

**Title/Subject:** Scheme of Delegation  
**Meeting:** Integration Joint Board  
**Date:** 30 March 2017  
**Submitted By:** Chief Officer  
**Action:** For Decision

## **1. INTRODUCTION**

- 1.1 The Integration Joint Board approved a paper on Delegation of Authority at its meeting of 24 March 2016. At this time the requirement for a formal Scheme of Delegation was acknowledged as part of developing governance arrangements.

## **2. RECOMMENDATION**

The Integration Joint Board is asked to:

- 2.1 Approve the Scheme of Delegation attached as Appendix 1;
- 2.2 Note the Scheme of Delegation will require early review as partnership arrangements develop. It is proposed such a review is undertaken by 31 March 2018.

## **3. SCHEME OF DELEGATION**

- 3.1 In preparing the Scheme of Delegation the existing schemes from other partnerships and extant national guidance were reviewed to establish the various approaches in place, best practice and application to Falkirk IJBs arrangements. The draft Scheme is attached for consideration at Appendix 1.
- 3.2 The HSCP Leadership Management Group will review the Scheme as the partnership arrangements develop and will complete this by 31 March 2018, or at an earlier date if necessary. Any proposed revision to the scheme of delegation will be presented to the IJB for approval.
- 3.3 In tandem with the IJB Scheme of Delegation both Falkirk Council and NHS Forth Valley are reviewing their Schemes of Delegation to incorporate any changes required to reflect the IJB Scheme of Delegation.
- 3.4 The development and approval of a scheme of delegation is an element of the IJBs Governance Workplan for 2016/17.

## **4. CONCLUSIONS**

- 4.1 The development and approval of a formal Scheme of Delegation is an integral element of developing effective governance arrangements for the Integration Joint Board.

### **Resource Implications**

None directly arising.

### **Impact on IJB Outcomes and Priorities**

No direct impact.

### **Legal & Risk Implications**

A formal Scheme of Delegation forms part of effective governance arrangements for the partnership.

### **Consultation**

The Governance and Finance Workstreams were consulted as part of the process of developing the Scheme of Delegation.

### **Equalities Assessment**

No issues directly arising.

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Approved for submission by: Patricia Cassidy, Chief Officer

**Author – Ewan Murray, Chief Finance Officer**

**Date: 15 March 2017**

### **List of Background Papers:**

Appendix 1: Scheme of Delegation

## **APPENDIX 1**

### **FALKIRK INTEGRATION JOINT BOARD**

#### **SCHEME OF DELEGATION**

#### **1. COMMENCEMENT, INTERPRETATION, DEFINITIONS AND ALTERATION OF THE SCHEME OF ADMINISTRATION**

##### **1.1 Commencement**

The Scheme shall apply with effect from 1 April 2017.

##### **1.2 Interpretation and Definitions**

The Interpretation Act 1978 shall apply to the interpretation of the Scheme as it would apply to the interpretation of an Act of Parliament.

In this Scheme the following words shall have the meanings assigned to them, that is to say:

“2014 Act” means the Public Bodies (Joint Working) (Scotland) Act 2014;

“Board” means Falkirk Integration Joint Board;

“Chief Finance Officer” means the Chief Finance Officer of the Board appointed by the Board;

“Chief Officer” means the Chief Officer of the Integration Joint Board;

“Constituent Authorities” means Falkirk Council and NHS Forth Valley;

“Employer” means whichever of the Council or NHS shall employ a particular member of staff;

“Integration Scheme” means the Falkirk Integration Scheme made between the Partners under the 2014 Act and approved by Scottish Ministers;

“Members” means Members of the Board;

“Integrated Budget” means the Integrated Budget of the Board set in accordance with the provisions of the Integration Scheme

“Integration Joint Board Budget or IJB Budget” means the Integrated Budget as defined above plus the ‘Set-Aside’ budget per the provisions of the

Integration Scheme. This includes Partnership Funding including the Integrated Care Fund, Delayed Discharge Fund, Integration Fund and any other external funding for Health and Social Care.

