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Health and Social Care Integration Scheme for the Western Isles

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Preface

Planning together for our future in the short, medium and longer term is essential if we are to be able to deliver sustainable, efficient Health and Social Care services.

The Public Bodies (Joint Working) (Scotland) Act 2014 requires Health Boards and Local Authorities to integrate planning 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 beyond the minimum prescribed, and children’s health and social care services.

The Act requires that the Local Authority and the Health Board jointly prepare, consult and then agree an Integration Scheme for the Local Authority Area, prior to them submitting it to Scottish Ministers for final approval. The Act states that the purpose of an Integration Scheme is to set out:

- which integration model is to apply; and
- the functions that are to be delegated in accordance with that model.

The Act also requires that the Health Board and the Local Authority undertake a joint consultation as part of the preparation of their Integration Scheme. This Integration Scheme describes how the new Act will be applied within the Western Isles.

Individuals and communities in the Western Isles have benefited from the integration of designated Health and Social Care services already. This Integration Scheme has been informed by considerable local experience of developing and delivering integration in practice; and also benefitted from ongoing dialogue and positive interaction with a range of stakeholders over recent years. The Health Board and the Local Authority are committed to continuing that constructive engagement, and the ongoing increased, person-centred integration of services.

The legislation supporting Health and Social Care Integration, through the Integration Joint Board, offers the opportunity for Councillors, Health Board Non-Executive Directors, the Third Sector and Independent Sector to work together to plan for a future health and care service able to meet the demands of the future. The Integration Joint Board will plan and commission services to ensure we meet our national and local outcomes all based on providing a more person-centred approach with a focus on supporting individuals, families and communities.

In line with the legislation, whilst the Integration Joint Board will predominantly plan, it requires assurance around the delivery of the services for which it has responsibility. In line with its Strategic Commissioning Plan and the delegated resources, the Integration Joint Board will require that the Local Authority and Health Board provide assurance on performance to ensure that delivery is in line with the Outcomes defined below.

Introduction

The Public Bodies (Joint Working) (Scotland) Act 2014 (the Act) requires Health Boards and Local Authorities to prepare jointly an Integration Scheme setting out how joint working is to be achieved. There is a choice of ways in which they may do this: the Health Board and Local Authority can either delegate functions to each other or can both delegate to a third body called an Integration Joint Board. Delegation between the Health Board and Local Authority is commonly referred to as a “lead agency” arrangement. Delegation to an Integration Joint Board is commonly referred to as a “body corporate” arrangement.

This document uses the model Integration Scheme for the “body corporate” arrangement and sets out the detail as to how the Health Board and Local Authority integrate services. The Integration Scheme was approved by Scottish Ministers on 24 September 2015 and became operational on 1 April 2016.

The Act requires that an Integration Scheme, once approved, must be reviewed at least every 5 years and involve the consultees prescribed in the Public Bodies (Joint Working) (Prescribed Consultees) (Scotland) Regulations 2014. Changes to documents referred to within the Integration Scheme (e.g. Workforce Plan) do not require the Integration Scheme to go through this process – only changes to the Integration Scheme itself.

The Integration Joint Board is a legal entity and can accordingly make its own decisions about the exercise of its functions and responsibilities. Its voting members are appointed by the Health Board and the Local Authority and consists of Councillors and NHS Non-Executive Directors. Whilst serving on the Integration Joint Board its members will carry out their functions under the Act on behalf of the Integration Joint Board itself, and not as delegates of their respective Health Board or Local Authority.

The Integration Joint Board is responsible for the future strategic planning of the functions delegated to it, and for ensuring oversight of the delivery of those delegated functions. This Scheme covers the health and wellbeing of all adults including older people and Universal Children’s Health Services (as defined below) in accordance with Section 29 of the Act. Further, the Act gives the Health Board and the Local Authority, acting jointly, the ability to require that the Integration Joint Board replaces their Strategic Commissioning Plan in certain circumstances.

Vision, Aims and Outcomes of the Integration Scheme

CnES and WIHB continue to build on a good history of partnership working.

Working with the Third and Independent Sector, we provide a unified approach across the public sector with a common sense of ambition and purpose. We engage with service users, Locality Planning Groups, carers, staff and members of the public to listen and respond to individuals and communities to be positive contributors and influence how the services will be shaped and developed. In turn, we aim to deliver the best possible services that will be safe, effective, of the highest quality, person-centred, efficient and fair within the resources available to us.

