

STANDING ORDERS FOR THE PROCEEDINGS AND BUSINESS OF THE JOINT MONITORING COMMITTEE

1 General

- 1.1 These Standing Orders regulate the conduct and proceedings of the Highland Joint Monitoring Committee and any committees and sub-committees. The Joint Monitoring Committee is the governing body for what is commonly referred to as the Health & Social Care Partnership. These Standing Orders are made under the Public Bodies (Joint Working) (Scotland) Act 2014 and the Public Bodies (Joint Working) (Integration Joint Monitoring Committees) (Scotland) Order 2014 (No 281) ("the Order"). The Joint Monitoring Committee approved these Standing Orders on 16 March 2022 to take effect from 16 March 2022.

Membership of the Joint Monitoring Committee

- 1.2 All members of the Joint Monitoring Committee shall have a vote. Observers at the Committee shall not be entitled to a vote unless present as a substitute for a voting member in terms of paragraph 1.7 below.
- 1.3 The Highland Council and NHS Highland Board have elected to nominate members each to the Joint Monitoring Committee, who shall be voting members together with those other members identified on the list of members and set out below at para 1.5.
- 1.4 The Order prescribes a list of members who are to be included in the membership, and these members shall be appointed as described by the Order. The Joint Monitoring Committee may appoint additional non-voting members as it sees fit.
- 1.5 The following are also members of the Joint Monitoring Committee:-
- officers of both the Council and NHS, who are members by virtue of the statutory roles that they perform:
 - the Council's Chief Social Work Officer and s95 Officer;
 - the NHS's Director of Finance;
 - A registered medical practitioner whose name is included in the list of primary medical services performers prepared by the Health Board, and nominated by the Health Board;
 - A registered nurse who is employed by the Health Board or by a person or body with which the Health Board has entered into a general medical services contract, and nominated by the Health Board;
 - A registered medical practitioner employed by the Health Board and not providing primary medical services, and nominated by the Health Board;
 - staff (both local authority and health board), third sector, carer and service user representatives, recruited by the Committee, following Scottish Government Guidance, and ensuring representation in relation to both children's and adults' services.

- such additional members appointed by the Committee as it sees fit.
 - additional officers nominated by both the Council and NHS:
 - The Highland Council's Chief Executive and Executive Chief Officer Health and Social Care.
 - NHS Highland's Chief Executive and Chief Officer.
- 1.6 The Highland Council and the NHS Highland Board shall also attend to any issues relating to the resignation, removal and disqualification of members in line with the Order. If and when a voting member ceases to be a councillor or a member of the NHS Board for any reason, either on a permanent or temporary basis, then that individual ceases to be a member of the Joint Monitoring Committee.
- 1.7 If a member is unable to attend a meeting of the Joint Monitoring Committee, the relevant constituent authority is to use its best endeavours to arrange for a suitably experienced substitute, who is either a councillor, or as the case may be, a member of the health board or a member of the third sector organisation concerned. Such a member should give notice to the Clerk in writing or by email of the details of any substitute member 24 hours in advance of the meeting where a substitute member is to attend. The substitute member may vote on decisions put to that meeting, but may not preside over the meeting.
- 1.8 Failure of a member to attend three consecutive meetings of the Joint Monitoring Committee will result in the Chair writing to that member to establish the reasons for their absence. A report may then be prepared for the Joint Monitoring Committee to consider whether that member should be replaced.

2 Varying, Revoking or Suspending Standing Orders

- 2.1 Any statutory provision, regulation or direction by Scottish Ministers shall have precedence if they are in conflict with these Standing Orders.
- 2.2 Any one or more of these Standing Orders may be varied, suspended or revoked at a meeting of the Joint Monitoring Committee following a proposal moved and seconded and with the consent of two thirds of members present and voting, provided the notice for the meeting at which the proposal is to be considered clearly indicates that there is a proposal to amend the standing orders, and the proposal itself does not result in the Joint Monitoring Committee not complying with any statutory provision or regulation.

3 Chair

- 3.1 The Chair of the Joint Monitoring Committee will be appointed in line with the terms agreed within the Integration Scheme and the Order and will be rotated on an annual basis so that it shall be held in alternate years by:

- a. The Chair of the Highland Council’s Health, Social Care and Wellbeing Committee; and
- b. The Chair of NHS Highland

Whilst the Chair of the Joint Monitoring Committee is held by the Chair of the Council’s Health, Social Care and Wellbeing Committee the Vice Chair shall be the Chair of NHS Highland and vice versa.

3.2 If both the Chair and the Vice Chair are absent, the voting members present at the meeting shall choose a voting Joint Monitoring Committee member to preside.

4 Calling and Notice of Joint Monitoring Committee Meetings

4.1 Either Joint Chair may call a meeting of the Joint Monitoring Committee at any time. The Joint Monitoring Committee shall meet at least 4 times in the year and will annually approve a forward schedule of meeting dates.

