

Integration Joint Board

Report By: Chief Officer
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SCHEMES OF DELEGATION FROM THE INTEGRATION JOINT BOARD TO COMMITTEES AND OFFICERS

Purpose of Report:	To present draft Schemes of Delegation from the Integration Joint Board to committees and to Officers for approval.
Recommendations:	The Integration Joint Board is asked to approve the Schemes of Delegation.
Implications for IJB:	
Financial:	The Scheme of Delegation to Officers permits Officers to take certain actions which may have a financial consequence.
Personnel:	None.
Legal:	The Scheme of Delegation to Officers supports discharge of the Integration Joint Board's statutory duties.
Economic Impact:	None.
Sustainability:	None.
Sustainable Procurement and Article 19:	None.

Equalities:	None.
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Implications for Glasgow City Council:	The Schemes of Delegation provides a framework through which matters delegated to the IJB may be delegated to Committees or officers.
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Implications for NHS Greater Glasgow & Clyde:	The Schemes of Delegation provides a framework through which matters delegated to the IJB may be delegated to Committees or officers.
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1. Purpose

- 1.1 The purpose of this report is to present draft Schemes of Delegation from the Integration Joint Board to Committees and to Officers

2. Background

- 2.1 Under the terms of the Integration Scheme the Health Board and the Council delegate most of their statutory functions in relation to social work and health within Glasgow City to the Integration Joint Board. This delegation comes into effect on the prescribed day as set out in legislation i.e. 1st April 2016.

- 2.2 The legislation requires the IJB to direct the Council and Health Board to deliver services pursuant to the delegated functions in a manner consistent with the Strategic Plan. The IJB transfers financial allocations to the Council and Health Board to permit the discharge of these directions. The IJB also places the Chief Officer at the disposal of the Chief Executives of the Council and the Health Board to operationally manage these services and the employees engaged in their delivery. It is this element which forms the basis of the delegation to officers.

- 2.3 To assist in the discharge of its functions, the IJB will appoint a number of Committees and will define the powers of those committees. Similarly there are many operational decisions which will require to be taken and it is appropriate to set out the extent to which Officers may act for the Chief Officer and the IJB.

- 2.4 All delegation to Officers is to be based on the Chief Officer as principal adviser to the IJB having delegated to him via the IJB, or in certain circumstances the partner bodies, appropriate functions. Some of these will subsequently be delegated to the Members of the Executive Group or other staff of the partner bodies.

- 2.5 Within the Scheme of Delegation to Officers it is specifically provided that the Chief Officer may confer delegated authority on health and social care staff of suitable experience to exercise delegated authority within agreed financial limits. Delegation to Officers shall be specified in a schedule of delegated authority and shall be specified in relation to named individuals holding specific positions.

3. Schemes of Delegation

- 3.1 Draft Schemes of Delegation from the Integration Joint Board to committees (Appendix 1) and to the Officers (Appendix 2) are appended to this report.
- 3.2 The draft Schemes of Delegation were distributed to IJB members on 5th February for consultation with a request for responses by 18th February. The attachment at Appendix 1 includes amendments made following comments received.
- 3.3 The Integration Joint Board is invited to approve the Schemes of Delegation to come into effect from 1st April 2016.
- 3.4 The Schemes of Delegation will be reviewed annually by the IJB.

4. Recommendation

- 4.1 The Integration Joint Board is asked to approve the Schemes of Delegation.