Proactive Contributions and Influence

The main purpose of integration is to improve the wellbeing of people who use health and social care services, particularly those whose needs are complex and involve support from health, social care, and the third sector at the same time. The Integration Joint Board has set in its Strategic Commissioning Plan how it delivers the National Health and Wellbeing Outcomes prescribed by the Scottish Ministers in regulations under Section 5(1) of the Act, namely:

- People are able to look after and improve their own health and wellbeing and live in good health for longer.
- People, including those with disabilities or long-term conditions or who are frail are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community.
- People who use health and social care services have positive experiences of those services, and have their dignity respected.
- Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services.
- Health and social care services contribute to reducing health inequalities.
- People who provide unpaid care are supported to look after their own health and wellbeing, including to reduce any negative impact of their caring role on their own health and wellbeing.
- People using health and social care services are safe from harm.
- People who work in health and social care services feel engaged with the work they do and are supported to continuously improve the information, support, care and treatment they provide.
- Resources are used effectively and efficiently in the provision of health and social care services.

In addition, the Integration Joint Board will require to take into account related national reform agendas such as the Population Health Framework and The Health and Social Care Renewal Framework.

The Integration Joint Board is accountable to the Health Board and Local Authority for delivering these outcomes. It is required to report annually on how its activities have contributed towards the outcome(s).

(1)Public Bodies (Joint Working) National Health and Wellbeing Outcomes (Scotland) Regulation 2014.



INTEGRATION SCHEME

The parties:

Comhairle nan Eilean Siar, a local authority established under the Local Government (Scotland) Act 1973 and having its principal offices at Sandwick Road, Stornoway, Isle of Lewis HS1 2BW (“the Comhairle”)

and

Western Isles Health Board (operating as **NHS Western Isles**), established under section 2(1) of the National Health Service (Scotland) Act 1978 and having its principal offices at 37 South Beach, Stornoway, Isle of Lewis, HS1 2BB (“WIHB”).

1. Definitions and Interpretation

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

- “the Act” means the Public Bodies (Joint Working) (Scotland) Act 2014;
- “Integrated Services” means the services that the Comhairle and WIHB have agreed to delegate to the Integration Joint Board under this Scheme;
- “Integration Joint Board” means the Integration Joint Board established by Order under section 9 of the Act;
- “Outcomes” means the National Health and Wellbeing Outcomes prescribed by the Scottish Ministers in regulations under section 5(1) of the Act
- “Integration Joint Board Order” means the Public Bodies (Joint Working) (Proceedings, Membership and General Powers of Integration Joint Boards) (Scotland) Order 2014
- “Scheme” means this Integration Scheme;
- “Strategic Commissioning Plan” means the plan which the Integration Joint Board is required to prepare and implement in relation to the delegated provision of health and social care services to adults and Universal Children’s Health Services in accordance with section 29 of the Act; and
- “Universal Children’s Health Services” refers to the functions exercisable in relation to the health care services set out in paragraphs 11-15 of Appendix 2, Part 2, Section 3, which are delegated in relation to persons of any age.

“Payment” means the term used in legislation to describe the integrated budget contribution to the Integration Joint Board. This payment does not require a cash transaction to be made. The term is also used to describe the non-cash transaction the Integration Joint Board makes to the



Health Board and Local Authority for carrying out the directed functions. The parties agree to have in place a body corporate that is established by Order under section 9 of the Act.

2. Local Governance Arrangements

- 2.1 Part of the remit of the Integration Joint Board is to prepare and implement a Strategic Commissioning Plan.
- 2.2 The Integration Joint Board's procedures, business and meetings are regulated by its Standing Orders.
- 2.3 WIHB, the Comhairle and the Integration Joint Board are all responsible for the achievement of the outcomes. The Integration Joint Board has oversight of the functions delegated to it and of the performance of the services related to those functions. The Chief Officer is responsible for reporting to the Integration Joint Board on performance of those services in the context of a performance framework agreed by the Integration Joint Board.
- 2.4 The Chief Officer will prepare an annual report on performance and delivery of the Strategic Commissioning Plan to the Integration Joint Board and share it with WIHB and the Comhairle.
- 2.5 The Integration Joint Board has a distinct legal personality and the independence to manage itself. There is no role for WIHB or the Comhairle to sanction or veto decisions of the Integration Joint Board. In the event of a dispute arising between WIHB and the Comhairle, the dispute resolution mechanism will be followed as set out at Section 14.
- 2.6 The Integration Joint Board may create such Committees that it requires to assist it with the planning and oversight of delivery of services which are within its scope. The Integration Joint Board may establish an Audit and Risk Committee, to seek and secure assurance over effective governance.
- 2.7 As agreed by WIHB and the Comhairle, the Integration Joint Board shall comprise four NHS Non-Executive Directors appointed by WIHB, and four Councillors appointed by the Comhairle. The Integration Joint Board will include non-voting members as prescribed by Regulation 3 of the Public Bodies (Joint Working) (Proceedings, Membership and General Powers of Integration Joint Boards) (Scotland) Order 2014.

