



**Midlothian Health & Social Care Partnership**

**MIDLOTHIAN INTEGRATION JOINT BOARD**

**SCHEME OF DELEGATION**

**March 2018**

## **1 Introduction**

- 1.1 The Midlothian Integration Joint Board (MIJB) is a statutory corporate body with its own legal personality. It is established under the Public Bodies (Joint Working) (Scotland) Act 2014 and has the responsibilities and powers conferred by that Act and associated statutory regulations.
- 1.2 The MIJB only has one member of staff - the Chief Officer, known locally as the Joint Director, Health and Social Care. 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 Standards Officer, the Chief Internal Auditor). It also receives support from officers and employees of the Council and the Health Board. They are not employed by the MIJB but are managed by the Joint Director in his complementary roles in the management structures of those two organisations.
- 1.3 To help ensure sound decision-making, adequate control and good governance the MIJB has approved this Scheme of Delegation to its officers. The Scheme sets out the powers and responsibilities of significance to the MIJB's discharge of its statutory responsibilities which it has chosen to delegate to those officers.
- 1.4 It does not contain any delegation of powers or duties in relation to the Council or the Health Board or their members of staff. They are 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.
- 1.5 Each of the posts covered by the Scheme has its own role description that were used 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 MIJB, its committees and its officers.

## **2 General considerations**

- 2.1 The Scheme is not an exhaustive list of things that officers can do on behalf of the MIJB. It records the significant and standing delegations of powers and responsibility to officers.
- 2.2 It does not record temporary or one-off instructions or delegations to officers. Those are recorded in minutes of MIJB and committee meetings. As a general rule, delegations which will last for more than six months are included, and others are not.
- 2.3 Subject to the specific provisions in the Scheme and the MIJB's Standing Orders and Financial Regulations, powers delegated include anything which is calculated to facilitate, or is conducive or incidental to, their discharge.
- 2.4 In using a delegated power, officers must have regard and comply with the following over-arching considerations:-
  - a) They must comply with the law

- b) They must have regard to statutory guidance
- c) They must act within the terms of the Integration Scheme
- d) They must not depart from the terms of the Strategic Plan
- e) They must comply with the MIJB's Standing Orders and Financial Regulations
- f) They must not act where matters are reserved to the MIJB or delegated to a committee
- g) They must act in accordance with MIJB policies, procedures and instructions
- h) They must not act in relation to issues which are politically sensitive or controversial

2.5 Officers may delegate the use of their powers to other officers or employees of the Council or Health Board providing support to the MIJB. If they do so, they must ensure adequate controls and reporting arrangements are in place. Notwithstanding any such sub-delegation, they remain accountable directly and personally to the MIJB.

### **3 Joint Director**

- 3.1 As a matter of law, the Joint Director is employed by either Midlothian Council or NHS Lothian and seconded to the MIJB as its only member of staff.
- 3.2 The Joint Director is accountable to the MIJB as its Chief Officer and also holds positions of authority and responsibility in both the Council and Health Board. He is managed jointly by the Chief Executives of the Council and the Health Board.
- 3.3 The Joint Director has the following delegated powers and responsibilities:-
  - a) The statutory position of Chief Officer in terms of section 10 of the Public Bodies (Joint Working) (Scotland) Act 2014
  - b) Providing corporate and strategic advice and direction to the MIJB
  - c) Liaising with the Chair and Vice-Chair in relation to meetings of the MIJB and its committees, and ensuring the timeous preparation, delivery and publication of agendas and reports for those meetings
  - d) Implementing the Integration Scheme
  - e) Developing, implementing and reviewing the Strategic Plan and other policies determined by the MIJB
  - f) Implementing decisions, instructions and directions made by the MIJB
  - g) Establishing and supporting the Strategic Planning Group
  - h) Appointing a competent substitute to act in his or her absence or incapacity

