide whether, in the circumstances, it is appropriate to take part in the discussion and vote on the relevant item of business.

13.5 Members shall make a declaration of any gifts or hospitality received in their capacity as an Integration Joint Board member. Such declarations shall be made to the Chief Officer (or his/her authorised nominee) who shall make them available for public inspection.

14. Committees

14.1 The Integration Joint Board shall appoint such committees, and working groups as it thinks fit. The Integration Joint Board shall appoint the chairs of these committees. The Board shall approve the terms of reference and membership of the committees and shall review these as and when required.

14.2 The committee must include voting members, and must include an equal number of voting members appointed by the Health Board and local authority.

14.3 The Integration Joint Board shall appoint committee members to fill any vacancy in the membership as and when required.

14.4 Any Integration Joint Board member may substitute for a committee member who is also an Integration Joint Board member.

14.5 The Standing Orders relating to the calling and notice of Integration Joint Board meetings, conduct of meetings, and conduct of Integration Joint Board members shall also be applied to committee meetings but not working groups.

14.6 The Integration Joint Board shall approve a calendar of meeting dates for its committees. The committee chair may call a meeting any time, and shall call a meeting when requested to do so by the Integration Joint Board.

14.7 A member may be regarded as being present at a meeting of a committee if he or she is able to participate from a remote location by a video link or other communication link. A member participating in a meeting in this way will be counted for the purposes of deciding if a quorum is present.

15. Other decisions and urgent business

15.1 The Integration Joint Board shall have the power to delegate matters other than those set out in Standing Order 12, to a committee or the Chief Officer, subject to such conditions as it may determine, and such a delegation shall be recorded in the minute of the meeting.

15.2 The Chief Officer, in consultation with the Chief Executives of NHS Dumfries and Galloway and Dumfries and Galloway Council, is authorised to take any necessary action where a matter arises of such urgency that it cannot await a decision of the Board.

15.3 Prior to using this delegated authority, the Chief Officer shall consult with the Chair and Vice Chair, and shall not proceed until this consultation has taken place.

15.4 All action taken by the Chief Officer under this delegated authority shall be reported to the next meeting of the Board.

16. The Business Agenda

16.1 Responsibility for the preparation of agendas and papers for a meeting rests with the Chief Officer.

16.2 Any Integration Joint Board Member may request the Chief Officer to arrange for a report on a policy issue to be submitted to the Integration Joint Board or one of its Committees. Such reports will only be submitted after due consideration and consultation. In the event that the Chief Officer determines that such a report is inappropriate, then the final decision as to the need or otherwise for the report shall rest with the Board.