- 2.8 The term of office of voting Members of the Integration Joint Board shall last as follows:
- (a) for Councillors, two years, thereafter the Comhairle will identify its replacement Councillor(s) on the Integration Joint Board,
 - (b) for WIHB nominees, two years, thereafter WIHB will identify its replacement Non Executive(s) on the Integration Joint Board.

2.9 The Chair and Vice–Chair rotate on a three year basis between WIHB and the Comhairle, with the Chair being from one body and the Vice-Chair from the other.

3. Delegation of Functions

3.1 The functions that are delegated by WIHB to the Integration Joint Board are set out in Part 1 of Appendix 2. The services to which these functions relate, which are currently provided by WIHB and which are to be integrated, are set out in Part 2 of Appendix 2.

3.2 Each function listed in column A of Part 1 of Appendix 2 is delegated subject to the exceptions in column B and only to the extent that:

- (a) There are a number of functions delegated at Section 3 of Part 2 of Appendix 2 which are delegated in relation to persons of any age (Universal Children’s Health Services)); and
- (b) the function is exercisable in relation to care or treatment provided by health professionals for the purpose of health care services listed in Section 1 of Part 2 of Appendix 2; or
- (c) The function is exercisable in relation the health and care services listed in Section 2 of Part 1 of Appendix 2.

3.3 The functions that are delegated by the Comhairle to the Integration Joint Board are set out in Part 1 of Appendix 3. The services to which these functions relate, which are currently provided by the Comhairle and which are to be integrated, are set out in Part 2 of Appendix 3.

3.4 Each function listed in column A of Part 1 of Appendix 3 is delegated subject to the exceptions in column B and only to the extent that it is exercisable in relation to persons of at least 18 years of age.

4. Local Operational Delivery Arrangements

- 4.1 The Integration Joint Board is responsible for the strategic planning and oversight of the delivery of the services related to the functions delegated to it. This will be carried out by the development of a Strategic Commissioning Plan which will set out the arrangements for carrying out the integration functions and how these will contribute to achieving the Outcomes. The Integration Joint Board will define Directions to WIHB and the Comhairle to carry out each delegated function. Assurance to the Integration Joint Board over the performance of services delivered by WIHB and the Comhairle will be provided by regular and frequent performance monitoring reports to the Integration Joint Board by the Chief Officer. The Chief Officer is responsible for the operational management of Integrated Services.
- 4.2 The Integration Joint Board has provided to it the necessary, appropriate and reasonable resources to undertake the functions delegated by WIHB and the Comhairle.
- 4.3 The Integration Joint Board:-
- a. Appoints its Chief Officer.
 - b. Appoints its Chief Financial Officer.
 - c. Convenes a Strategic Planning Group specifically to enable the preparation of Strategic Commissioning Plans in accordance with section 32 of the Act; informs significant decisions outside the Strategic Commissioning Plan in accordance with section 36 of the Act; and reviews the effectiveness of the Strategic Commissioning Plan in accordance with section 37 of the Act, in line with the obligations to meet the engagement and consultation standards.
 - d. Prepares, approves and implements a Strategic Commissioning Plan for all of its delegated functions, in accordance with the Act; supported by an integrated workforce and organisational development plan.
 - e. Established arrangements for locality planning in support of key outcomes for the agreed localities in the context of the Strategic Commissioning Plan.
 - f. Approves, with or without amendments, the Strategic Commissioning Plan as presented by the Chief Officer.
 - g. Approves the allocation of resources to deliver the Strategic Commissioning Plan within the specific revenue budget as delegated by each Party (in accordance with the standing financial instructions/orders of both Parties), and where necessary makes recommendations to either or both Parties.