Scheme of Delegation to Committees

- 1.1 There is delegated to Committees and Sub-Committees the functions as specified in their terms of reference or as specified in a decision of the Integration Joint Board (IJB). These functions are exercisable by the relevant Committee, but may also be exercised by the IJB if members so decide. Any decision of the IJB shall take precedence over a decision of a Committee provided that decision has not already been acted upon. Any decision which is outwith a Committee's authorisation from the IJB shall be deemed null and void.
- 1.2 Committees and Sub-Committees are bound by the terms of the Public Bodies (Joint Working) (Scotland) Act 2014, the terms of the Glasgow City Integration Scheme and the Standing Orders of the Integration Joint Board.
- 1.3 Committees are not obliged to exercise delegated powers and may refer any matter to the IJB for decision.
- 1.4 Minutes of Committees which have met one week or more prior to the next IJB shall be reported to the next meeting of the IJB. The Chair of the Committee will report on the decisions taken and there will be opportunity for members of the IJB to raise questions on the matters discussed.
- 1.5 A Committee may not delegate its functions to another Committee, Body or Officer.
- 1.6 The IJB will delegate to the Executive Sub Committee the responsibility for convening an Appointments Panel to organise and oversee the recruitment to the posts of Chief Officer, Chief Finance and Resources Officer, Chief Officer Operations, and Chief Officer, Planning, Strategy and Commissioning. This Panel must include the Chair and Vice Chair of the IJB. Recommendations for appointment will be provided by the Panel to the full IJB for appointments to be made.
- 1.7 In matters of urgency as agreed by the Executive Sub Committee, the Sub-Committee may issue an instruction or direction to the Chief Officer on any matter within the remit of the IJB. Such decisions taken shall be advised to the members of the IJB without delay and a report submitted to the next meeting of the Board.
- 1.8 Even in case of urgency as defined above, Committees shall not exercise any of the following functions which are reserved solely to the IJB:-
 - a) to appoint the Chief Officer
 - b) proposals for amendment to the Integration Scheme
 - c) to receive a certified abstract of the Board's annual accounts;
 - d) the approval annually of the Integrated Revenue Budget;
 - e) to approve the Expenses Policy and the entitlement of Members and others to such expenses;
 - f) any other functions or remit which is, in terms of statute or other legal requirement, bound to be undertaken by the Board itself;
 - g) the incurring of any new expenditure not provided for in the estimates of revenue expenditure;

- h) the approval or amendment of the Standing Orders regulating meetings proceedings and business of the Board and committees;
- i) the establishment of Committees, determination of their terms of reference and the appointment of Members to Committees;
- j) the appointment of Members to external bodies;
- k) the approval or amendment of the Scheme of functions delegated by the Board to its Committees and officers;
- l) the appointment (but not the dismissal) of the Chief Officer and Heads of Service (including the Chief Finance Officer) subject always to the relevant policies and procedures of the employer;
- m) the approval or amendment of the Strategic Plan including the Integrated Revenue Financial Plan;
- n) The approval and amendment of the of the Equalities Outcomes;
- o) The approval and amendment of the Workforce Plan

Scheme of Delegation to Officers

Section 1 – Introduction and Interpretation

- 1.1 This Scheme of Delegation (the “Scheme”) was approved by Glasgow City Integration Joint Board on xxxxxx The Scheme specifies those functions which the Integration Joint Board (referred to as the “IJB”) has chosen to delegate to its officers.
- 1.2 The Interpretation Act 1978 shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.
- 1.3 Reference to the male gender shall be treated as referring also to the female gender.

Section 2 – Core Principles

- 2.1 The IJB has determined that all powers which are not specifically reserved to the Board, its committee, or sub-committees may be delegated to officers. The matters reserved to the Board or committees are mainly the strategic policy, financial or regulatory issues requiring to be decided by the Board, while the day to day operational matters are delegated to officers.

2.2 Delegations to Officers

- 2.2.1 The following powers are delegated to officers of the IJB. The Chief Officer will have delegated responsibility (from the Health Board and the Council) for all matters in respect of the operation, development and implementation of policy unless specifically reserved to the Board or other Committees or contrary to the principles listed in 2.3 and 2.4 below, together with such statutory duties as may have been specifically and personally assigned to him/her:-
- a) The Chief Officer will be responsible for the appointment of all posts at the level of Head of Service or below;
 - b) Such delegations are at all times to be exercised in accordance with the relevant law, and any Financial Regulations and Standing Orders.
 - c) Where clarification is required, the Chief Officer will determine which matters are operational or otherwise.
 - d) The Chief Officer is an employee of either the Council or the NHS and is bound by the employment policies and procedures of which organisation employs them.

- e) The Chief Officer will be the principal adviser to and officer of the Board and will provide overall strategic advice to the Board as well as advice on the Board's operational oversight duties.
- f) The Chief Officer is responsible for the operational management and performance of services delegated by Council and the NHS Board, with the exception of Acute Services.

2.3 Decisions Contrary to Board Policy

2.3.1 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 (or committee);
- (iii) a significant development of policy or procedure (i.e. something which goes materially beyond what the Board has decided).

