

# Midlothian Integration Joint Board



Thursday 3 May 2018 at 2.00pm

## Delegation of Powers to Officers

Item number: 5.11

### Executive summary

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The purpose of this report is to invite the Board to consider and approve a list of powers and responsibilities to be delegated by the Board to its officers, as part of the review of the Board's governance arrangements.

***Board members are asked to:***

- Approve the Scheme of Delegations as detailed in the **Appendix** hereto;
- Delegate to the Chief Officer the powers to make administrative changes to the Scheme as required from time to time, and to amend and re-publish the Scheme as and when required by further delegations authorised by the Board;
- Agree that the Scheme should be comprehensively reviewed every three years; and
- Note that the approved Scheme will be published alongside the Board's Standing Orders in order to provide an open and transparent set of decision-making rules and procedures.

## Delegation of Powers to Officers

### 1. Purpose

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- 1.1 To consider and approve a list of powers and responsibilities to be delegated by the Board to its officers, as part of the Board's governance arrangements.

### 2. Recommendations

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- 2.1. To approve the Scheme of Delegations as detailed in the **Appendix** hereto;
- 2.2. To delegate to the Chief Officer the powers to make administrative changes to the Scheme as required from time to time, and to amend and re-publish the Scheme as and when required by further delegations authorised by the Board;
- 2.3. To agree that the Scheme should be comprehensively reviewed every three years; and
- 2.4. To note that the approved Scheme will be published alongside the Board's Standing Orders in order to provide an open and transparent set of decision-making rules and procedures.

### 3. Background and Main Report

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- 3.1 The Midlothian Integration Joint Board is a statutory corporate body with its own legal personality. It was established under the Public Bodies (Joint Working) (Scotland) Act 2014 and has the responsibilities and powers conferred by that Act and associated statutory regulations.
- 3.2 The Board only has one member of staff - the Chief Officer. It has other officers who are not members of its staff but who carry out duties for it (for example, the Chief Finance Officer, the Chief Internal Auditor, and the Standards Officer). It also receives support from officers and employees of the Council and the Health Board (for example, in relation to the Strategic Planning Group's work). They are not employed by the Board, however they are managed by the Chief Officer.
- 3.3 To help ensure sound decision-making, adequate control and good governance the Board has approved Standing Orders governing the conduct of Board and other committee meetings. It has also approved Financial Regulations, and has established procedures for making agendas, reports and minutes of meetings freely available on the internet.

- 3.4 One part of the Board's decision-making structures which still requires to be approved is a document setting out the scope and rules for decisions being taken by officers on behalf of the Board. That document would be known as the Scheme of Delegations to Officers.

### **Purposes of the Scheme**

- 3.5 It should set out the powers and responsibilities of significance to the Board's discharge of its statutory responsibilities which it chooses to delegate to its officers.
- 3.6 It should not contain any delegation of powers or duties in relation to functions of the Council or the Health Board or their members of staff. They are both separate legal bodies with different duties, powers and interests in relation to the integration of health and social care. They will have their own internal rules and delegations of powers in relation to their own interests.
- 3.7 Each of the posts covered by the Scheme has its own role description used by the Board's Appointments Committee and the Board itself when the posts were first filled. It is not the Scheme's purpose to replace those or duplicate them or repeat them. The Scheme is part of a governance framework for efficient, effective and accountable decision-making amongst the Board, its committees and its officers.
- 3.8 The Scheme is not designed to be an exhaustive list of things that officers can do on behalf of the Board. It records the most significant and standing delegations of powers and responsibility to officers.
- 3.9 There is no need for it to record temporary or one-off instructions or delegations to officers. Those are recorded in minutes of Board and committee meetings. As a general rule, it is suggested that delegations which will last for more than six months will be included.

### **Proposed Scheme**

- 3.10 The proposed Scheme is set out in the **Appendix** to this report.
- 3.11 It makes it clear that in using a delegated power, officers must have regard to and comply with a series of over-arching rules, such as legislation, the Integration Scheme, the Strategic Plan and other Board's policies.
- 3.12 It allows for the delegation of the use of powers to other officers or employees of the Council or Health Board providing support to the Board. If that is done, they must ensure adequate controls and reporting arrangements are in place. Notwithstanding any such sub-delegation, the officers designated in the Scheme remain accountable directly and personally to the Board.

- 3.13 Subject to the specific provisions in the Scheme and the Board's Standing Orders and Financial Regulations, powers delegated include anything which is calculated to facilitate, or is conducive or incidental to, their discharge.

## **Procedures**

- 3.14 Once approved, the Scheme will be published on the internet alongside other documents such as Standing Orders and the Register of Interests.
- 3.15 When the Board makes a new delegation or amends an existing delegation the Scheme will be amended and re-published by the Chief Officer.
- 3.16 The Chief Officer will also have a standing delegation to make any minor or administrative changes required, for example when new legislation is introduced or terminology changes.
- 3.17 The Scheme will be checked each year as part of the annual review by the Board of its system of internal control and in preparing its annual governance statement.
- 3.18 It will also be comprehensively reviewed every three years and the outcome reported to the Board.

## **4. Policy Implications**

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- 4.1 There are no policy implications arising from any decisions made on this report.

## **5. Equalities Implications**

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- 5.1 The report has been assessed as having little or no direct relevance with regard to equality or the Public Sector Equality Duty. As a result, an equality impact assessment has not been conducted.

## **6. Resource Implications**

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- 6.1 There are no resource implications arising from any decisions made on this report.

## **7. Risk**

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- 7.1 Failure to comply with statutory duties; unclear decision-making procedures; decisions made without authority.

## **8. Involving People**

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- 6.2 There are no implications for involving people as a result of this report.

## 9. Background Papers

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- Public Bodies (Joint Working) (Scotland) Act 2014
- Standing Orders

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<b>DATE</b>	7 <sup>th</sup> November 2017

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<b>Appendices:</b>	Proposed Scheme of Delegations to Officers
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