

13th August 2025

BY EMAIL AND POST

To:

Chief Officer, Christine Laverty
Chair, Tim Pogson
Edinburgh Integrated Joint Board
Level 2, Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

Pre-Action Letter: Proposed Petition for Judicial Review under Chapter 58 of the Rules of the Court of Session

1. Parties

Proposed Petitioner(s)

The Ripple Project, Company No. 214364, Scottish Charity No. SC024973, registered address: The Restalrig and Lochend Community Hub, 198 Restalrig Road South, Edinburgh, EH7 6DZ. At present the claim is being handled internally by the Director. Email correspondence is strongly preferred: rachel.green@theripple.org.uk. Other organisations may join or replace The Ripple Project in this action.

Proposed Respondent

Edinburgh Integrated Joint Board (EIJB), Level 2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG.

2. Decision Being Challenged

The decision taken by the EIJB at its meeting on 17 June 2025 to approve the EIJB Strategic Plan 2025/26–2027/28. No formal minutes of the meeting have been published.

3. Legal Grounds of Challenge

The proposed claim concerns the decision of 17 June 2025 to approve the EIJB Strategic Plan. The Petitioner contends that the decision is unlawful on the following grounds:

(a) Failure to conduct a lawful consultation — contrary to the Gunning principles:

- The consultation period was unreasonably short, lasting only four weeks for a major strategic plan with city-wide implications.
- The “Easy Read” version, designed for accessibility, was only open from 12 May to 9 June 2025, providing a compressed timeframe for participation.

(b) Failure to conscientiously consider consultation responses — also a breach of the Gunning principles:

- Responses to the “Easy Read” version closed on 9 June 2025. Board papers were published the following day (10 June 2025), making it improbable to have meaningfully analysed and considered those responses before the decision was finalised.

(c) Failure to meet statutory duties/failure to provide adequate reasons

- The EIJB’s covering report states that an Impact Assessment Analysis (“IAA”) on the draft Strategic Plan was completed on 28 February 2025, that its outcomes were used to inform revisions, and that the IAA report was subsequently updated to reflect the draft Strategic Plan. None of these IAA documents have been published.
- The absence of a published IAA meant stakeholders could not review or respond to its findings during the consultation process, undermining transparency and compliance with the Public Sector Equality Duty and other statutory obligations.
- The Strategic Plan itself makes reference to significant financial pressures and the need to achieve savings, in line with generic consultation wording examples, but does not disclose key figures such as the total reduction in funding over recent years, the precise savings required for the next financial year, or how each proposal is linked to specific financial targets. Without this information, stakeholders were unable to properly assess the financial rationale for the proposals, rendering the consultation incomplete and unfair.

- The Strategic Plan lacks financial coherence; it will result in higher overall costs and does not make economic sense when assessed against the stated objectives.

(d) Failure to comply with statutory wellbeing principles

- Under sections 5 and 31 and Schedule 1 of the Public Bodies (Joint Working) (Scotland) Act 2014, the EIJB is required to have regard to the Scottish Government's wellbeing principles when preparing and revising its Strategic Plan. These include duties to improve the quality and consistency of health and social care services, contribute to preventative care, reduce inequalities, and involve service-users and carers meaningfully in decisions.
- There is no published analysis or decision paper showing that these wellbeing principles were considered in any structured way when approving the Strategic Plan. The omission represents a procedural defect — a failure to take into account relevant considerations required by statute — rendering the decision unlawful.

(e) Irrationality / Wednesbury unreasonableness —

- The decision to approve the Strategic Plan in its current form is so unreasonable that no reasonable decision-maker, properly directing themselves on the facts and law, could have reached it. The Plan lacks financial coherence; its measures will result in higher overall costs and increased pressure on essential services, contrary to the stated aim of delivering savings while safeguarding statutory obligations.

Relevant statutory and common law duties include (but are not limited to):

- Public Bodies (Joint Working) (Scotland) Act 2014 (statutory consultation and integration duties)
- Equality Act 2010 (Public Sector Equality Duty and Specific Duties (Scotland) Regulations 2012)
- Equality Act 2010 (Part 1 – Fairer Scotland Duty)
- Common law duty of fairness (Gunning principles)

- Duty to take into account relevant considerations and disregard irrelevant considerations
-

4. Background Facts

The EIJB's Strategic Plan sets the strategic direction for the commissioning and delivery of health and social care services across Edinburgh for a three-year period. The Petitioner, as Director of The Ripple Project, leads an organisation that delivers vital community services to residents in Restalrig and Lochend, many of whom rely directly on health and social care provision commissioned by the EIJB. The proposed Strategic Plan will therefore have a significant and immediate impact on the Petitioner's community, including vulnerable groups. The Petitioner has participated in consultation processes both directly and indirectly through membership of umbrella and partner organisations.

The process leading to the adoption of the 2025–2028 Strategic Plan departed significantly from established standards of lawful and meaningful consultation. In particular, the consultation period was unduly short, accessible consultation materials closed only one week before Board papers were published, and there is no evidence that those responses were conscientiously considered before the decision. These deficiencies are significant given the major implications for service provision and funding.

5. Remedy Sought

The Petitioner seeks:

- Withdrawal of the decision of 17 June 2025 to approve the Strategic Plan 2025/26–2027/28.
- Re-running of the consultation in compliance with statutory and common law duties, including adequate timeframes and proper consideration of responses.
- Disclosure of all relevant documents (see below).
- Suspension of implementation of the Strategic Plan pending the outcome of any further consultation or court proceedings.

6. Disclosure Sought

Please provide the following within 14 days of the date of this letter:

- All consultation responses, including the “Easy Read” version.
- The unpublished minutes of the 17 June 2025 meeting.
- Any Impact Assessment Analysis or equivalent assessments.
- All financial modelling or savings requirement documentation that informed the Strategic Plan.

7. Why Judicial Review is Appropriate

There is no adequate alternative remedy for the Petitioner to challenge this decision, and the claim is brought well within the 3-month time limit under section 27A of the Courts Reform (Scotland) Act 2014.

8. Response Requested

Please confirm by 27th August 2025 whether the EIJB:

- Will withdraw the decision and re-run the consultation; and/or
- Will disclose the documents requested above.

If we do not receive a satisfactory response within this period, the Petitioner will proceed to lodge a petition for judicial review in the Court of Session without further notice.

Yours faithfully,



Rachel Green
Director
The Ripple Project