- h. Prepares and publishes an annual financial statement that sets out the amount that the Integration Joint Board intends to spend in implementation of the Strategic Commissioning Plan in accordance with the Act.
- i. Shares an Annual Report with WIHB and the Comhairle.
- j. Has oversight of the performance of all the services referred to in 3.1, 3.2, 3.3 and 3.4 above, through the Chief Officer.

4.4 The Integration Joint Board may consider the following:

- a. Establishing a standing Audit Committee to focus on financial audit and governance matters, including (where necessary) making recommendations to either or both Parties.

4.5 Targets and Performance Management

- 4.5.1 WIHB and the Comhairle will establish a Performance Management Framework which meets the obligations set out in legislation and will take account of targets, measures and objectives which are in force at any given time for integrated and non-integrated functions. The Integration Joint Board will receive frequent and regular monitoring reports on the agreed performance framework in pursuit of the delivery of the Strategic Commissioning Plan, including all delegated and set-aside budgets.
- 4.5.2 Both parties will develop a Performance Management Framework with a list of all relevant targets, measures and arrangements which relate to the integration functions and for which strategic planning responsibility is to transfer, in full to the Integration Joint Board. The Comhairle and WIHB have existing performance management processes and the Integration Performance Management Framework will align reflect processes to avoid unnecessary duplication and streamline reporting and will as far as possible draw on existing data sets and reporting mechanisms. The monitoring of and performance management of service as that related to operational delivery resides with the parties.
- 4.5.3 In meeting the delivery requirements of the Outcomes, the parties will give consideration to any additional resource requirements for collecting and reporting information that is not currently collected, both in operational and support terms.
- 4.5.4 The Chief Officer will provide twice-yearly Strategic Commissioning Plan Performance Reports to the Integration Joint Board for Members to scrutinise performance and impact against planned outcomes and commissioning priorities. This will culminate in the production of an annual performance report to the Integration Joint Board.
- 4.5.5 The national and local performance measures and targets as they relate to the

operational delivery of delegated functions outlined in 3.1, 3.2, 3.3 and 3.4 will be retained in relation to operational delivery arrangements. Strategic planning and associated financial planning is the responsibility of the Integration Joint Board which is accountable for the delivery of the Strategic Commissioning Plan and associated financial objectives.

4.6 Corporate Services Support

4.6.1 With regard to corporate services support:

- The Chief Officer may identify the corporate resources required to support delivery of the delegated functions;

4.6.2 Those support services may include, but are not limited to:-

- Health Intelligence
- Finance
- Workforce
- ICT
- Administrative Support
- Internal Audit
- Performance Management
- Risk

5. Clinical and Care Governance

5.1 Assurance to the Integration Joint Board is achieved through the governance arrangements of the Comhairle and WIHB in respect of clinical and care standards. This accountability begins in the care setting within an agreed clinical and care governance framework established in accordance with the governance and scrutiny arrangements of the Comhairle and WIHB.

5.2 The Executive Directors of WIHB at Board level (Medical Director, Nurse/AHP Director and Chief Operating Officer, and Director of Public Health) share responsibility for clinical governance of NHS services as a responsibility/function delegated from the Chief Executive of WIHB.

5.3 These Executive Directors continue to hold that responsibility for ensuring that appropriate systems and processes are in place and working effectively across WIHB to support clinical staff who deliver care through Integrated Services. They attend the WIHB Clinical Governance Committee which oversees and applies scrutiny to the clinical governance arrangements of all services delivered by health care staff employed by WIHB and which in turn will provide assurance to the Health Board and Integration Joint Board that it has undertaken its duties in this respect.

5.4 The appropriate appointed Executive Directors at WIHB level (Medical Director, Nurse/AHP Director and Chief Operating Officer, and Director of Public Health) will support the Chief Officer through their participation in the Integrated Corporate

Management Team.

