POLICY NOTE

THE PUBLIC BODIES (JOINT WORKING) (INTEGRATION JOINT BOARDS) (SCOTLAND) AMENDMENT ORDER 2025

SSI 2025/405

The above instrument was made in exercise of the powers conferred by section 12(1) and 69(1) of the Public Bodies (Joint Working) (Scotland) Act 2014. The instrument is subject to the negative procedure.

Summary Box

The purpose of this instrument is to extend voting rights on Integration Joint Boards to include service user, unpaid carer and third sector representatives.

Policy Objectives

Integration Joint Boards (IJBs) are governance bodies overseeing local planning, commissioning and delivery of services relating to social care and community health. Their membership includes unpaid carer, service user and third sector representatives, collectively referred to here as "lived experience" representatives, who are responsible for reflecting the breadth and diversity of views and situations of the groups that they represent. These members represent the lived reality of accessing and providing services in their communities and provide valuable insight into the challenges and opportunities IJBs should consider in its planning.

Lived experience members of IJBs do not currently have voting rights. The Independent Review of Adult Social Care (IRASC) told us it was "vital to amplify the voice of lived experience at every level", and recommended extending voting rights to all public partners on Integration Authorities in Scotland, to address the two-tiered system under the current arrangement that undermines these members' ability to be fully involved in decision making. Extending voting rights to these IJB members should improve the parity of decisions taken by IJBs as a whole.

This Order amends the Public Bodies (Joint Working) (Scotland) Act 2014 so that third sector, unpaid carer and service user representative members have voting rights. This proposal is grounded in extensive co-design efforts that incorporated the voices of lived experience and Integration Authority leaders, further backed up by work carried out by the Scottish Government since the publication of the IRASC recommendations in 2021.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

Scottish Ministers have made the following statement regarding children's rights:

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Amendment

Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

To comply with the requirements of section 12(3) of the Public Bodies (Joint Working) (Scotland) Act 2014 each local authority, Health Board and integration joint board has been consulted in writing. This consultation took place between 24 November and 5 December 2025. This builds on extensive exploration of the issue of voting rights with people with lived experience, unpaid carers, service users, IJB leaders, NHS Scotland, COSLA, Health & Social Care Scotland, the ALLIANCE, Coalition of Carers, Royal College of Nursing, Glasgow Disability Alliance, trade unions, and third sector organisations since the publication of the IRASC report, to include:

- The 2021 public consultation undertaken for the National Care Service Bill as introduced which specifically examined the IRASC recommendation of voting rights for public partners.
- A series of regional events held in Summer 2023 as part of co-design work on the National Care Service, alongside a survey of social care and community health users, unpaid carers and people presently or recently engaged or involved in health or social care roles. Both of these reviewed the role of lived experience voices in local decision making.
- The Expert Legislative Advisory Group which met in Spring 2024 to support development of Stage 2 amendments of the NCS Bill, addressing a Lead Committee recommendation to engage with people with experience of accessing and delivering social care support. This group of around 60 organisations examined lived experience participation and voting rights as part of their remit.
- A survey we commissioned through Health & Social Care Scotland in Spring 2025, asking all IJB Chairs and Vice Chairs for their views on lived experience voting rights and wider improvements that would be needed to support implementation. Interviews were held with respondents to identify further actions and examples of good practice.

These engagements over the previous four years have demonstrated consistent and overwhelming support for the principle of equal voting rights as a means to ensure meaningful participation, validate the voice of lived experience and promote equality in strategic decision making. Calls have been made for clear appointment processes, support for training and development as well as practical assistance for lived experience representatives, and improved consistency of approach across Scotland.

Concerns about implementation centre on the risk that the extension of voting rights could marginalise professional expertise and dilute democratic accountability, create the potential for increased conflicts of interest, and create additional financial burden for the leadership bodies tasked with providing the additional training and ongoing support identified. There are also concerns about the increased pressure and responsibility on these volunteer roles that may be inconsistent with the time commitment and workload expected, creating practical

challenges around accessibility of materials, alternative care support being made available, and the potential for remuneration beyond expenses.

To address these suggestions, the 'Integration Joint Board: Roles, Responsibilities and Membership: Statutory Guidance', which supports the Public Bodies (Joint Working) (Scotland) Act 2014 and its subordinate legislation, will be reviewed and updated to account for the changes to IJB voting membership, and forms a central role in successful implementation of this legislative change. We plan to take this review forward together with public sector partners, associated support organisations and lived experience representatives.

We remain confident that the formal concerns noted through consultation can be addressed through this guidance review and close working with public sector partners to make this change a success. We have committed to reviewing:

- Recruitment processes,
- Codes of conduct, and
- Investment and support needs to ensure there is a robust network around the lived experience representatives to help them discharge the added responsibilities linked to voting rights

Impact Assessments

The following impact assessments were completed for laying the SSI and are attached:

- Equality Impact Assessment (EQIA)
- Children's Rights and Wellbeing Impact Assessment (CRWIA).

There were no equality issues identified in the EQIA. There were no children's issues identified in the CRWIA. The impact assessments will be published alongside the final SSI.

Financial Effects

The Minister for Social Care and Mental Wellbeing confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

IJBs are jointly accountable to their local authority and health board for the decisions they make. Any decisions that may impact the local authority, health board can be referred to the IJB by either delegating authority if they have concerns. The extension of voting rights to lived experience representatives, which may in some circumstances include non-commercial providers of health or social care, does not change the statutory accountability of the local authority or health board, nor change any existing financial effects of the operation of IJBs.

Scottish Government
Social Care and National Care Service Development Directorate

15 December 2025