



North Ayrshire Integration Joint Board Scheme of Delegation to Officers

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Section 1 Introduction

This Scheme of Delegation (the Scheme) was approved by North Ayrshire Integration Joint Board on [2022] in terms of the Public Bodies (Joint Working) (Scotland) Act 2014. 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 officers.

This Scheme of Delegation needs to be read and used alongside any Financial Regulations and Standing Orders relating to Meetings which together make up the wider framework of governance within which the Integration Joint Board operates. The Board’s Governance is based upon the principles of:

- Openness;
- Accountability;
- Responsiveness;
- Democracy.

This Scheme of Delegation 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.

As explained at relevant sections of this Scheme of Delegation, any delegation afforded hereunder relates to the role and functions of the Board itself and the extent to which the Board has resolved to delegate authority to key officers to exercise certain functions on its behalf. Delegated authority for operational service delivery is granted by the two constituent authorities (the Council and the NHS), not by the Board.

Interpretation

In this Scheme, the following terms shall have the meaning assigned to them:

- “Act” means the Local Government (Scotland) Act 1973;
- “1994 Act” means the Local Government etc (Scotland) Act 1994;
- “2014 Act” means the Public Bodies (Joint Working) (Scotland) Act 2014
- “Board” means North Ayrshire Integration Joint Board
- “Council” means the North Ayrshire Council;
- “Chief Officer” means the Chief Officer of the Integration Joint Board
- “Employer” means whichever of the Council or NHS shall employ a particular member of staff;
- “Integration Scheme” means the Integration Scheme between North Ayrshire

Council and NHS Ayrshire & Arran, as approved by the Scottish Ministers (as may be updated and subject to further approval by Scottish Ministers from time to time)

- “Members” means members of the Board
- “NHS” means NHS Ayrshire and Arran Health Board
- “Chief Finance Officer” means the Chief Financial Officer of the Board appointed by the Board on terms of section 95 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 the scheme as it applies to the interpretation of an Act of Parliament.

Section 2 – Core Principles & General Provisions

The Board has determined that all powers which are not specifically reserved to the Board, its committees, or sub-committees are delegated to officers. The matters reserved to the Board or committees are mainly the strategic policy or regulatory issues requiring to be decided by the Board, while the day to day operational matters of running the Board’s services are delegated to officers.

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

This Scheme does not therefore provide an exhaustive list of things that officers can do on behalf of the Board. It records the significant and standing delegations of powers and responsibility to officers. It does not record temporary or one-off instructions or delegations to officers. Those are recorded in minutes of the Board (and its committees and sub-committees).

2.1 General Restrictions on Exercise of Delegate Powers by Officers

2.1.1 It is the responsibility of any officer who intends to exercise delegated authority to ensure that they are permitted to do so and that they exercise

any such authority in accordance with the terms of this Scheme.

2.1.2 Delegated powers should not be exercised by officers where any decision would represent a departure from Board policy or procedure, would represent a departure from the Strategic Plan or would be contrary to a standing instruction of the Board (or any committees or sub-committee of the Board or would itself represent a significant development of policy or procedure. The only exception to this is in the case of urgency where the officer may, after consultation with the Chair of the Board, exercise delegated powers. Should such powers be exercised in urgent circumstances, a report will be submitted to the next appropriate Board meeting for noting.

2.1.3 Delegated powers are at all times to be exercised in accordance with the relevant law, and any Board Financial Regulations, Standing Orders relating to meetings, and any other relevant governance requirements, and/or relevant policies and procedures in place from time to time.

2.1.4 If any decision proposed under delegated powers might lead to a budget being exceeded, the officer must consult with the Chair of the Board before exercising the delegated power.

2.1.5 The Chair of the Board should be consulted, when appropriate, on matters of a controversial nature. Where appropriate, such matters should be referred to the Board (or the appropriate committee or sub-committee) for a decision.

2.1.6 In particular and without prejudice to the foregoing, officers 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, any relevant code of practice or the Strategic Plan.
- Where it is proposed that any issue be determined contrary to significant objections or the strong recommendation of statutory consultees.
- The 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.
- 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.
- There are questions of legality or financial advisability/probity involved.

In determining whether any matter is controversial, officers should consult with the Chief Officer, as appropriate.

2.2 Specific powers reserved for the Board

2.2.1 The powers which are reserved to the Board (or its committees or sub-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.