- 5.5 The Comhairle's Chief Social Work Officer will provide oversight and advice to the Integration Joint Board on the quality of social work Integrated Services. The Chief Social Work Officer will continue to provide professional leadership for Social Work and be accountable for statutory decisions relating to Social Work. The Chief Social Work Officer is responsible to the Comhairle for such decisions and ensures that links are made across all Social Work services. The Chief Social Work Officer also advises the Comhairle on the delivery of Social Work services through an annual report which will be made available to the Integration Joint Board for assurance purposes. The Comhairle will in turn provide assurance to the Integration Joint Board via the Chief Social Work Officer.
- 5.6 An Annual Clinical Governance Report from the Board Clinical Governance Committee of WIHB will be submitted to the Integrated Joint Board. WIHB shall provide specific assurance on clinical and care governance matters relating to the delegated functions as and when required by the Integration Joint Board.
- 5.7 As part of the regular monitoring process the Integration Joint Board may, as required, also take advice from other appropriate professional forums and groups as outlined in Scottish Government guidance, including the Public Protection Committee which encompasses adult and child protection activity and assurance.
- 5.8 The Comhairle is responsible for the appointment of the Chief Social Work Officer. The creation of the IJB does not change their roles in respect of professional leadership, and they remain the lead and accountable professionals for their respective professions.

6. Chief Officer

- 6.1 The Integration Joint Board appoints a Chief Officer in accordance with section 10 of the Act.
- 6.2 The Chief Officer will work with the Integration Joint Board for the preparation, implementation and reporting on the Strategic Commissioning Plan.
- 6.3 The Chief Officer reports to the CEO's of both WIHB and CnES and has delegated responsibility for the operational management of Integrated Services, reflected in the respective schemes of delegation. Service delivery is the responsibility of the Heads of Department and through designated service management.
- 6.4 The Chief Officer is a member of the parties' senior management teams and is accountable to and managed by the Chief Executives of both Parties.
- 6.5 Where there is to be a prolonged period where the Chief Officer is absent or otherwise unable to carry out their responsibilities, the Comhairle's Chief Executive and WIHB's Chief Executive will jointly propose an appropriate interim arrangement for approval by the Integration Joint Board's Chair and Vice-Chair at the request of the Integration

Joint Board.

7. Workforce

- 7.1 Strategic workforce planning and development will be an integrated process encompassing delegated and non-delegated functions.
- 7.2 Core HR services will continue to be provided by the appropriate corporate HR functions in the Comhairle and WIHB.
- 7.3 Organisational development plans and the outline workforce plan will be refreshed periodically by the parties and the Integration Joint Board.
- 7.4 The arrangements of WIHB and the Comhairle for the professional supervision (as opposed to operational management) of staff will continue until superseded by any jointly-agreed arrangements.

8. Finance

- 8.1 The Integration Joint Board will seek assurance from WIHB and the Comhairle over the sufficiency of resources to carry out its delegated duties, and will adjust its budget and service delivery accordingly, following which it will approve the initial amount delegated to it. This will continue in future years following negotiation with the other parties.
- 8.2 The arrangements in relation to the determination of the amounts paid, or set aside, and their variation, to the Integration Joint Board by WIHB and the Comhairle are set out below at sections 8.3, 8.4.8.5 and 8.6:-
- 8.3 Payments to the Integration Joint Board for delegated functions:
 - 8.3.1 Delegated baseline budgets are subject to due diligence and comparison to recurring actual expenditure in the previous three years adjusted for any reasonable, appropriate and planned changes to ensure they are realistic.
- 8.4 **Payment to the Integration Joint Board for delegated functions**
 - 8.4.1 The Chief Officer and the Chief Financial Officer will develop a draft Integrated Joint Board Budget based on the Strategic Commissioning Plan. The draft Budget will be presented to WIHB and the Comhairle for consideration as part of the annual and strategic budget-setting process. The case should be evidenced, with full transparency demonstrating the following assumptions:-
 - Performance against outcomes
 - Activity changes
 - Cost inflation

- Price changes and the introduction of new drugs/technology
- Agreed service changes
- Legal requirements
- Transfers to/from the amounts made available by WIHB for hospital services
- Adjustments to address equity of resource allocation

8.4.2 WIHB and the Comhairle shall consider the following when reviewing the Strategic Commissioning Plan:

- The Local Government Financial Settlement
- The uplift applied to NHS Board funding from Scottish Government
- Efficiencies to be achieved

8.4.3 Whilst the Integration Joint Board will plan, agree and deliver the Strategic Commissioning Plan and related Financial Plan, this will follow a process of joint discussion and planning with the other parties.

8.4.4 It is the responsibility of the Comhairle's Section 95 Officer and WIHB's Accountable Officer to comply with the agreed reporting timetable and to make available to the Chief Financial Officer the relevant financial information required for timely financial reporting to the Integration Joint Board. This will include such details as may be required to inform financial planning of revenue expenditure. The Chief Financial Officer will manage the respective financial plan so as to deliver the agreed outcomes within the Joint Strategic Commissioning Plan viewed as a whole. Monitoring arrangements will include the impact of activity on set aside budgets.

