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To: **Convener of Health, Social Care & Sports Committee**
Via email hscs.committee@parliament.scot

28th January 2026

Thank you for the opportunity to provide views on the proposed amendments to the *Public Bodies (Joint Working) (Scotland) Act 2014* to extend voting rights on Integration Joint Boards (IJBs) to members designated as Lived Experience Representatives.

As IJB Chairs and Vice-Chairs, our primary responsibility in matters of IJB governance is to uphold public trust in how decisions about vital public services are made - fairly, transparently and accountably - and in how significant amounts of public funding are prioritised and allocated. Any change to voting rights and decision-making arrangements must therefore be assessed not only for its policy intent, but against clear standards of ethical governance, accountability and proportionality that apply to IJBs as devolved public bodies.

This response is submitted on behalf of the national network of IJB Chairs and Vice-Chairs, which forms part of Health and Social Care Scotland, the national collaboration of health and social care leaders supporting improvement, leadership and system learning across Integration Authorities. For reference, we enclose the response previously submitted during the Scottish Government consultation held between 24 November and 5 December 2025. We do not repeat that submission here - instead, we highlight the key governance and system issues raised by the proposed amendment and respond to matters set out in *Annexe A: Scottish Government Policy Note (SSI 2025/405)*.

In doing so, our comments focus on a small number of core themes, which are expanded upon in the sections that follow:

- Supporting meaningful lived-experience participation.
- Maintaining robust ethical and governance standards for voting and proxy arrangements.
- Ensuring transparency on financial and accountability implications.
- Drawing on Chief Officer expertise to reduce, rather than add to, bureaucratic complexity.
- The adequacy of engagement and scrutiny in developing proposals of this significance.

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Supporting lived-experience participation

We support the principle of strengthening lived-experience participation and influence in IJB decision-making. Lived experience is essential to the legitimacy and quality of decisions about health and social care, and we remain committed to ensuring that all IJB members are able to contribute effectively, confidently and on an equal footing. In our view, this is best advanced through practical measures that remove barriers, improve accessibility and enable meaningful participation - supported by clear national expectations and resources - before changes that create new statutory governance, accountability and assurance implications.

Feedback from the first meeting of the short-life working group highlighted both positive experiences and persistent barriers for lived-experience members, including IT access, the length and frequency of meetings, and the complexity of papers. These are practical issues we are keen to address locally, with national support where appropriate.

The question of remuneration was also raised. While we understand why this issue arises in the context of equal voting status, we note the potentially significant cost implications of remunerating additional members - and potentially their proxies - across 31 IJBs. No financial assessment accompanies the proposed amendment. Any commitment in this area would therefore require transparency on costs and a clear commitment from the Scottish Government to fully fund them, in a way that sustains public confidence in value for money and stewardship of the public pound. We would strongly recommend that all other measures to strengthen lived-experience participation are fully explored and evaluated before such costs are incurred.

Governance, accountability and proxy voting

The 2014 Act draws a clear distinction between voting members, who carry statutory and financial responsibilities, and other IJB members who serve in an advisory capacity. Voting status brings with it additional accountability and governance obligations, requiring robust appointment, support and assurance arrangements consistent with membership of a public body. Against that backdrop, the introduction of proxy voting rights for newly enfranchised voting members raises fundamental questions about consistency with the ethical and governance frameworks that apply to IJBs as devolved public bodies.

All IJB voting members are required to comply with a Code of Conduct based on the Model Code for Members of Devolved Public Bodies, issued under the Ethical Standards in Public Life etc. (Scotland) Act 2000 and overseen by the Standards Commission for Scotland. It is therefore unclear how proxy arrangements - where individuals not appointed through established public-body processes may attend and vote - would be assured as fully compliant with the Code's requirements on accountability, declaration of interests, collective decision-making and standards of conduct.

This also raises questions about alignment with the NHS Scotland Blueprint for Good Governance, which emphasises clarity of roles, consistent appointment and assurance mechanisms, and collective accountability at board level. Further clarity would be required on how proxy voting arrangements would be made compatible with these established governance principles and enforcement frameworks.