4.2 A request for a Joint Monitoring Committee meeting to be called may be made in the form of a requisition specifying the business to be transacted, and signed by at least two thirds of the number of voting members, and presented to the chair. If the Chair refuses to call a meeting, or does not do so within 14 days of receiving the requisition, the members who signed the requisition may call a meeting. They must also sign the notice calling the meeting. However no business shall be transacted at the meeting other than that specified in the requisition.

4.3 Before each meeting of the Joint Monitoring Committee a notice of the meeting (in the form of an agenda), specifying the date, time, place and business to be transacted and approved by the Chair, or by a member authorised by the Chair to approve on that person’s behalf, shall be delivered electronically to every member (e.g. sent by email) or sent by post to the members’ usual place of residence so as to be available to them at least five clear days before the meeting. The notice shall be distributed along with any papers for the meeting that are available at that point.

4.5 With regard to calculating clear days for the purpose of notice:

Delivery of the Notice	<p>Days excluded from the calculation of clear days:</p> <ul style="list-style-type: none">• The day the notice is sent• The day of the meeting• Weekends• Public holidays <p>Example: If a meeting is to be held on a Tuesday, the notice must be sent on the preceding Monday. The clear days will be Tuesday, Wednesday, Thursday, Friday, and Monday. If the notice is sent by post it must be sent out a day earlier.</p>
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- 4.6 Lack of service of the notice on any member shall not affect the validity of a meeting.
- 4.7 Joint Monitoring Committee meetings shall be held in public. The Clerk shall place a public notice of the time and place of the meeting on the website for the Highland Council at least three clear days before the meeting is held.
- 4.8 While the meeting is in public the Joint Monitoring Committee may not exclude members of the public and the press (for the purpose of reporting the proceedings) from attending the meeting.
- 4.9 The Joint Monitoring Committee may pass a resolution to determine an item in private in order to consider certain items of business, and may decide to do so for the following reasons:
- 4.9.1 The Joint Monitoring Committee is still in the process of developing proposals or its position on certain matters, and needs time for private deliberation.
- 4.9.2 The business relates to the commercial interests of any person where confidentiality is required, e.g. when there is an ongoing tendering process or contract negotiation.
- 4.9.3 The business necessarily involves reference to personal information, and requires to be discussed in private in order to uphold the Data Protection Principles.
- 4.9.4 The business necessarily involves reference to exempt information, as determined by Schedule 7A of the Local Government (Scotland) Act 1973.
- 4.9.5 The Joint Monitoring Committee is otherwise legally obliged to respect the confidentiality of the information being discussed.
- 4.10 The agenda and minutes of the meeting will reflect the reason(s) why the Joint Monitoring Committee resolved to meet in private.
- 4.11 A member may be regarded as being present at a meeting of the Joint Monitoring Committee if he or she is able to participate from a remote location by a video link or other communication link. A member participating in a meeting in this way will be counted for the purposes of deciding if a quorum is present.

5 Quorum

- 5.1 No business shall be transacted at a meeting of the Joint Monitoring Committee unless there are present at least two thirds of the voting members nominated by the Health Board and at least two thirds of the voting members nominated by the local authority

- 5.2 If a quorum is not present, the meeting will stand adjourned to such date and time as may be fixed by the Chair.

6 Authority of the Chair

- 6.1 The duty of the person presiding is to ensure that the Standing Orders or the Committee's terms of reference are observed, to preserve order, to ensure fairness between members, and to determine all questions of order and competence. The ruling of the person presiding shall be final and shall not be open to question or discussion.
- 6.2 Any member who disregards the authority of the Chair, obstructs the meeting, or conducts himself/herself offensively shall be suspended for the remainder of the meeting, if a proposal (which shall be determined without discussion) for his/her suspension is carried. Any person so suspended shall leave the meeting immediately and shall not return without the consent of the meeting.
- 6.3 The Chair has the right to adjourn a meeting in the event of disorderly conduct or other misbehaviour at the meeting.
- 6.4 No business shall be transacted at any meeting of the Joint Monitoring Committee other than that specified in the notice of the meeting except on grounds of urgency. Any request for the consideration of an additional item of business must be made to the Chair at the start of the meeting and the majority of voting members present must agree to the item being included on the agenda.

7 Adjournment

- 7.1 If it is necessary or expedient to do so for any reason, a meeting may be adjourned to another day, time and place. Any voting member may propose the adjournment of a meeting of the Joint Monitoring Committee. This proposal shall be moved and seconded and put to the meeting without discussion. If the proposal is supported by a majority of voting members, the meeting shall be adjourned to such day, time and place as may be specified in the proposal.

8 Voting and Debate

- 8.1 All members of the Joint Monitoring Committee as identified in section 1 of these Standing Orders shall be entitled to one vote.
- 8.2 The Joint Monitoring Committee may reach consensus on an item of business without taking a formal vote and the formal voting process outlined in paragraphs 8.2-8.10 would not need to be used.

