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By email to:
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Dear Sirs

Written Views on SSI 2025/405 – Amendments to the Integration Joint Boards Order 2014

Thank you for the opportunity to provide written views on SSI 2025/405, which proposes amendments to the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014, specifically in relation to the definition of voting members and associated proxy arrangements.

North Lanarkshire Council recognises the intention behind the proposed amendments, namely to extend voting rights to lived experience and public partner members of Integration Joint Boards (IJBs), and to introduce corresponding proxy arrangements. The Council supports the principle of strengthening the voice and influence of people with lived experience within IJB governance and acknowledges the valuable contribution these members make to informed, person-centred decision-making.

However, the Council has significant reservations regarding the implications of the specific amendments proposed, particularly in relation to democratic accountability, governance, and statutory responsibility.

Democratic Accountability

Public services are most effective when decision-makers are clearly accountable to the communities they serve. Local councillors are democratically elected and are accountable to the wider public for decisions taken, including decisions relating to the allocation of public funds and the discharge of statutory duties.

The proposed SSI would place elected councillors in a minority position on local Integration Joint Boards. The Council is concerned that this dilution of elected representation undermines democratic accountability within social care governance and devalues the role of locally elected members and local government as an equal sphere of democracy in Scotland.

Integration and Governance Framework

Integration Authorities are distinct legal entities with prescribed statutory duties. The current structure of IJBs reflects equal participation by the constituent partners—local authorities and Health Boards—to ensure joint decision-making and shared accountability. Any change to this balance requires careful consideration of the associated risks, implications and complexities for Integration Authorities, local

authorities and Health Boards, including the potential impact on their ability to fulfil existing statutory responsibilities.

The Public Bodies (Joint Working) (Membership and Procedures of Integration Joint Boards) (Scotland) Order 2014 sets out the current requirements for IJB membership, while the Public Bodies (Joint Working) (Integrated Joint Monitoring Committees) (Scotland) Order 2014 establishes the requirements for Integrated Joint Monitoring Committees. These frameworks are designed to support parity between the Health Board and the local authority as constituent partners in a joint statutory arrangement.

The existing Orders already recognise the importance of informed decision-making by requiring a wide range of professional and stakeholder (non-voting) members to participate in IJB business. These include, in addition to local authority and Health Board representatives:

- the Chief Social Work Officer
- a General Practitioner representative
- a Secondary Medical Care Practitioner representative
- a Nurse representative
- a staff-side representative
- a third sector representative
- a carer representative
- a service user representative
- the Chief Officer
- the Section 95 Officer

This model ensures that decision-making is informed by professional advice, lived experience and stakeholder perspectives, while retaining clear lines of statutory accountability.

Voting members appointed by the Council and the Health Board engage in IJB business to act in the best interests of the IJB as the strategic planning body for delegated functions. Guidance from the Standards Commission makes clear that, when acting as IJB members, councillors and Health Board members have a duty to represent the interests of the IJB, not those of the appointing body. Extending voting rights beyond councillor and Health Board members therefore requires careful consideration, and a clear articulation of roles, responsibilities and accountability.

Integration Joint Boards are “devolved public bodies” for the purposes of the Ethical Standards in Public Life (Scotland) Act 2000 and must adopt a Code of Conduct based on the Model Code for Members of Devolved Public Bodies. Councillors are also subject to the Councillors’ Code of Conduct issued by Scottish Ministers, which sets out detailed requirements in relation to interests, lobbying, and decision-making. The Council is concerned that the SSI does not adequately address how equivalent ethical and accountability frameworks would apply in practice to non-elected voting members and their proxies.

COSLA has recommended that the Scottish Government seek the views of the Standards Commission prior to introducing the SSI, reflecting the Commission’s role in promoting high ethical standards in public life. This recommendation is particularly relevant given that the proposed changes would allow voting rights to be exercised by individuals who are neither elected members nor public appointees, and who may not be subject to clear accountability mechanisms. Of particular concern is the proposal to extend voting rights on budgetary decisions to third sector providers who may also be commissioned by the Integration Authority to deliver services.

