

# Health and Social Care Partnership

## Direction Policy

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|-----------------|------------------|---------------------|----------------------|
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## Document Management - Version Control

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| Title, Version Number & Date of superseded version (if applicable) | Not Applicable  |                                      |  |
| Rationale for Introduction/driver for Change                       | <p>Scottish Government Ministerial Strategic Group (MSG) Health and Community Care Review of Progress with Integration, published February 2019</p> <p>Government Review of Direction February 2019</p> <p>Government Statutory Guidance January 2020.</p> <p>To provide clear guidelines for formulating, approving, issuing and monitoring directions</p> |                                      |  |
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| Lead Officer   | Margaret-Jane Cardno, Head of Strategy and Transformation   |                                      |  |
| Final Trades Union Position  | In agreement with approach and policy for directions  |                                      |  |
| Consultation and Approval Process                                  | Financial consultation  | June and August 2020                 |  |
|  | Legal consultation  | July 2020                            |  |
|  | Audit and Fraud consultation  | Internal audit completed August 2020 |  |
|  | Trades Union consultation   | July 2020                            |  |
|  | Approval at HSCP  | 23 September 2020                    |  |
| Accompanying Documentation (incl EIA)                              | <p>HSCP Strategic plan 2019 - 2022</p> <p>Scottish Government best practice and statutory guidance January 2020.</p> <p>EIA – not applicable</p>  |                                      |  |
| Linked Policies and Procedures                                     | Public Bodies (Joint Working) (Scotland) Act 2014<br>Direction Procedure  |                                      |  |

## **Directions Policy**

|   |   |   |
|---|---|---|
| 1 | Introduction .....                            | 4 |
| 2 | Policy Aims .....                             | 4 |
| 3 | Legislative/Policy Framework.....             | 4 |
| 4 | Definition and Purpose of Directions .....    | 4 |
| 5 | Policy Implementation .....                   | 5 |
| 6 | Review of policy .....                        | 5 |
|   | Background reading / reference documents..... | 6 |

## **1 Introduction**

- 1.1 West Dunbartonshire Health and Social Care Partnership (HSCP) has a duty to develop a strategic plan for integrated functions and budgets under its control. Integrated Authorities require a mechanism to action the strategic plans and this mechanism takes the form of binding directions from the Health and Social Care Partnership Board to one or both of the Health Board (NHS Greater Glasgow and Clyde) and Local Authority (West Dunbartonshire Council).

## **2 Policy Aims**

- 2.1 The policy seeks to enhance governance, transparency and accountability between the HSCP and its partner organisations, West Dunbartonshire Council and NHS Greater Glasgow and Clyde by clarifying responsibilities and relationships. The policy has been developed to ensure compliance with Scottish Government statutory guidance on directions.

## **3 Legislative/Policy Framework**

- 3.1 The Public Bodies (Joint Working) (Scotland) Act 2014 (the Act) states that an Integration Joint Board must give a direction to a constituent authority to carry out each function delegated to the integration authority.
- 3.2 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.
- 3.3 Revised statutory guidance on directions was finalised by the Scottish Government in January 2020. This statutory guidance informed the development of this policy, to ensure it meets key requirements to improve governance, transparency and accountability between partners.

## **4 Definition and Purpose of Directions**

- 4.1 Directions are a legal mechanism intended to clarify responsibility requirements between partners. Directions are the means by which the HSCP directs WDC and NHSGCC on what services are to be delivered using the integrated budget. (i.e. the budget which is allocated to the HSCP and for which the HSCP is responsible)
- 4.2 Directions must be given in respect of functions that has been delegated to the HSCP. They must provide sufficient detail to enable WDC and NHSGCC to discharge their statutory duties under the Act.
- 4.3 Specific directions can be given to NHS Greater Glasgow and Clyde, West Dunbartonshire Council or both depending on the services to be provided. However, directions should not be issued unnecessarily and should be proportionate.
- 4.4 A direction will stand until it is revoked, varied or superseded by a later direction.

- 4.5 The delivery partners are required to comply with all directions received from the HSCP, and the law is clear that they may not amend, ignore, appeal or veto any direction.
- 4.6 Detailed directions will be necessary and particularly important for multi-partnership co-ordination. This is where one Chief Officer is the lead for operational delivery of any given function on behalf of other Chief Officers, usually within the confines of a Health Board area and often referred to as “hosted services”.
- 4.7 HSCP will maintain active consideration of whether the effect of delivery partners carrying out any direction they propose to issue would have an undesirable impact on another IJB (and its population) or for the local health and social care system more broadly. A process of co-ordination and mitigation will be undertaken in circumstances where issues of this nature are identified
- 4.8 In summary, the purpose of directions is to set a clear framework for the operational delivery of the functions that have been delegated to the HSCP and therefore all directions must be in writing. Functions may be described in terms of delivery of services, achievement of outcomes and/or the strategic plan priorities.

## **5 Policy Implementation**

- 5.1 This policy has been developed in line with the provisions set out in the Public Bodies (Joint Working) (Scotland) Act 2014 and Scottish Government statutory guidance January 2020.
- 5.2 The policy defines what a direction is and is underpinned by the directions procedure, which has been put into place to support the development of new or revised directions.
- 5.3 Directions are informed by a number of factors, including but not limited to:
  - i. Content of the HSCP strategic plan;
  - ii. Specific service redesign or transformation programmes linked to an approved co-produced plan or business case;
  - iii. Financial changes or developments (eg additional funding opportunities, matters relating to set-aside budgets or requirement to implement a recovery plan);
  - iv. A change in local circumstances; and
  - v. A fundamental change to practice or operations.

## **6 Review of policy**

- 6.1 This directions policy will be reviewed every two years or sooner in the event of new guidance or good practice becoming available.

### **Background reading / reference documents**

- Public Bodies (Joint Working) (Scotland) Act 2014
- Guidance on Financial Planning for Large Hospital Services and Hosted services (The Scottish Government, December 2015)
- Final Integration Scheme, IJB,
- 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
- The Scottish Government revised statutory guidance (January 2020)

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