- 8.3 Where a vote is taken, every question at a meeting shall be determined by a majority of votes of the members present and voting on the question. A vote may be taken by members by a show of hands, or by ballot, or any other method determined by the Chair. In the case of an equality of votes, the person presiding at the meeting does not have a second or casting vote.
- 8.4 Any voting member may submit a proposal for the agreement of the Joint Monitoring Committee, provided that it relates to a subject on the agenda. This should be submitted in writing to the Clerk by 2pm on the day before the meeting and will require to be moved and seconded.
- 8.5 Any voting member may second the proposal and may reserve his/her speech for a later period of the debate.
- 8.6 Once a proposal has been seconded it shall not be withdrawn or amended without the leave of the Joint Monitoring Committee.
- 8.7 Where a vote is being taken, except for the mover of the original proposal, no other speaker may speak more than once in the same discussion.
- 8.8 After debate, the mover of any original proposal shall have the right to reply. In replying he/she shall not introduce any new matter, but shall confine himself/herself strictly to answering previous observations and, immediately after his/her reply, the question shall be put by the Chair without further debate.
- 8.9 A proposal to adjourn any debate on any question or for the closure of a debate shall be moved and seconded and put to the meeting without discussion. Unless otherwise specified in the proposal, an adjournment of any debate shall be to the next meeting.
- 8.10 Where there has been an equality of votes, the Chair of the Joint Monitoring Committee on reflection of the discussion, will bring consideration of the matter to a close for that meeting, and give direction to the Chief Officers of both partner organisations on how the matter should be taken forward. The Chief Officers will then be obliged to review the matter, with the aim of addressing any concerns, and developing a proposal which the Joint Monitoring Committee can reach a decision upon in line with Standing Order 10.
- 8.11 Where the matter remains unresolved, and the Chair concludes that the equality of votes is effectively a representation of a dispute between the two constituent parties, then the dispute resolution process which is set out in the integration scheme shall take effect. If the unresolved equality of votes is not a representation of a dispute between the two constituent parties, then the Chair and the Chief Officer must work together to arrive at an acceptable position for the Joint Monitoring Committee.

9 Minutes

- 9.1 The names of members present at a meeting of the Joint Monitoring Committee shall be recorded. The names of any officers in attendance shall also be recorded.
- 9.2 The Clerk (or his/her authorised nominee) shall prepare the minutes of meetings of the Joint Monitoring Committee. The Joint Monitoring Committee shall receive and review its minutes for agreement at its following meeting.

10 Matters Reserved for the Joint Monitoring Committee

Standing Orders

- 10.1 The Joint Monitoring Committee shall approve its Standing Orders.

Values

- 10.2 The Joint Monitoring Committee shall approve organisational values, should it elect to formally define these.

Strategic Planning

- 10.3 The Joint Monitoring Committee shall establish a Strategic Planning Group ([Section 32](#) of Public Bodies (Joint Working) Scotland Act 2014), and appoint its membership (except for the members nominated by each constituent party).
- 10.4 The Joint Monitoring Committee shall approve its Strategic Plan ([Section 33](#)) and any other strategies that it may need to develop for all the functions which have been delegated to it. The Integration Joint Board will also review the effectiveness of its Strategic Plan ([Section 37](#)).
- 10.5 The Joint Monitoring Committee shall review and approve its contribution to the Community Planning Partnership for the local authority area. The Joint Monitoring Committee shall also appoint its representative(s) at Community Planning Partnership meetings.

Risk Management

- 10.6 The Joint Monitoring Committee shall approve its Risk Management Policy.
- 10.7 The Joint Monitoring Committee shall define its risk appetite and associated risk tolerance levels.

Performance Management

- 10.8 The Joint Monitoring Committee shall approve the content, format, and frequency of performance reporting.

- 10.9 The Joint Monitoring Committee shall approve its performance report ([Section 43](#)) for the reporting year.

11 Joint Monitoring Committee Members – Ethical Conduct

- 11.1 Voting and non-voting members of the Joint Monitoring Committee are required to subscribe to and comply with the Code of Conduct which is made under the [Ethical Standards in Public Life etc \(Scotland\) Act 2000](#). The Commissioner for Public Standards can investigate complaints about members who are alleged to have breached their Code of Conduct.
- 11.2 Substitutes, of both voting and non-voting members, should be aware of the Joint Monitoring Committee's Code of Conduct and should ensure that they comply with its requirements and the duties it places on members.
- 11.3 Members and substitutes must always consider the relevance of any interests they may have to any business presented to the Joint Monitoring Committee and disclose any direct or indirect pecuniary and non-pecuniary interests in relation to such business, before determining whether to take part in any discussion or decision on the matter.

12 Urgent Decisions

- 12.1 If a decision, which would normally be made by the Joint Monitoring Committee or one of its committees, requires to be made urgently between meetings of the Joint Monitoring Committee or committee, the Chief Executives of both organisations, in consultation with the Chair and Vice-Chair, may take action, subject to the matter being reported to the next meeting of the Joint Monitoring Committee.

13 Review of Standing Orders

- 13.1 There shall be an annual review of standing orders conducted by the Committee.