We are concerned that SSI 2025/405 introduces proxy voting as an additional governance mechanism without sufficient clarity about its purpose, safeguards or practical operation

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within the existing IJB framework. This represents a significant shift in how voting authority may be exercised, yet its implications were not fully tested with this network prior to the instrument being laid. The use of proxies to attend and vote on behalf of newly enfranchised members raises a number of substantive governance considerations, including:

- The basis on which proxies would be judged to have the appropriate skills, knowledge and understanding of IJB statutory responsibilities.
- The robustness of arrangements for identifying, declaring and managing conflicts of interest, particularly where proxies may have links to commissioned or commissioned-for services,
- How expectations relating to conduct, training, declarations of interest and collective accountability would be applied to individuals who are not appointed through established public-body appointment processes.

Given these issues, we consider that any proxy voting arrangements would require governance, assurance and accountability provisions that are equivalent in effect to those applying to all other voting members of an IJB, if public confidence in transparent and accountable decision-making is to be maintained.

Drawing on Chief Officer expertise and proportional governance

In considering changes of this nature, we emphasise the importance of drawing more systematically on the lived strategic and operational expertise of IJB Chief Officers, including through Health and Social Care Scotland, to inform national policy development and implementation. Our Chief Officers are uniquely placed to understand how governance changes interact with already complex accountability, assurance and reporting arrangements. National support should explicitly draw on this expertise to ensure that policy and legislative changes are designed to reduce, rather than add to, bureaucratic complexity. An increased governance burden risks making IJBs harder to operate effectively at a time when Boards are required to take exceptionally difficult decisions about priorities and resource allocation. This is particularly important given Audit Scotland's repeated reporting on the scale of financial pressure, system fragility and constrained local choice facing IJBs, which underlines the need for governance arrangements that are clear, proportionate and supportive of effective decision-making.

Engagement and consultation

Good governance depends on meaningful engagement, transparency of intent and clarity about implications - particularly where proposed changes affect accountability and the use of public funds.

Against that backdrop, we were surprised by the limited engagement with this national network during the development of the proposal. The governance and accountability implications of extending voting rights were not fully explored with Chairs and Vice-Chairs, nor with Health and Social Care Scotland colleagues, prior to the decision to lay the instrument.

The compressed timescales for response have further constrained opportunities for discussion, both within this national network and locally within individual IJBs, including with existing lived-experience members.

Scope of previous engagement

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While the Policy Note references earlier discussions and public consultations, these were primarily focused on the proposed establishment of Care Boards as part of the National Care Service agenda. We would be concerned if engagement on those proposals were treated as equivalent to engagement on the current instrument, which relates specifically to voting rights and governance within the existing IJB framework. Those earlier discussions did not explore the detailed governance, accountability and voting implications now proposed.

In Spring 2025, Health and Social Care Scotland distributed a questionnaire on behalf of Scottish Government colleagues seeking Chairs' and Vice-Chairs' views on wider improvements to support lived-experience members. The results of that exercise have not been shared with this network. Notwithstanding this, we remain committed to strengthening the voice, contribution and experience of all IJB members in ways that are fair, accessible and consistent with public-body standards.

We trust these points assist the Committee in its consideration of the proposed amendment. We recognise the importance of inclusive governance and the value of lived experience in shaping better decisions. However, changes of this significance must be demonstrably compatible with established ethical standards, accountability frameworks and principles of good public-body governance. Careful parliamentary scrutiny is therefore essential to ensure that the implications - and potential unintended consequences - are fully understood. In particular, we would encourage the Committee to consider whether the proposals are informed by Chief Officer experience, whether they are designed to reduce rather than add to governance complexity in a highly constrained system, and whether they can be clearly assured to strengthen public trust in the fairness, transparency and accountability of decision-making about vital public services and the allocation of significant public funds.

Yours sincerely



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