



Midlothian
Health & Social Care

Midlothian Integration Joint Board

Directions Policy

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1. Introduction and policy context

- 1.1 This policy document outlines the process for drafting, approving, issuing, and monitoring Directions from Midlothian Integration Joint Board (IJB) to partner organisations Midlothian Council and NHS Lothian Health Board. The policy has been developed with reference to relevant legislation and statutory guidance and will be reviewed on an annual basis.
- 1.2 In line with the provisions of sections 26 to 28 of the Public Bodies (Joint Working) (Scotland) Act 2014, Directions are the key mechanism by which Midlothian IJB's strategic plan is actioned. Directions are issued by Midlothian IJB to Midlothian Council and NHS Lothian Health Board, setting out how all functions delegated to the IJB and operationally managed predominantly by Midlothian Health and Social Care Partnership (HSCP) are to be delivered and funded via the integrated budget. Directions are legally binding and provide a formal record and audit trail of Midlothian IJB's decisions and responsibilities between Partners.
- 1.3 Scottish Government published statutory guidance for Directions in January 2020 that describes the best practice for the issue and implementation of Directions. In order to comply with statutory guidance, Midlothian IJB is required to have a formal Directions policy in place.

2. Form and content of Directions

- 2.1 Directions are a necessary and important element of Midlothian IJB's governance structure designed to communicate IJB decisions and clarify responsibilities between Partners within a clear framework for delivery of delegated functions. Directions must be in writing and drafted in sufficient detail to ensure Midlothian IJB's decision making is accurately and effectively communicated to both Midlothian Council and NHS Lothian Health Board.
- 2.2 Directions must be in line with Midlothian IJB's strategic plan priorities. Directions must also be in line with clinical and care governance standards to ensure high quality, safe and effective care that considers staff welfare and financial governance arrangements.
- 2.3 As a minimum, Directions must provide the following information:
- A reference number to maintain version control and support audit.
 - Detail the function(s) in scope and the scale of the intervention required.

- Details of overall budget.
- Details of the actions or outputs required in line with the IJB's strategic priorities.
- Timescales for delivery and performance.

2.4 Midlothian IJB has developed a template for the issue of Directions to Midlothian Council and NHS Lothian Health Board and publishes Directions on its website.

3. Process for approval and issue of Directions

3.1 This process aims to ensure that a Direction represents the formal end point of a shared decision-making process, has been considered as part of a collaborate and collegiate approach, and has been initiated by a decision made by Midlothian IJB.

3.2 Midlothian IJB must approve all Directions. Directions will be prepared and issued in respect of all delegated functions referred to an annex 1 (part 2) and annex 2 (part 2) of the Integration Scheme at the start of each financial year. Where Midlothian IJB is the lead for a pan-Lothian healthcare services i.e. hosted services, Directions must be developed in consultation with relevant stakeholders.

3.3 In order to determine when a new or amended Direction is required, the standard report format for Midlothian IJB and its committees includes a section on Directions. This will act as a prompt for the report author to consider whether a new or amended Direction requires to be issued to Midlothian Council and/or NHS Lothian Health Board and to seek approval from Midlothian IJB as appropriate. Where a new or amended Direction is considered to be required, a draft Direction should be included with the report following consultation with the Integration Manager and review by Midlothian IJB's Strategic Planning Group.

3.4 The Special Board meetings held in March and September are the two formal points in the year where Directions are reviewed and proposed for adoption. Directions will be issued to partners by the Chief Officer.

3.5 Following Midlothian IJB approval of proposed Directions, the board may give delegated authority to the Midlothian IJB Chief Officer to issue Directions on behalf of Midlothian IJB. This should be as soon as practicable following approval by Midlothian IJB and no later than 31st March annually, and 30th September should additions or amendments be made at the mid-year review.

- 3.6 Although Midlothian IJB will issue Directions to Midlothian Council and NHS Lothian Health Board at the point of agreeing the budget for the following financial year, it may not be possible for Midlothian IJB to make all the decisions required in relation to delivery or transformation at this time. Midlothian IJBs may make decisions about service change, service redesign, and investment and disinvestment at any time and Directions will be issued following a decision made by Midlothian IJB.
- 3.7 Directions should be issued to Chief Executives in the Local Authority and Health Board and should copy the Midlothian IJB Chair, the Midlothian Council Leader, and the NHS Chair into this correspondence.
- 3.8 Once issued, Directions continue to be legal and binding until they are agreed by Midlothian IJB to be completed, revised, or revoked as a consequence of a board decision or in response to changes in strategic and financial priorities during the course of the year. A clear audit trail will be maintained through the creation of a chronological Directions log. A standard Directions Log template is used to record the 'Status of Directions' year on year (appendix 2).

4. Implementation of Directions

- 4.1 Midlothian Council and NHS Lothian Health Board are responsible for complying with and implementing Midlothian IJB Directions.
- 4.2 The Chief Executives of both organisations are expected to formally acknowledge receipt of all Directions issued by the IJB. As Directions are legally binding, Partners may not amend, disregard, appeal or veto any Direction. Similarly, neither partner may use the resources allocated via the IJB for any other purpose than that intended in the Directions.
- 4.3 The statutory guidance for Directions refers to consideration of those impacted by the change a Directions may result in e.g., patients, people who experience services, carers, local communities, and staff. Midlothian IJB would expect Partners to undertake an Equality and Childrens Rights impact Assessment (ECRIA) as part of the Quality Planning process for any activity that was either a new or revised strategy, policy, plan, provision, practice, or activities. Completed ECRIAs should be provided as part of the reporting required for the monitoring and evaluation of Directions.

4.4 Should either Partner experience difficulty in implementing a Direction, this should be initially discussed with the Chief Officer who will seek to resolve the matter on an informal basis in conjunction with the IJB Chair and Vice Chair as appropriate. In the unlikely event that formal dispute resolution is required, the dispute resolution mechanism outlined in section 15 of the Midlothian Integration Scheme will apply.

5. Monitoring and evaluation of Directions

5.1 Directions are subject to Internal and External Audit.

5.2 Midlothian IJB will seek information from both Midlothian Council and NHS Lothian Health Board for performance monitoring and reporting purposes. The required performance outputs will be clearly articulated in the Direction.

5.3 As part of Midlothian IJB's performance management framework, the Strategic Planning Group will oversee the progress on Directions by conducting mid-year and full year reviews of the Directions log. This will require progress reports from Partners and issues will be escalated to Midlothian IJB as appropriate by the Strategic Planning Group who will present an assurance report to Midlothian IJB in relation to mid-year and full year Directions Reporting.

5.4 Progress made towards Directions will also be recorded on the Midlothian IJB Strategic Governance Outcome Map, where evaluation of progress made and confidence in quality of evidence provided will be considered. This will include a synthesis report within the Outcome Map describing considering the three elements of combined activity, experience, and outcomes to support Midlothian IJB's ability to take corrective action where necessary.

6. Policy review

6.1 This Directions policy will be reviewed every 3 years.