



ANGUS INTEGRATION JOINT BOARD
SCHEME OF DELEGATION TO THE CHIEF OFFICER

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Section 1 **Introduction and Interpretation**

Introduction

This Scheme of Delegation (the “Scheme”) was approved by Angus Integration Joint Board on [] 2015. The Scheme contains details of those functions both statutory and non-statutory which the Integration Joint Board (hereinafter referred to as “the Board”) has chosen to delegate to its Chief Officer.

The Scheme needs to be read and used alongside the Board’s Standing Orders and Financial Regulations which together make up the wider framework of governance within the Board. The Board’s governance is based upon the principles of:

openness;

accountability;

responsiveness; and

democracy.

The Scheme contributes to these fundamental principles by defining a route for certain decisions enabling the Board to be:

speedy and responsive in taking decisions;

efficient – by freeing the formal decision making structures of the Board to focus on other key decisions which have to be taken under full public scrutiny; and

accountable – by holding appropriate staff fully accountable for the decisions they take.

Interpretation

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

“the Board” means the Angus Integration Joint Board established by the Public Bodies (Joint Working) (Integration Joint Board Establishment) (Scotland) Amendment (No.3) Order 2015 ;

“Chief Finance Officer” means the Chief Financial Officer of the Board appointed by the Board in terms of section 95 of the Local Government (Scotland) Act 1973 Act.

“Chief Officer” means the Chief Officer of the Integration Joint Board in terms of Section 10 of the Act;

Any reference to any Act of Parliament shall be construed as a reference to the Act of Parliament as from time to time amended, extended or re-enacted and shall include any byelaws, statutory instruments, rules, regulations, orders, notices, directions, consent or permissions made thereunder. Any reference to any statutory instrument, regulation or order shall be construed as a reference to that instrument, regulation or order (as the case may be) as from time to time amended, extended or re-enacted.

Subject to the foregoing provisions of this paragraph, the Interpretation Act 1978 shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

Section 2 **Core Principles**

The Board has determined that all powers which are not specifically reserved to the Board or its committees are delegated to the Chief Officer as provided for in these Standing Orders. The matters reserved to the Board or its committees are mainly the strategic policy, legal or regulatory issues requiring to be decided by the Board, while the day to day operational matters of the Board's functions are delegated to the Chief Officer.

Every attempt has been made to list the specific powers which are available to the Chief Officer. However, if a specific power is not mentioned in this Scheme, it does not necessarily mean that the Chief Officer cannot exercise that power. Unless it has been specifically reserved to the Board, the power will still be delegated to the Chief Officer. The powers reserved by the Board are detailed in this section.

Section 3 **Delegations to the Chief Officer**

The undernoted powers, on the undernoted terms, are delegated to the Chief Officer:-

- i) Responsibility for all matters in respect of the operation, development and implementation of policy unless specifically reserved to the Board or its committees or contrary to the principles listed in 2.2 and 2.3 below, together with such statutory duties as may have been specifically and personally assigned to him/her.
- ii) Such delegations are at all times to be exercised in accordance with all legal and regulatory requirements, this Scheme of Delegation, the Board's Standing Orders and Financial Regulations, previous decisions of the Board or its committees and other relevant policies and procedures.
- iii) Where clarification is required, the Chief Officer will determine which matters are operational or otherwise.
- iv) The Chief Officer is an employee of either Angus Council or NHS Tayside and is bound by the employment policies and procedures of which organisation employs them.
- v) The Chief Officer will be the principal advisor to and officer of the Board and its committees and will provide overall strategic and operational advice to the Board.
- vi) The Chief Officer is responsible for the management and performance of services delegated to the Board by Angus Council and NHS Tayside, with the exception of Acute Services.