8.5 In-year variations

8.5.1 Neither WIHB nor the Comhairle may reduce the payment in-year to the Integration Joint Board to meet exceptional unplanned costs elsewhere without the express consent of the Integration Joint Board for any such change. Where appropriate, specific or supplementary resources are identified or received by WIHB or the Comhairle, these will be passed on to the Integration Joint Board through increasing the level of budgets delegated to it.

8.5.2 The Chief Officer will deliver the agreed outcomes within the total agreed delegated resources. Where there is an unplanned unforeseen financial pressure which results in a forecast outturn overspend against an element of the operational budget, the Chief Officer and the Chief Financial Officer must propose a recovery plan to balance the overspending budget, in consultation with the relevant finance officers of the Parties. Any recovery plan requires to be approved by the Integration Joint Board and the Parent Bodies.

8.5.3 Should the recovery plan be unsuccessful, the Integration Joint Board may request that the payment from WIHB and the Comhairle be adjusted to take account of any revised assumptions. It will be the responsibility of the authority who originally delegated the budget to consider and where appropriate and agreed make the

additional payment to cover the shortfall.

- 8.5.4 In the case of joint services, any additional payment will be agreed pro rata in line with the original budget level.
- 8.5.5 The Integration Joint Board should make repayment in future years following the same methodology as the additional payment. If the shortfall is related to a recurring issue the Integration Joint Board should include the issue in the Strategic Commissioning Plan and financial plan for the following year.
- 8.5.6 Additional adjustments may be required, for example, when errors in the methodology used to determine the delegated budget are found. In these circumstances the payment for this element should be recalculated using the revised methodology.
- 8.5.7 Where there is a planned underspend in operational budgets arising from specific action by the Integration Joint Board, it will be retained in reserves by the Integration Joint Board. This underspend may be used to fund additional capacity in-year or, with the agreement of the Parties, carried forward to fund capacity in subsequent years. The carry-forward will be held in an earmarked balance within the Comhairle's general reserve. If an underspend arises from a material error in the assumptions made to determine the initial budget, the methodology of the payment may need to be recalculated using the revised assumptions.
- 8.5.8 Any unplanned underspend will be returned to WIHB or the Comhairle by the Integration Joint Board either in the proportion that individual services have been funded or based on which service the savings are related to.
- The Integration Joint Board has financial accountability for the funding received as payments from WIHB and the Comhairle. This financial accountability will not apply to notional funding for Set Aside Budgets included within the Strategic Commissioning Plan.
 - The Integration Joint Board will follow best practice guidelines for audit;
 - The Integration Joint Board and their Chief Financial Officer will receive financial management support from WIHB and the Comhairle who will:
 - Record all financial information in respect of the Integration Joint Board in an integrated database, and use this information as the basis for preparing regular, comprehensive reports to the Integration Joint Board.
 - Support the Chief Financial Officer to prepare the annual accounts, financial statement prepared under section 39 of the Act, the financial elements of the Strategic Commissioning Plan and other reports that may be required.
 - Ensure bi-monthly financial monitoring reports relating to the performance

of the Integration Joint Board against the delegated budget will be submitted to ICMT and Integration Joint Board.

- Ensure regular reports will be prepared on the financial performance against the agreed annual budget and Strategic Commissioning Plan.
- In advance of each financial year a timetable of financial reporting will be included within the IJB committee workplan.

8.6 Capital Assets:

8.6.1 The Integration Joint Board will not own any capital assets but will have use of such assets which will continue to be owned by WIHB and the Comhairle who will have access to sources of funding for capital expenditure. In line with guidance, the Integration Joint Board will not receive any capital allocations, grants or have the power to borrow to invest in capital expenditure.

8.6.2 The Chief Officer will consult with WIHB and the Comhairle to identify need for asset improvement owned by either party and where investment is identified, will submit a business case to the appropriate party which will be considered as part of each party's existing capital planning and asset management arrangements.

8.7 Year-end balances:

8.7.1 In line with guidance, a process for jointly agreeing, reporting and carrying forward any unused balances at the end of the financial year will operate.