2.2.2 The following is a comprehensive list of what is reserved to the Board [or its committees or sub-committees]. :-

Reservations

- (a) To change the name of the Board;
- (b) To approve the Board's audited annual accounts;
- (c) To establish such committees, sub-committees and joint committees as may be considered appropriate to conduct business and to appoint and remove Conveners, Depute Conveners and members of committees;
- (d) The approval annually of Revenue Budget;
- (e) 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;
- (f) The approval or amendment of any Scheme of Administration regulating the constitution, membership, functions and powers of committees or sub-committees of the Board;
- (g) The approval or amendment of Standing Orders regulating meetings proceedings and business of the Board, its committees and sub-committees and contracts (to the extent the Board may contract from time to time);
- (h) The approval or amendment of this Scheme of Delegation detailing those functions delegated by the Board to its officers;
- (i) The appointment of the Chief Officer, Chief Finance Officer, Chief Internal Auditor and Monitoring/Standards Officer (subject always to the relevant policies and procedures of the Employer);
- (j) The decision to co-operate or combine with other Integration Joint Boards in the provision of services other than by way of collaborative agreement;
- (k) The approval or amendment of the Strategic Plan and the Financial Plan;
- (l) To fix and amend a programme of Board and committee meetings;
- (m) To deal with matters reserved to the Board by Standing Orders, Financial Regulations and other Schemes approved by the Board;
- (n) To determine that any Direction requires to be issued to the Council or to the NHS under sections 26 and 27 of the 2014 Act.
- (o) Any other functions or remit which is, in terms of statute, subordinate legislation or other legal requirement bound to be undertaken by the Board itself.

2.3 Sub-Delegation

2.3.1 The Board hereby authorises any officer with delegated powers, duties or responsibilities under this scheme to delegate further any of these powers to other appropriate officers within their service. If any authority is sub-delegated, the officer delegating authority must ensure adequate controls and reporting arrangements are in place. Any such delegated authority requires to be exercised in accordance with this Scheme. Any officer using such delegated powers is accountable to the Chief Officer, Chief Finance Officer or Chief Internal Auditor (as appropriate) for their actions. The Chief Officer, Chief Finance Officer and Chief Internal Auditor in turn remain accountable directly to the Board.

2.3.2 The Council and NHS will require to delegate to officers from both constituent authorities relevant delegated powers, duties and responsibilities to enable them to discharge the operational elements of health and social care and to deliver the Board's Strategic Plan. Any officer exercising delegated powers will be fully accountable to the Chief Officer, or accountable as otherwise stipulated by the Council or NHS in so delegating to those officers, for their actions.

2.4 Alteration of Scheme

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

Section 3 – Delegations to Officers – Chief Officer

3.1 General

3.1.1 The Director of the North Ayrshire Health and Social Care Partnership is the Chief Officer of North Ayrshire Integration Joint Board (as defined in Section 10 of the 2014 Act). The Chief Officer is an employee of either the Council or the NHS and is bound by the employment policies and procedures of the organisation that employs them. The Chief Officer will be seconded by the Employer to the Board. The Chief Officer will be line managed by the Chief Executives of the Council and NHS. The Chief Officer will be a member of the senior management team of the Council and NHS.

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

3.1.3 The Chief Officer is responsible and accountable for the operational management and performance of services delegated to the Board by Council and NHS in accordance with the Integration Scheme, with the exception of Acute Services. The Chief Officer (in their capacity as Director of North Ayrshire's Health and Social Care Partnership) will have delegated

authority from the Council and NHS for all matters necessary in respect of in-scope service delivery, including the operation, development and implementation of policy unless reserved to the Board (or its committees or sub-committees), together with such statutory duties as may have been specifically and personally assigned to the post holder. Such delegations are at all times to be exercised in accordance with the relevant law, and any constituent authority Financial Regulations, approved Scheme(s) of Delegation, Standing Orders and other governance requirements as may be applied by the relevant constituent authority.

3.1.4 The Chief Officer is the Leader of the Board's Management Team and has overall responsibility for the following:-

- Strategic management of health and social care services as set out in the Integration Scheme
- Strategy and Policy Development
- Implementing any Direction issued by the Board
- Leading Improvement

3.1.5 The Chief Officer shall discharge his/her duties in accordance with the powers delegated to them by the NHS and the Council under their respective Schemes of Delegation. In discharging his/her duties and in making any recommendation to the Board, the Chief Officer will demonstrate to the Board that he/she has followed relevant NHS and Council procedures and has any necessary approval(s), where this is required.

