
To: Shadow Integration Joint Board

On: 20th March, 2015

Report by: Joint Report by Chief Executive Designate and Director of Finance & Resources, Renfrewshire Council

Heading: **Access to Meetings and Meeting Documents**

1. Summary

- 1.1 The Public Bodies (Joint Working) (Scotland) Act 2014 received Royal Assent on 1st April 2014 and requires Health Boards and Councils to integrate certain prescribed adult health and social care services. The Council and NHS Greater Glasgow and Clyde Board have agreed the integration model for Renfrewshire shall be the delegation of functions to a body corporate known as an Integration Joint Board (IJB) which will assume responsibility for the planning and delivery of integrated services.
- 1.2 Renfrewshire Council at its meeting held on 26th February, 2015 agreed to recommend “that the Integration Joint Board papers and agendas shall be published and circulated in ‘real time’ in order to inform service users, elected members and their constituents.”
- 1.3 The IJB is not a statutory committee in terms of the Local Government (Scotland) Act 1973 and accordingly, unlike the Council, does not require to comply with the access to information requirements of that legislation. However, as a matter of good practice, it is considered appropriate that there is agreement on (a) access to and handling of information; (b) access to meetings; and (c) the availability of agendas, reports and minutes on the Council’s and Health Board’s websites.
- 1.4 In addition, IJBs have been designated as public authorities by the Freedom of Information (Scotland) Act 2002 (Scottish Public Authorities) Amendment Order 2014. The Freedom of Information (Scotland) Act 2002 (FOISA) provides a statutory right of access to all

information held by Scottish public authorities, regardless of how old this is. Effectively, this legislation provides the public with a 'right to know', although the Act does attempt to strike a balance with the protection of information which should properly remain confidential. Anyone, anywhere, can exercise their rights under FOISA. They need not tell the public authority why they want the information.

- 1.5 There are some absolute exceptions from this right of access, for example concerning national security or personal information. However, the exemptions are fairly narrow. Most are not absolute, which means that they can only be relied upon after two further points have been considered: (a) would the release of the information substantially prejudice the purpose of the exemption; and (b) even where there is substantial prejudice to whatever the exemption is designed to protect, for example, commercial interests, is it in the public interest to release the information?
 - 1.6 It is likely that the majority of the information considered by the IJB would require to be provided under a freedom of information request. Accordingly it is proposed: (a) that the same procedures, as appropriate, which apply to access to meetings and documents of meetings of the Council and its Boards in terms of the access to information provision of the Local Government (Scotland) Act 1973, as set out in Part IIIA and Schedule 7A of the Act, are applied to the IJB Board; and (b) that the agendas and minutes of the IJB are published on the Council's and Health Board's website three clear days prior to the meeting.
 - 1.7 It should be noted that there is no automatic freedom of information exemption for reports which are exempt under the access to information provisions of the Local Government (Scotland) Act 1973. However, a number of the exemptions are similar.
 - 1.8 In terms of FOISA the IJB will require to develop a publication scheme and a report will be submitted to a future meeting outlining the arrangements for this.
 - 1.9 The Integration Scheme provides that the Health Board and the Council work together to agree an information sharing accord and specific procedures for the sharing of information in relation to integrated services. The accord and procedures will be developed from existing information sharing and data handling arrangements. Should it be considered that there is a requirement for specific data sharing arrangements to be put in place for members of the IJB, this will be reported to the IJB in due course.
 - 1.10 It is expected that the Integration Joint Board will become formally constituted later in 2015, following which it is proposed that it will adopt the procedures as outlined above.
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2 Recommendations

- 2.1 That the same procedures, as appropriate, which apply to access to meetings and to documents of meetings of the Council and its Boards in terms of the access to information provisions of the Local Government (Scotland) Act 1973 as set out in Part IIIA and Schedule 7A of the Act, are applied to the IJB;
- 2.2 That the agendas and minutes of the IJB are included on Council's and NHS GG&C websites.
- 2.3 That a report be submitted to a future meeting outlining the arrangements for the development of a publication scheme for the IJB.

Implications of the Report

1. **Financial** – none.
2. **HR & Organisational Development** – none.
3. **Community Planning** – none.
4. **Legal** – none
5. **Property/Assets** – none.
6. **Information Technology** – none.
7. **Equality & Human Rights** - The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's and NHS GG&C website.
8. **Health & Safety** – none.
9. **Procurement** – none.
10. **Risk** – none.
11. **Privacy Impact** – none.

List of Background Papers – none

Author: Lilian Belshaw, Democratic Services Manager
(tel: 0141 618 7112/email: lilian.belshaw@renfrewshire.gcsx.gov.uk)