9. Participation and Engagement

9.1 Before submitting the Integration Scheme to Scottish Ministers for approval, the Comhairle and WIHB consulted with:-

- Staff likely to be affected by the Integration Scheme;
- 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;
- Non-commercial providers of social housing; and
- Third sector bodies carrying out activities related to health or social care.

- 9.2 Feedback from all of the above has been used to inform the review of the Integration Scheme.
- 9.3 There are national standards for community engagement and participation which underpin how the Comhairle and WIHB operate.
- 9.4 Timely and effective communications and engagement is a key component in the development, review and renewal of the Strategic Commissioning Plan. A communications and engagement strategy and action plan will be developed, in conjunction with the Strategic Planning Group to support this work.

10. Information-Sharing

- 10.1 The Comhairle, WIHB and the Integration Joint Board agree to be bound by the Memorandum of Understanding between CnES and NHSWI in relation to the sharing of information for the purposes of integrated health and social care services.
- 10.2 The Memorandum of Understanding describes the key principles the parties must adhere to for information to be shared lawfully, securely and confidentially. Other signatories will be added as appropriate.
- 10.3 Procedures for sharing information between the Comhairle, WIHB and, where applicable, the Integration Joint Board are put in place as required.
- 10.4 **Information-Sharing and Confidentiality** All staff are bound by the data confidentiality policies of their employing organisations and including any relevant information sharing protocols that may be in place.
- 10.5 **Data processing** Personal data may be held in both electronic and paper format and will only be accessed by authorised personnel in order to provide the service-user with the appropriate integrated service. The Parties will ensure that personal data is processed fairly, lawfully and with justification.
- 10.6 The Comhairle and WIHB will continue to be data controllers for their respective records (electronic and manual) and will detail arrangements for control and access. The Integration Joint Board may also be considered to be a data controller, depending on the circumstances in which it processes personal data.
- 10.7 Roles and responsibilities for third party organisations are detailed in contracts with respective commissioning bodies, and access to shared records agreed in advance.
- 10.8 **The Public Records (Scotland) Act 2011:** the Integration Joint Board is a public authority for the purposes of the Act, and has a duty to create and have approved a records management plan. Reference to information management procedures of Integrated Services will also be recorded in the records management plans of the Parties.

- 10.9 Responsibility for records created, retained and disposed by each Party remains with that Party. Each Party maintains its records according to its own policies and disposal schedules. The Records Management Code of Practice for Health and Social Care (2024) sent out criteria and guidance around what constitutes a record and the records lifecycle, governance and responsibilities. [Records Management Code of Practice for Health and Social Care v4.0 \(scot.nhs.uk\)](https://www.scot.nhs.uk/recordsmanagement/codeofpractice/)
- 10.10 **Security:** The success of information sharing relies on a common understanding of security. All information-sharing agreements refer to the expected standard but each Party must maintain its own guidance to ensure it meets that standard and that controls to manage the following elements are included:-
- Safe storage of documents transported between work and site. Access to electronic and physical records. Use of laptops, memory sticks and other portable data devices when working off site (including at home);
 - Confidential destruction;
 - Security marking on electronic communications when applicable
- 10.11 **Access to information - Freedom of Information (FOI):** the Integration Joint Board is subject to the Freedom of Information (Scotland) Act 2002. It will manage requests through the relevant parent body depending on what information is sought. The Parties are also subject to the Act and manage requests through their own existing processes.
- 10.12 Should one organisation receive a request that also relates to the other, this requester will be signposted by the receiving organisation to the partner organisation if they do not hold the requested data.
- 10.13 FOI requests that relate specifically to the Strategic Planning Commissioning by the IJB will be managed by the Chief Officer.
- 10.14 **Subject Access Requests:** As each party is a legal entity, individual requests to view or access records held by each respective party will be dealt with separately. Therefore, each party will manage its requests following that party's procedures, under the Data Protection Act 2018.
- 10.15 **Privacy and confidentiality:** Most of the information that the Integrated Services will handle will be personal and confidential in nature. All staff with access to shared information will
1. receive regular training in handling personal data compliantly.
 2. have access to systems and records removed as soon as they leave the post that allows them to share information.

10.16 **Information Governance:** The Information Governance functions of the parent bodies will be utilised to support the IJB in fulfilment of the associated duties.