3.2 Delegations

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

1. To act as the principal policy adviser to the Board 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.
2. To ensure that a corporate approach to the management and execution of the Board's affairs is maintained and that advice to the Board is given on a co-ordinated basis.
3. Implementing decisions and instructions made by the Board.
4. To monitor the performance of Heads of Service responsible for relevant service delivery.
5. To take such action as may be required to ensure that the correct significance is given by relevant NHS and Council staff to the achievement of the overall policy objectives of the Board.
6. To consider and deal with any urgent issues arising that cannot await a decision of the Board, subject to reporting back to the Board at the first available opportunity. This power is to be exercised in consultation with the

Chair or Vice-Chair, if available, of the Board.

7. To maintain good internal and external public relations.
8. To identify, plan for and mitigate, risks affecting the Board and relevant service delivery.
9. Duties relating to business continuity, including identification of issues, business continuity planning, liaison with external bodies and putting in place arrangements to deal with business continuity issues.
10. Support and assistance to Board services to enable them to comply with duties under the Health and Safety at Work Act 1974 and other legislation relating to health and safety. Including to act as the primary point of contact with the Health and Safety Executive in matters relating to the health and safety of relevant premises or services.
11. To ensure the Board's compliance with statutory regimes such as best value, public sector equality duties, freedom of information, data protection, climate change, etc.
12. To implement and operate a complaints handling procedure and liaising with and complying with the requirements of the SPSO.
13. To implement and operate a public and stakeholder engagement strategy and communications and public relations arrangements.
14. To respond to consultations on non-controversial or technical issues, subject to those responses being reported to the Board for information.
15. To develop, implement and review the Strategic Plan and other policies determined by the Board.
16. To arrange for the provision of professional, technical and administrative support services by the Council and/or NHS to the Board;
17. To give direction on the applicability of this Scheme of Delegation to Officers and where appropriate that any Officer shall not exercise a delegated function
18. Where clarification is required, the Chief Officer will determine which matters are operational or otherwise.
19. All such other powers as may be delegated from time to time by the Board (including any committee or sub-committee of the Board), the Board's Standing Orders or Financial Regulations.
20. All powers ancillary to or reasonably necessary for the proper performance of the Chief Officer's general duties and responsibilities.

3.3 Operational Service Delivery

The Chief Officer has overall responsibility for the Council services including responsibility for the leadership and co-ordination, planning and policy and the strategic and operational management of those services (relevant delegated authority for operational service delivery is afforded to that post holder under the Council's Scheme of Delegation to Officers, not via this Scheme) listed in Annex 2 Part 1 of the Integration Scheme.

3.3.1 The Chief Officer is required to support the Chief Social Work Officer in the discharge of his or her specific functions. See Annex 1 for details of the remit of the Chief Social Work Officer.

3.3.2 The Chief Officer also has overall responsibility the NHS services listed in Annex 1 Part 1 of the Integration Scheme, including responsibility for the leadership and co-ordination, planning and policy and the strategic and operational management of those services. (Relevant delegated authority for operational service delivery of those services is afforded to that post holder by the NHS not via this Scheme).

Section 4 – Chief Finance Officer

4.1 The Chief Finance Officer has overall responsibility for the following services:

- Finance including Financial Management; and any contracting and commissioning activity on behalf of the Health and Social Care Partnership
- Information Systems, Performance Management, Strategic Planning and Transformation

4.2 The Chief Finance Officer is responsible for the leadership and co-ordination, planning and policy and the strategic and operational management of the Board's Finance service. Without prejudice to the foregoing generality, the following functions of the Board are delegated to the Chief Finance Officer:

1. Act as the 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.
2. To provide strategic financial advice, planning, forecasting and direction to the Board.
3. To implement decisions and instructions made by the Board.
4. To prepare annual accounts and revenue estimates for approval by the Board.
5. To prepare, maintain and review Financial Regulations and relevant Codes of Practice of the Board for the control of all expenditure and income.
6. The monitoring of the Board's revenue budgets during the course of each financial year and reporting thereon to the Board.
7. Determine all accounting procedures and financial record keeping of the Board.
8. 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 a Service estimate, unless it is considered to materially affect the approved budget, in which case authorisation of the Board will be sought.
9. To arrange the necessary insurances or other arrangements to protect the interests of the Board and make arrangements with insurance companies

concerning claims handling and settlement of claims.

