

## **Agenda Item 20**

### **Delegation of Powers to Determine Urgent Issues**



## Falkirk Integration Joint Board

Date: 20 March 2020

Title: Delegation of Powers to Determine Urgent Issues

Action: For decision

### Executive Summary

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1. This report invites the Board to agree that authority is delegated to its Chief Officers to deal with urgent business, which would normally be determined by the Board, during the period of the Coronavirus outbreak, until at least the Board meeting scheduled for 5 June 2020.

### Recommendations

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2. The Integration Joint Board is asked to:-
  - (1) agree that the ongoing Coronavirus outbreak is deemed an emergency in terms of the Scheme of Delegation at least until 5 June 2020 or for such longer period if Government advice remains to minimise social interaction;
  - (2) note that, in line with the Scheme of the Delegation, in such an emergency:-
    - (i) 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.
    - (ii) In exercising the authority hereby delegated to them, officers must act in accordance with any policies and procedures of the Board.
    - (iii) 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) agree to suspend all meetings of the Board and its committees until at least 5 June 2020, and
  - (4) agree that the Chief Officer is empowered to continue the period of meetings suspension beyond 5 June 2020 should it be necessary in her opinion.

## Background

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3. The Board agreed its Scheme of Delegation at its meeting of 30 March 2017 and this is provided as an appendix to this report for information.
4. In light of the Coronavirus outbreak and Governmental advice a number of public authorities have already suspended their formal meetings. Falkirk Council took this decision on Tuesday 17 March. It is recommended that the Board suspends all meetings of the Board and its committees, in the first instance, at least until the scheduled meeting of 5 June 2020 in order to safeguard the health and wellbeing of Board members and officers. The Board is also invited to declare the current situation an emergency in order to appropriately empower the Chief Officer and Chief Finance Officer to manage service delivery and take decisions normally reserved to the Board during this period.

## Conclusions

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5. The Coronavirus outbreak poses a significant risk to the continuity of service delivery of the Partnership and in order to ensure that the Service is able to respond emerging issues in a way which ensures the safety of our communities the Board is asked to declare an emergency and delegate authority to the Chief Officers.

### Resource Implications

None identified.

### Impact on IJB Outcomes and Priorities

This report seeks to mitigate risk that the IJB's agreed outcomes and priorities are not met.

### Legal & Risk Implications

The report seeks to mitigate risk that legal duties are not met.

### Consultation

No consultation has been carried out.

### Equalities Assessment

No equalities assessment has been carried out but the report seeks to mitigate risk that equalities duties are not met.

## Report Author

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Approved for submission by: Colin Moodie, Chief Governance

**Author of report: Colin Moodie**

## List of Background Papers

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None.

## Appendices

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**1. Scheme of Delegation – approved 30 March 2017**

## **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.