Section 4 **General Restrictions on Exercise of Delegated Powers by the Chief Officer**

- a) If any decision proposed under delegated powers might lead to a budget being exceeded by more than indicated to the Board in a Budget Monitoring or other report previously considered by the Board, the Chief Officer must consult with the Chair and Vice Chair of the Board before exercising the delegated power.
- b) The Chief Officer must ensure that the Chair and Vice Chair of the Board are consulted on matters of a controversial nature. Where appropriate and possible, such matters should be referred to the Board or the appropriate committee for decision.
- c) In particular and without prejudice to the foregoing, the Chief Officer will exercise particular care in determining whether a matter is to be regarded as controversial in the following circumstances:-

where determination of the issue may involve a decision contrary to local or national policy, the Strategic Plan or the determination may lead to a breach of a legal or regulatory requirement; where it is proposed that any issue be determined contrary to significant objections or the strong recommendation of statutory consultees; the Chief Officer proposes to determine the matter, or act in a manner, contrary to the recommendation of the Chief Finance Officer or anyone else whom he/she is obliged to, or has chosen to, consult with; there are perceived public safety or significant public policy issues dependent on the determination (save in the case of urgency as aforesaid); Standing Orders, National or International regulation requires determination otherwise; or

there are questions of legality or financial advisability/probity involved.

Section 5 **Powers Reserved to the Board**

General Issues

Delegated powers should not be exercised by the Chief Officer 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 previous decision or standing instruction of the Board or its committees;
- (iii) a significant development of policy or procedure.

The only exception to this is in the case of urgency where the Chief Officer may, after consultation with the Chair and Vice Chair of the Board and the Chief Finance Officer, exercise delegated powers. Should such powers be exercised in urgent circumstances, a report will be submitted to the next appropriate meeting for noting.

Specific powers reserved for the Board

The powers which are reserved to the Board or its committees are a mixture of those which must, in terms of statute, be reserved, and those which the Board has, itself, chosen to reserve. Powers which are not reserved are delegated, in accordance with the provisions of this Scheme.

The following is a comprehensive list of what is reserved to the Board:-

- a) the making of directions by the Board in terms of Section 26 and 27 of the Act
- b) to change the name of the Board;
- c) to receive any certified abstract of the Board's annual accounts;
- d) approval of any investment strategy and annual investment report;
- e) the approval of the Expenses Policy and the entitlement of Members and others to such expenses;
- f) any other functions or remit which is, by legal or regulatory requirement, bound to be undertaken by the Board itself;
- g) to establish such committees, sub-committees and joint committees as may be considered appropriate to conduct business;
- h) the approval annually of the Integrated Revenue Budget;
- i) the incurring of any net new expenditure not provided for in the estimate of revenue expenditure unless, such expenditure is reported to and approved by the Board;
- j) the approval or amendment of the Board's Standing Orders, Financial Regulations and this Scheme of Delegation;
- k) the appointment (but not the dismissal) of the Chief Officer and Chief Finance Officer subject always to the relevant policies and procedures of the Angus Council and NHS Tayside as the case may be;
- l) the approval or amendment of the Strategic Plan including the Integrated Revenue Financial Plan;
- m) to fix and amend a programme of Board and committee meetings; and
- n) any matters reserved to the Board by Standing Orders, Financial Regulations and other schemes approved by the Board.

Section 6 **New Legislation and Updating of Powers**

Only where necessary to comply with new legislation, this Scheme may be updated by the Chief Officer notifying the Chair and Vice Chair of the Board in writing in advance of the specific power he or she wishes to exercise and if this is not in conflict with, or contradictory to any statutory provision, the Boards Standing Orders, Financial Regulations or the Strategic Plan, effect may be given to such update

immediately and this Scheme will be amended accordingly. The amendments must be ratified by the Board at its next meeting.

Section 7 **Deputies**

Any deputy of the Chief Officer is authorised to exercise all powers delegated to the Chief Officer herein in the absence of the Chief Officer or with the specific written authority of the Chief Officer.

Section 8 **Alteration of Scheme**

Subject to the provisions of the 2014 Act the Board shall be entitled to amend, vary or revoke this Scheme from time to time.