- i) In consultation with the MIJB Chair, determining whether a matter is politically sensitive or controversial
- j) In consultation with the MIJB Chair, Vice-Chair and Standards Officer, taking urgent action on behalf of the MIJB under Standing Order 15
- k) Collecting, monitoring and periodic reporting to the MIJB and the public of service performance and providing service information for the annual statutory performance report
- l) Collating service and financial performance information and providing the annual statutory performance report for MIJB approval
- m) Issuing directions to the Council and Health Board on the MIJB's instructions and monitoring and reporting on compliance by the council and health board
- n) Liaising and negotiating with the Council, Health Board and the other NHS Lothian IJBs in relation to the efficient and economical use of premises and other assets
- o) Maintaining the MIJB's risk register, monitoring risk and taking mitigating action, reporting on risk to the MIJB
- p) Representing the MIJB on the Community Planning Partnership Board and ensuring the MIJB's participation in the community planning process
- q) Clinical and care governance and adherence to professional standards and regulatory regimes
- r) Workforce development
- s) Ensuring adequate provision of professional, technical and administrative support services by the Council or Health Board
- t) Ensuring the MIJB's compliance with statutory regimes such as best value, public sector equality duties, freedom of information, data protection, climate change
- u) Providing and operating a complaints handling procedure and liaising with and complying with the requirements of the SPSO
- v) Implementing a public and stakeholder engagement strategy and communications and public relations arrangements (including an MIJB website)
- w) Business continuity planning
- x) Liaising with other IJBs in the NHS Lothian area, and with the Council and the Health Board, in relation to both integrated and non-integrated functions
- y) Dealing with inspections by regulatory authorities

- z) Responding to consultations on non-controversial or technical issues, subject to those responses being reported to the next MIJB meeting for information

3.4 The Joint Director is a non-voting member of the MIJB, and a member of the Strategic Planning Group

#### **4 Chief Finance Officer**

4.1 The Chief Finance Officer cannot be a member of staff of the MIJB and does not have to be an officer of the Council or the Health Board. It is for the MIJB to determine the appropriate appointment and contractual arrangements in consultation with the Council and the Health Board.

4.2 The local authority financial and accounting regime is applied as a matter of law to the MIJB. The Chief Finance Officer therefore carries the duties of what in Council terms is the "Section 95 Officer". That position includes ensuring compliance with relevant legislation and guidance, including Part VII of the Local Government (Scotland) Act 1973, Part I of the Local Government in Scotland Act 2003 and the Local Authority Accounts (Scotland) Regulations 2014.

4.3 The Chief Finance Officer has the following delegated powers and responsibilities:-

- a) The statutory responsibility for the proper administration of the MIJB's financial affairs in terms of section 95 of the Local Government (Scotland) Act 1973, as applied by section 13 of the Public Bodies (Joint Working) (Scotland) Act 2014
- b) Establishing, maintaining, applying and reviewing Financial Regulations
- c) Accounting record-keeping, financial management and accounting control systems
- d) Ensuring that proper accounting practices are observed in the financial administration of the MIJB
- e) Providing strategic financial advice, planning, forecasting and direction
- f) Liaising and negotiating with the Council and the Health Board in relation to their annual budget contributions, efficiencies, budget pressures and in-year and end-of-year adjustments
- g) Financial performance and budgets - monitoring, periodic reporting and providing financial information for the statutory annual performance report
- h) Provision of the annual financial statement required to accompany the Strategic Plan
- i) Preparing the Annual Accounts and abstract and accompanying statements, signing them and securing their submission for external audit
- j) Publishing the unaudited Annual Accounts for public inspection, advertising their availability and responding to any objections made to them