The only exception to this is in the case of urgency where the officer shall seek direction from the Executive Sub Committee. Should such powers be exercised in urgent circumstances, the members of the IJB shall be notified without delay and a report submitted to next meeting of the Board.

2.4 Other powers reserved for the Board

2.4.1 The powers which are reserved to the Board or its committees are a comprised 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.

2.4.2 The Scheme of Delegation to Committees specifies those matters which are reserved to the Board.

2.5 General Restrictions on Exercise of Delegated Powers by Officers

2.5.1 If any decision proposed under delegated powers might lead to a budget being exceeded, the Chief Officer, or member of the Executive Management Group, must consult with the Chair and Vice Chair of the IJB before exercising the delegated power.

2.5.2 The Chief Officer must ensure that the Chair and Vice Chair of the IJB are consulted on matters of a controversial nature. Either the Chair or Vice Chair may direct that the matter be referred to the IJB or the appropriate committee for consideration and decision.

2.5.3 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:-

- a) 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 relevant Code of Guidance;
- b) where it is proposed that any issue be determined contrary to significant objections or the strong recommendation of statutory consultees;
- c) the Chief Officer proposes to determine the matter, or act in a manner, contrary to the recommendation of other officers whom he/she is obliged to, or has chosen to, consult with;
- d) there are perceived public safety or significant public policy issues dependent on the determination (save in the case of urgency as above);
- e) there are questions of legality or financial advisability/probity involved.

2.6 Sub-Delegation

2.6.1 Glasgow City Council and NHS GGC will require to delegate to officers from both organisations specific delegated powers, duties or responsibilities to enable them to discharge the operational elements of health and social care to deliver the IJB's Strategic Plan. Any officer using delegated powers will be fully accountable to the Chief Officer for his actions, who is in turn accountable to the Chief Executives of the Health Board and Council respectively.

2.6.2 The Chief Officer, Finance and Resources shall maintain a list of all persons granted delegated authority.

2.7 Alteration of Schemes of Delegation

2.7.1 The IJB shall be entitled to amend, vary or revoke the Schemes of Delegation as required by agreement of a majority of voting members.

2.7.2 The financial limits as set by the terms of this Scheme shall be reviewed by the Chief Officer Finance and Resources in April each year and any proposed amendment reported to the Board.

3.1 Delegation to Officers – General Provisions

3.1.1 The Chief Officer, the Chief Officer Finance & Resources, Chief Officer Policy, Planning and Strategy, Chief Officer Operations and, unless specifically withheld, staff at Head of Service level will have delegated to them all powers necessary for the general management of the departments or services for which they are responsible including, but not limited to, the power to:-

- a) appoint staff in accordance with the policies of the employer, subject to any internal monitoring or approval process operated by the IJB;

- b) authorise appropriate travel claims in accordance with the provisions of employees terms and conditions;
- c) authorise special and other leave for staff in accordance with the provisions of the employees prevailing policies and procedures;
- d) authorise, in consultation with the Heads of Corporate Services and Human Resources (Health), the granting of leave of absence with salary to enable staff to undertake approved part-time courses;
- e) authorise staff attendance at conferences/seminars;
- f) authorise departmental expenditure up to budget limits permitted in the Financial Regulations, on such items as have been allowed for in the appropriate budgets;
- g) authorise staff to undertake functions delegated to the Chief Officer, Member of the Executive Group or Head of Service and above as may be deemed appropriate and expedient, provided such staff are suitably qualified.
- h) sign and issue the necessary authorisation to officers of the Council or NHS Board to exercise statutory powers including where appropriate the rights to enter land and premises in connection with the discharge of their duties.
- i) authorise and pay for the attendance of individual Members at conferences, seminars, etc.
- j) manage and monitor the performance of the services provided pursuant to the functions of the IJB
- k) sell surplus stores, plant, furniture and equipment, for the best price obtainable and write off any such stores, plant, furniture and equipment which have become unfit for use and are un-saleable up to a value of £1,000.
- l) respond to consultation papers unless the response recommends a departure or significant development of current policy.
- m) amend the organisational structures of their services including the number and designation of posts, with the agreement of the Chief Officer and Chief Officer Finance & Resources.
- n) take disciplinary action including dismissal, as appropriate in respect of employees in their relevant service in accordance with the employer's approved procedures.