Definition of “Voting Member”

The proposed substitution of the definition of “voting member” to include members appointed under articles 3(7)(b), (c) and (d) and article 5(7)(b), (c) and (d) represents a substantive change to the

governance model of IJBs. By conferring full voting status on lived experience and third sector representatives, the amendment materially alters the balance of accountability within IJB decision-making structures.

While these members bring essential insight and perspective, they are not statutory office holders and do not operate within the same public-sector accountability frameworks as councillors or NHS Board members. The Council is concerned that this redefinition risks weakening democratic oversight and blurring responsibility for decisions involving public funds and statutory duties.

Proxy Arrangements (Article 12)

The revised proxy provisions compound these concerns. The distinction drawn between proxies for councillor and Health Board voting members—who must themselves be councillors or Health Board members—and proxies for lived experience voting members—who may appoint any suitably experienced person—raises questions of consistency, governance assurance and accountability.

In particular:

- the ability for lived experience voting members and their proxies to vote on financial and statutory matters introduces complexity around indemnity, liability, conflicts of interest and decision-making authority;
- the absence of clear nomination, training or accountability requirements for proxies appointed under article 12(2) risks inconsistency in governance standards; and
- the extension of voting rights to such proxies further amplifies the accountability concerns arising from the expanded definition of voting membership.

Financial Responsibility and Statutory Obligations

The discharge of public functions, funding decisions and statutory obligations carries significant legal and financial responsibility. Integration Authorities are under a duty to set a balanced budget, with specific statutory responsibilities resting with the Section 95 Officer for the proper administration of the IJB's financial affairs.

While IJBs have historically operated largely on a consensus basis, voting has become more common in the context of sustained financial pressure across integrated health and social care. The Council considers that the responsibility associated with budget-setting and statutory compliance should not be viewed as symbolic, and that careful consideration is required before extending such responsibilities to individuals serving in a voluntary capacity.

Enhanced Engagement, Participation and Inclusion

The Council agrees that there is a strong case for further strengthening engagement, participation and inclusion within Integration Authorities. Local Government is committed to inclusive practice and welcomes continued collaboration with partners to deliver meaningful improvement in this area.

Carer, service user, third sector and public partners already make significant contributions to IJB decision-making. There is an opportunity to build on existing good practice, including the recommendations of organisations such as the Health & Social Care Alliance and the Coalition of Carers in Scotland, to improve accessibility, recruitment, induction, succession planning, capacity-building and ongoing support for lived experience volunteers.

Enhanced engagement should also extend beyond board membership to wider community involvement in decision-making and active citizenship. Integration Authorities have statutory duties to involve people and communities in decisions that significantly affect service delivery, and Councils and Health & Social Care Partnerships already undertake extensive engagement activity. The updated

Health and Social Care – Planning with People guidance published in May 2024 provides a strong foundation for further progress.

Overall Position

North Lanarkshire Council's position, consistent with that articulated by COSLA, is that while lived experience participation must be strengthened and embedded, extending full voting rights—particularly in advance of a comprehensive review of statutory guidance and governance frameworks—may not be the most proportionate or effective means of achieving this objective.

Further work is required to ensure that any extension of voting rights is supported by a clear, robust and nationally consistent framework addressing accountability, ethical standards, training, conflicts of interest, indemnity, and the relationship between voting rights and statutory responsibility.

Thank you again for the opportunity to contribute to the Committee's consideration of this instrument. North Lanarkshire Council remains committed to constructive engagement as these proposals are further developed.

Yours faithfully

A handwritten signature in black ink, appearing to read 'RMB', followed by a long, sweeping horizontal line that extends to the right.

Rachel Blair
Chief Officer (Legal and Democratic)