- k) Reporting the audited Annual Accounts and external auditor's report to the MIJB for approval, arranging for their signature, submitting them to the external auditor and publishing them
- l) Securing compliance with relevant statutory financial regimes in relation to the financial administration of the MIJB
- m) Reporting to the MIJB and publishing any report or special report or the findings of the Accounts Commission following any hearing on a report or special report, in terms of Part VII of the Local Government (Scotland) Act 1973
- n) Liability insurance and other indemnity arrangements
- o) Banking arrangements
- p) Procurement and contracts, including if required Standing Orders for Contracts
- q) Liaison with and supporting the MIJB's Internal Auditor and the Audit and Risk Committee in relation to the internal audit function
- r) Liaison and cooperation with the MIJB's external auditor and the Accounts Commission

4.4 The Chief Finance Officer is a non-voting member of the IJB.

4.5 The role of Chief Finance Officer is currently undertaken on a shared basis with East Lothian IJB.

## **5 Chief Internal Auditor**

5.1 The Chief Internal Auditor cannot be a member of staff of the MIJB and does not have to be an officer of the Council or the Health Board. It is for the MIJB to determine the appropriate appointment and contractual arrangements in consultation with the Council and the Health Board.

5.2 The local authority financial and accounting regime is applied as a matter of law to the MIJB. That requires the MIJB to establish and maintain a professional and independent internal auditing service in accordance with recognised standards and practices in relation to internal auditing. The post is also governed by Part VII of the Local Government (Scotland) Act 1973, Part I of the Local Government in Scotland Act 2003 and the Local Authority Accounts (Scotland) Regulations 2014.

5.3 The Chief Internal Auditor has the following delegated powers and responsibilities:-

- a) Ensuring the provision of a professional and independent internal auditing service in accordance with recognised standards and practices in relation to internal auditing
- b) Obtaining approval of the MIJB Internal Audit Charter

- c) Preparing, submitting for approval, implementing and reporting on an annual Internal Audit Plan
- d) Supporting and advising the Audit and Risk Committee in fulfilling its remit
- e) Liaising with and supporting the Chair of the Audit and Risk Committee in relation to that role
- f) Conducting audits and investigations as required by the Internal Audit Plan or as directed by the Joint Director or the Audit and Risk Committee
- g) Reporting to the Audit and Risk Committee on audits and investigations carried out and on other matters within its remit
- h) Reviewing the MIJB's system of internal control
- i) Liaising and cooperating with the Internal Auditors for the Council, the Health Board and other IJBs in the NHS Lothian area
- j) Liaising and cooperating with the MIJB external auditors

5.4 The Internal Auditor is not a member of the MIJB.

## **6 Standards Officer**

- 6.1 The Standards Officer cannot be a member of staff of the MIJB and does not have to be an officer of the Council or the Health Board. It is for the MIJB to determine the appropriate appointment and contractual arrangements in consultation with the Council and the Health Board.
- 6.2 The Standards Officer is a statutory position required under regime of ethical standard in public life in Scotland. It carries statutory duties as well as additional duties contained in guidance by the Standards Commission.
- 6.3 The Standards Officer has the following delegated powers and responsibilities:-
  - a) The statutory role defined in the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003
  - b) Having regard to and applying the Standards Commission's Advice on the Role of a Standards Officer
  - c) Ensuring MIJB members are eligible for membership
  - d) Establishing, maintaining, reviewing and publishing a Register of Interests for MIJB members
  - e) Adoption, approval, maintenance and review of a Code of Conduct for MIJB members
  - f) Advising and assisting MIJB members in relation to the Register of Interests and the Code of Conduct

- g) Ensuring MIJB compliance with its other general duties under the Ethical Standards in Public Life etc. (Scotland) Act 2000 and related statutory regulations and guidance
- h) Liaising with the Commissioner for Ethical Standards in Public Life and the Standards Commission
- i) Establishing, reviewing and reporting on a local Code of Corporate Governance
- j) Consulting with the Joint Director in relation to the taking of urgent action on behalf of the MIJB under Standing Order 16
- k) Preparation of the annual governance statement to accompany the Annual Accounts
- l) Liaising with the Internal Auditor in relation to the internal audit function

6.4 The Standards Officer is not a member of the MIJB.