- o) approve virement within the overall revenue budgets for their services in accordance with the Financial Regulations and Codes of Financial Practice and subject to confirmation by the Chief Office Finance and Resource.

4.1 Delegation to Officers – Specific Provisions

4.2 Chief Officer

4.2.1 The Chief Officer will be the principal adviser to and officer of the Board and will provide overall strategic and operational advice to the Board.

4.2.2 The Chief Officer is responsible for the operational management and performance of services delegated by the Council and NHS, with the exception of Acute Services.

4.2.3 The Chief Officer is the Leader of the IJB's Senior Management Team and has overall responsibility for the following:-

- a) the delivery of health and social care services as set out in the Integration Scheme
- b) Strategic management of services and resources
- c) Strategy and Policy Development
- d) Leading Improvement

4.2.4 The following general functions of the IJB are delegated to the Chief Officer:

- a) to act as the principal policy adviser to the IJB on matters of general policy and to assist Members to formulate clear objectives and affordable programmes having regard to changing priorities, statutory and financial requirements and community needs and expectations.
- b) ensuring that a corporate approach to the management and execution of the IJB's affairs is maintained and that advice to the Board is given on a co-ordinated basis.
- c) monitoring the performance of members of the Executive Management Group and their direct reports.
- d) giving direction on the applicability of this Scheme and where appropriate that any officer shall not exercise a delegated function.
- e) appoint or make recommendations as to the engagement of consultants or specialists pursuant to any decision taken by the IJB.
- f) consider and deal with any urgent issues arising in consultation with the Executive Sub Committee
- g) maintenance of good internal and external public relations.
- h) the identification, planning and mitigation of risks affecting the IJB.

- i) the provision of business continuity including identification of issues, business continuity planning, liaison with external bodies and putting in place arrangements to deal with business continuity issues.
- j) compliance with duties under the Health and Safety at Work Act 1974 and other legislation relating to health and safety.
- k) to be the primary point of contact with the Health and Safety Executive in matters relating to the health and safety of premises or services.
- l) all powers ancillary to or reasonably necessary for the proper performance of the Chief Officer's general duties and responsibilities.

5.1 Chief Officer Finance & Resources

5.1.1 The Chief Finance and Resources Officer has overall responsibility for finance services, including financial monitoring, and for any procurement activity.

5.1.2 The Chief Finance Officer is responsible for the leadership and co-ordination, planning and policy and the strategic and management of the following services and without prejudice to the foregoing generality, such powers include the power to:-

- a) perform the duties of proper officer responsible for the administration of the financial affairs of the Board in terms of section 95 of the Local Government (Scotland) Act 1973.
- b) prepare Financial Regulations and relevant Codes of Practice of the Board for the control of all expenditure and income.
- c) monitor the IJB's capital and revenue budgets during the course of each financial year and reporting thereon to the Board.
- d) determine all accounting procedures and financial record keeping of the Board.
- e) authorise disposal or write-off of surplus materials, stores, or equipment where the value exceeds £1000.
- f) write off debts of up to £1000 owed to the IJB if satisfied that they cannot reasonably be recovered.
- g) subject to the approval of the Chief Officer and in conformity with any Financial Regulations and any approved policy, authorise the transfer of approved estimates from one head of expenditure to another, within the Integrated Budget, unless it is considered to materially affect the approved budget, in which case authorisation of the IJB will be sought.

- h) appoint or make recommendations as to the engagement of consultants or specialists pursuant to any decision taken by the IJB.
- i) to arrange the necessary insurances to protect the interests of the Board and make arrangements with insurance companies concerning claims handling and settlement of claims.
- j) To have financial oversight of any procurement entered into on behalf of the IJB in support of its functions (but not procurement carried out by the Council or Health Board pursuant to a direction from the IJB) including if appropriate entering into framework agreements, central purchasing arrangements, maintenance of a standing list of approved contractors, and preparation of policies relating to procurement.

6.1 Chief Social Work Officer

- 6.1.1 The functions and responsibilities to be delegated and exercised by the Chief Social Work Officer are set out in Annex 1 to this scheme.