### **1.3 Alteration of Scheme**

- 1.3.1 The Board shall be entitled to amend, vary or revoke the Scheme from time to time.
- 1.3.2 The Chief Officer shall have the power to alter the Scheme to correct any textual or minor errors, or to make any consequential amendments required as a result of a decision of the Board. Any such alteration shall be notified to the Clerk to the Board and made to the version of the Scheme retained by the Clerk.

## **2. DELEGATION OF OFFICERS**

- 2.1 All powers which are not specifically reserved to the Board are delegated to the Chief Officer or, as the case may be, the Chief Finance Officer.

The Chief Officer will have delegated responsibility for all matters in respect of the oversight, operational management and delivery of integrated functions of the Board, as set out in the Integration Scheme, with the following provisos:

- (i) only to the extent that this scheme and the equivalent schemes of the constituent schemes of authorities give the Chief Officer responsibility to take decisions and act.
  - (ii) where matters are specifically reserved to the Board; or
  - (iii) where the Board determines that a particular power should be exercised by the Board, notwithstanding the delegation permitted by this clause.
- 2.2 The Chief Officer or Chief Finance Officer are authorised to take, or make arrangements for, any action required to implement any decision of the Board or any decision taken in the exercise of delegated powers.
- 2.3 The Chief Officer or Chief Finance Officer are authorised to take such measures as may be required in emergency situations, subject to reporting to the Board as soon as possible on any items for which approval would normally be necessary.

- 2.4 In exercising the authority hereby delegated to them, officers must act in accordance with any policies and procedures of the Board.
- 2.5 If any decision proposed under delegated powers might lead to a budget being exceeded, the Chief Officer or Chief Finance Officer must consult with the Chair and Vice Chair of the Board before exercising the delegated power.

### **3. GENERAL POWERS RESERVED TO THE BOARD**

- 3.1 Notwithstanding clause 2.1 above, delegated powers should not be exercised by officers where any decision would represent:
- (i) a departure from Board policy or procedure;
  - (ii) a departure from the Strategic Plan or would be contrary to a standing instruction of the Board;
  - (iii) a significant development of policy or procedure.

The only exception to this is in the case of emergency as set out in clause 2.3 above.

### **4. SPECIFIC POWERS RESERVED FOR THE BOARD**

- 4.1 The following specific powers are reserved for the Board:
- (i) To approve or amend the Strategic Plan including the Financial Plan;
  - (ii) To issue Directions to the Constituent Authorities under sections 26 and 27 of the 2014 Act;
  - (iii) To approve the annual budget;
  - (iv) To receive any certified abstract of the Board's annual accounts and annual financial statement;
  - (v) To appoint (but not dismiss) the Chief Officer and the Chief Finance Officer subject always to the relevant policies and procedures of the Employer;
  - (vi) To deal with matters reserved to the Board by Standing Orders, Financial Regulations and other schemes approved by the Board;

- (vii) To establish such committees and sub-committees as may be considered appropriate to conduct business and to appoint and remove Chairs, Vice Chairs and members of such committees and sub-committees;
- (viii) To approve or amend the IJB's Standing Orders, Financial Regulations and/ or this Scheme of Delegation;
- (ix) To approve any Expenses Policy and the entitlement of Members and other to such expenses;
- (x) To change the name of the Board;
- (xi) To fix and amend a programme of Board and committee meetings; Any other functions or remit which is, in terms of statute or other legal requirement, bound to be undertaken by the Board itself;

## **5. SUB-DELEGATION AND DEPUTIES**

- 5.1 The Chief Officer and the Chief Finance Officer may sub-delegate powers to officers of Constituent Authorities, as appropriate. In doing so, the Chief Officer or the Chief Finance Officer shall retain responsibility for carrying out the delegated power.