11. Complaints

- The Parties agree that complaints in relation to the delegated functions as set out in Part 2 Appendix 2, and Part 2 Appendix 3, will be received, managed and responded to by the appropriate lead organisation.
- Complaints in relation to Integrated Services will be addressed using the most appropriate partner organization process relevant to the context of the complaint.
- In the event that the Chief Officer is subject to the complaint the matter would be addressed by the employing organisation's Chief Executive.
- Each organisation will have a clearly defined description of what constitutes a complaint contained within their complaints handling documentation.
- Where the complaint is multi-faceted and has a multi-agency dimension to it, the Chief Officer will designate one of the existing processes to take the lead for investigating and coordinating a response. The Chief Officer will have an overview of complaints related to Integrated Services and will provide a commitment to joint working, wherever necessary, between the parties when dealing with complaints about Integrated Services.
- If a complaint remains unresolved through the defined complaints-handling procedure, complainants will be informed of their right to go either to the Scottish Public Services Ombudsman for services provided by WIHB, or to the Social Work Complaints Review Committee following which, if their complaint remains unresolved, they have the right to go to the Scottish Public Services Ombudsman for services provided by Scottish local authorities.
- There will be three established processes for a complaint to follow depending on the lead organisation.
 1. Statutory Social Work.
 2. NHS.
 3. Independent Contractors – All Independent Contractors involved with the Integration Joint Board, will be required to have a Complaints Procedure in place. Where complaints are received that relate to a service provided by an Independent Contractor, the lead organisation will refer the complainant to the Independent Contractor for resolution of their complaint. This may be done by either provision of contact details or by the lead organisation passing the complaint on, depending on the approach preferred by the complainant.

- The current process for gathering service user/patient/carer feedback within WIHB and the Comhairle, how it has been used for improvement, and how it is reported will continue.

12. Claims Handling, Liability & Indemnity

- 12.1 WIHB will continue to follow their CNORIS programme for their services and the Comhairle will continue with their current insurance processes. This will be applied to all Integrated Services.
- 12.2 Where there is a shared liability negotiations will take place as to the proportionality of each parties liability on a claim-by-claim basis.

13. Risk Management

- 13.1 The parties will have in place systems for the assessment, identification, management, mitigation and or removal of risks, as they relate to the operational planning and delivery of services.

The Integration Joint Board and Partner Organisations have agreed mechanisms in place to manage operational risk and strategic risk for delegated services.

The Integration Joint Board will have in place the same system in relation to its strategic planning, commissioning and associated functions.

- 13.2 The Chief Officer will be responsible for the assessment, identification, mitigation and or removal of risks as they relate to the Strategic Planning and commissioning Functions of the IJB.
- 13.3 The Chief Officer will develop and IJB Corporate Risk Register for approval by the IJB Audit and Risk Committee
- 13.4 As part of the risk management strategy the Chief Officer will be responsible for drawing to the attention of the Integration Joint Board any new or escalating risks and associated mitigations to ensure appropriate oversight and action.
- 13.5 Business Continuity plans will be developed and tested on a regular basis for the Integrated Services.

14. Dispute resolution mechanism

- 14.1 Where either of the Parties fails to agree with the other on any issue related to this Scheme, then they will follow the process as set out below:
- (a) The Chief Executives of WIHB and the Comhairle will, within 28 days of being notified, meet with a view to resolving the issue;

- (b) If the matter remains unresolved after the 28 days referred to above, WIHB and the Comhairle will each prepare a written note of their position on the issue and exchange it with the other, and provide it to the Integration Joint Board, within 10 working days.
 - (c) In the event that the issue remains unresolved, the Chief Executives (or their representatives) of WIHB and the Comhairle, the Chair of the NHS Board and the Leader of the Comhairle will proceed to mediation with a view to resolving the issue.
 - (d) A professional independent mediator will be appointed. The mediation process will commence within 28 calendar days of the agreement to proceed.
 - (e) The Mediator shall have the same powers to require any Partner to produce any documents or information to him/her and the other Partner as an arbiter and each Partner shall in any event supply to him such information which it has and is material to the matter to be resolved and which it could be required to produce on discovery; and
 - (f) The fees of the Mediator shall be borne by the Parties in such proportion as shall be determined by the Mediator having regard (amongst other things) to the conduct of the parties.
- 14.2 Where the issue remains unresolved after following the processes outlined above, the Parties agree the following process to notify Scottish Ministers that agreement cannot be reached.
- 14.3 The Chief Officer and the Chief Executives shall write to Scottish Ministers detailing the unresolved issue, the process followed and findings of the mediator and seek resolution from Scottish Ministers.