CHIEF SOCIAL WORK OFFICER

The Chief Social Work Officer is a statutory appointment by virtue of section 3 of the Social Work (Scotland) Act 1968. The Council has resolved that:

The Chief Officer Planning, Strategy and Commissioning is the Chief Social Work Officer; and

When the Chief Officer Planning, Strategy and Commissioning is absent, the Head of Children's Services, Head of Operation NW, or Head of Operations NE undertake the delegations to the Chief Social Work Officer set out in this Scheme, to the extent explicitly required by statute.

The Chief Social Work Officer is appointed for the purposes of the Council's functions under the 1968 Act and under those other enactments listed in Section 5(1B) of that Act. In broad terms, those functions cover all social work and social care services whether provided directly by the Council, in partnership with other agencies, or procured by the council and provided by others on its behalf. Those functions are referred to in this document as "social work services".

The qualifications required for the post are set out in the Qualifications of Chief Social Work Officers (Scotland) Regulations 1996 (S.I. 1996/515 (1996/49)), as shown in Appendix 2.

The Chief Social Work Officer is required by section 5(1) of the 1968 Act to carry out the duties of the post under the general guidance of the Scottish Ministers. The Scottish Ministers issued revised and finalised guidance in January 2010:

(<http://scotland.gov.uk/Resource/Doc/300422/0093741.pdf>).

To the extent explicitly required by statute, the following delegations shall be undertaken by the Chief Social Work Officer.

1. to carry out all the functions of the Council in terms of the Social Work (Scotland) Act 1968;
2. to carry out the functions of the Council in terms of Section 12 of the Social Work (Scotland) Act 1968 under which the Council is required to promote social welfare by making available advice, guidance and assistance on such a scale as may be appropriate for its area. The delegation in terms of this Section shall include authority:
 - (1) to make loans or grants up to a limit of £1,500 in one month in respect of any one individual and subject to a report being made to the IJB on the total amount of assistance so given in any one month;

- (2) to give any other appropriate assistance, including provision for the storage of furniture in cases of emergency; and
- (3) to accept or reject applications for the installation of telephones for people with disabilities, based on approved criteria and the availability of finance.

In calculating the amount given or lent for the purposes of this provision, account shall be taken of any additional payment made in terms of Section 12, otherwise authorised by the Board;

3. to carry out all the relevant functions of the Council in terms of the Children (Scotland) Act 1995, the Children's Hearings (Scotland) Act 2011, the Children and Young People (Scotland) Act 2014, and all associated Regulations;
4. to take decisions and make authorisations in terms of the Secure Accommodation (Scotland) Regulations 2013 and the Children's Hearings (Scotland) Act 2011 (Implementation of Secure Accommodation Authorisation) (Scotland) Regulations 2013;
5. to carry out assessments under the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 and subsequent legislation;
6. to arrange or assist in arranging holidays, including holidays abroad or other temporary absences of any child in the care of Council, except in those cases where the cost to them is in excess of £1,500;
7. to carry out the functions of the Council under Section 48 of the National Assistance Act 1948 relating to the temporary storage of furniture in certain circumstances on behalf of certain persons;
8. to carry out the functions of the Council in relation to child protection through the statutory Child Protection Committee, and in relation to adult protection through the statutory Adult Protection Committee;
9. to carry out the functions of the Council in relation to the Adoption Agencies (Scotland) Regulations 2009 and the Adoption Support Services and Allowances (Scotland) Regulations 2009;
10. to carry out all the functions of the Council in terms of the Mental Health (Care and Treatment) (Scotland) Act 2003;
11. to carry out all the functions of the Council in terms of the Social Care (Self-directed Support) (Scotland) Act 2013 and associated Regulations;
12. to carry out the functions of the Council under the Adults with Incapacity (Scotland) Act 2000, including those relating to Intervention Orders, Access to Funds and Guardianship Orders;
13. to carry out the functions of the Council in relation to the Adoption of Children in terms of the Adoption (Scotland) Act 1978, the Adoption and Children (Scotland) Act 2007, and the Children Act 1975 as amended from time to time;

14. to carry out the functions of the Council as care authority under the Looked After Children (Scotland) Regulations 2009;
15. to consider and determine reviews of original decisions made in connection with fostering and adoption matters;
16. to consider and determine recommendations by the Fostering and Permanency Panel for assistance with legal fees and medical expenses; and
17. to carry out all the functions of the Council in terms of the Adult Support and Protection (Scotland) Act 2007.

Draft v1.3 19th February 2016