10. Liaising and negotiating with the Council and the NHS in relation to their annual budget contributions, efficiencies, budget pressures and in-year and end-of-year adjustments.
11. All powers ancillary to or reasonably necessary for the proper performance of the Chief Financial Officer's general duties and responsibilities.
12. All such other powers as may be delegated from time to time by the Board (including any committee or sub-committee of the Board), the Board's Standing Orders or Financial Regulations.
13. To be the primary point of contact with external Audit and provide support, information and recommendations to external auditors.

Section 5 – Chief Internal Auditor

5.1 The Chief Internal Auditor has overall responsibility for the following services:

1. Ensuring the provision of a professional and independent internal auditing service in accordance with recognised standards and practices in relation to internal auditing.
2. On the production of identification:-
 - Enter, at all reasonable times, on any Council or NHS premises or land.
 - Have access to all records, documents and correspondence relating to any financial transaction and such other documents as may be considered to be necessary in verification thereof.
 - Require and receive such explanations as are necessary concerning any matter under examination.
3. Preparation and submission of internal audit plan to the Board for approval.
4. Conducting audits and investigations in accordance with the Board's audit plan or as otherwise directed by or on behalf of the Board and reporting on same.
5. To undertake internal audit of Board, Council or NHS systems, procedures and practices and to investigate complaints or issues raised with Internal Audit, including whistle blowing complaints. To provide policies, procedures and guidance relating to audit, whistleblowing and defalcation.

Annex 1

Chief Social Worker Officer

The Chief Social Work Officer is a statutory appointment made by the Council by virtue of section 3 of the Social Work (Scotland) Act 1968. The Chief Social Work Officer is not afforded specific delegated authority under the Board's Scheme of Delegation (certain of the post holder's authority derives directly from statute and further authority is delegated by the Council) but nonetheless the post holder has a key role in the operation of the Board, and in the discharge of statutory functions by the Health and Social Care Partnership.

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)).

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 guidance in July 2016 which takes account of the integration dynamic for the post-holder: [The role of the Chief Social Work Officer - gov.scot \(www.gov.scot\)](http://www.gov.scot) (such guidance may be further updated from time to time).

The overall powers of the Chief Social Work Officer post are:-

- (a) To oversee the discharge of the council’s statutory social work duties;
- (b) To ensure the provision of effective professional and objective advice to elected members and officers of the Council in the Council’s provision of social work services;
- (c) To secure the effective provision of social work services.

The powers of the Chief Social Work Officer fall into two broad categories; service provision and corporate responsibility.

1. Service Provision

- To establish and develop social work services focussed on the needs of service users, to promote the continuous improvement of those services, and to monitor and raise standards of their delivery;
- To ensure the effective governance of the balance of need, risk and civil liberties in the provision of social work services in accordance with professional practice;
- To provide advice on all aspects of workforce planning including safe recruitment practice, supervision, monitoring and assessment of social work students, securing of professional qualifications and continuous learning and development for staff, and supporting and advising managers in all aspects of staff supervision;
- To ensure the existence of systems to both promote good practice and identify and address poor practice in the provision of social work services;
- To ensure that significant case reviews are undertaken of all critical incidents either resulting in, or which may have resulted in, serious harm or death; and

2. Corporate Responsibility

The Chief Social Work Officer has the following corporate powers which require direct access to the Council's Chief Executive, Elected Members of the Council and the Chief Officer, and the provision of forthright and independent advice to them:-

- To ensure compliance with the Council's statutory duties to prepare, publish and review plans for the provision of social work services.
- To promote, communicate, support and review values and standards of professional practice, and to ensure that they are adhered to.
- To establish, in conjunction with the Council's Corporate Management Team, appropriate experience and qualified cover for the post of Chief Social Work Officer during the post-holder's absence or incapacity.
- To report to the Chief Executive and Chief Officer any failure in the Council's corporate policy or governance arrangements designed to reflect the proper balance amongst need, risk and civil liberties in the provision and management of social work services.
- To report to the Chief Executive and Chief Officer any weaknesses and failures in the systems in place to promote good practice and identify and address poor practice in the provision of social work services.
- To report and provide independent comment where necessary to the Chief Executive, Elected Members of the Council and the Chief Officer on the findings of significant case reviews and relevant performance reports and on any other social work-related issues.
- To provide an annual report to the Council on all of the statutory, governance and leadership functions of the role of the Chief Social Work Officer.