

**This paper relates
to Agenda Item 17**



Title/Subject: Delegation of Authority
Meeting: Integration Joint Board
Date: 24 March 2016
Submitted By: Chief Governance Officer
Action: For decision

1. Introduction

- 1.1 The Chief Officer and Chief Financial Officer of the IJB, currently have no general delegated authorities from the IJB to act or take decisions on its behalf. This paper seeks to address that and afford those officers with the delegated authority that they need to carry out their roles. Such delegation should assist with the implementation and furtherance of IJB business between Board meetings.

2. Recommendations

The Integration Joint Board is asked to:

- 2.1 approve the delegations to the Chief Officer and the Chief Financial Officer as set out at Appendix 1.

3. Background

- 3.1 The IJB has not yet developed a Scheme of Delegation, therefore it does not have a framework on which the Chief Officer and the Chief Financial Officer can rely on to act or make decisions on the IJB's behalf. To date, this has been addressed on an issue-by-issue basis with the IJB delegating authority to the relevant officer. It is noted that with the go-live date of 1 April 2016 approaching, there are some wider delegated authorities which it might be appropriate for the IJB to grant to the Chief Officer and/ or the Chief Financial Officer, in order to ensure the efficient functioning of the IJB between Board meetings. It is not proposed that this be in the form of a Scheme of Delegation at present, as the allocation of operational responsibilities still requires to be agreed. Some key delegations are sought within this paper and it is intended that officers will return to the IJB at a later date with a full Scheme of Delegation for the Board's consideration.

4. Delegation of Authority

- 4.1 In the absence of a formal Scheme of Delegation or other decision by the IJB to the contrary, all decisions on the IJB's behalf require to be taken by the full Board. That position is impractical going forward and day-to-day decisions will be more appropriately taken by a relevant officer (and in time, perhaps by a relevant committee of the IJB).
- 4.2 Officers have considered which authorities the Chief Officer and Chief Financial Officer require to be delegated from the IJB in order to properly perform their roles and to ensure the efficient functioning of the IJB in the short-term. The delegations sought by way of this paper are largely supplementary in nature; all key decisions continue to be reserved to the Board. Similar to the procedures already in place within constituent authorities, the IJB is asked to delegate authority to officers as set out within this paper to make certain decisions and take certain action on its behalf.
- 4.3 The specific delegations sought to be delegated are set out at **Appendix 1** of this paper. All delegated authority is proposed to be exercised subject to certain conditions to ensure appropriate and efficient exercise of authority and IJB oversight, as appropriate. These conditions are also set out at Appendix 1.
- 4.4 Other delegations sought are more general by nature. Such as those requesting delegated authority for the Chief Officer and/ or the Chief Financial Officer to enter contracts or engage consultants on the IJB's behalf. Such authorities are caveated so that action requires to be in pursuance of IJB policy or a decision.
- 4.5 It will be necessary to review these delegated authorities and develop a more detailed framework of delegation for officers over the course of the first year of the IJB's operation. Officers will work to prepare such a Scheme of Delegation once there is agreement as to operational transfer. Such a Scheme will be developed with the input of relevant officers as to what delegated authorities they consider that they require to carry out their role(s) in the longer- term.

5. Conclusions

- 5.1 Delegating the authorities as set out in Appendix 1 will enable the IJB to be satisfied that officers have the authority to take actions to promote the efficient functioning of the IJB between meetings. Such delegation, which will be expanded upon in due course, will also enable the IJB to focus its time and attention on strategic and other wider issues when it meets as opposed to its bi-monthly meetings becoming overly burdened with the granting of administrative authorities.

6. Resource Implications

6.1 N/A

7. Impact on Integration Joint Board Outcomes, Priorities and Outcomes

7.1 N/A

8. Legal & Risk Implications

8.1 The IJB will not be taking every single decision at a Board meeting, as has largely been the case to date. This is consistent with the approach taken by the constituent authorities. There are only two IJB officers at the moment and so the delegation of authority is focused and restricted.

9. Consultation

9.1 Governance leads for the constituent authorities and the Chief Officer and Chief Financial Officer were consulted during the preparation of this paper.

10. Equality Impact Assessment

10.1 N/A

11. Exempt reports

11.1 N/A

Approved for Submission by: Chief Governance Officer, Falkirk Council

Author – Colin Moodie, Depute Chief Governance Officer, Falkirk Council

Date: 15 March 2016

List of Background Papers: None

Appendix 1

Delegation of Authority from the IJB

1. The following delegations are sought from the IJB to the Chief Officer and the Chief Financial Officer:

- 1.1 To enter any contract on the IJB's behalf to give effect to a decision of the IJB.
- 1.2 To appoint any consultant or specialist subject to a financial limit of £10,000.
- 1.3 To manage and otherwise discharge the obligations upon the IJB in relation to:
 - (i) Integrated Care Fund;
 - (ii) The Delayed Discharge Budget;
 - (iii) The Transitional Funding Budget;
 - (iv) The Integration Fund; and
 - (v) Any other like fund that may become available to the IJB,

on the IJB's behalf, subject to the allocation of funding greater than £10,000 being reserved to the IJB.

2. The following delegations are sought from the IJB to the Chief Officer only:

- 2.1 To respond to any consultation received by the IJB provided such response is (i) technical in nature and (ii) does not recommend a departure from or significant development of IJB policy.
- 2.2 To oversee the implementation of policies, frameworks and other action as approved by the IJB, on the IJB's behalf.
- 2.3 To approve the issue of any response on the IJB's behalf.

3. All delegations of authority to officers by the IJB shall be subject to the following conditions:

- 3.1 No delegation may be granted if it is reserved by law to the IJB or if the IJB has expressly determined the matter in question should be discharged other than by an officer.
- 3.2 All delegations must be exercised in compliance with IJB's policies and the legal framework within which the IJB and the relevant officer operates, including without prejudice to the foregoing generality, in compliance with the IJB's Financial Regulations and the IJB's Integration Scheme.
- 3.3 Officers are required to keep a record of actions taken under authority delegated to them and report them back to the IJB as to such action as the IJB may determine.
- 3.4 If they are proposing to take any action that is or is likely to be regarded as politically controversial or have any significant effect on the financial, reputational or operational risk and/ or the service delivery/ performance for the IJB or any of the constituent authorities then they must first consult with the Chair and Vice Chair of the IJB and the Chief Executives of the constituent authorities.