



**REPORT TO: HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD –
23 APRIL 2019**

REPORT ON: SCHEME OF DELEGATION - REVISED 2019

REPORT BY: CHIEF FINANCE OFFICER

REPORT NO: DIJB16-2019

1.0 PURPOSE OF REPORT

The purpose of this report is to present the revised Scheme of Delegation for officers of the Integration Joint Board for consideration and requests that this is adopted as a key element of the Integration Joint Board's governance arrangements.

2.0 RECOMMENDATIONS

It is recommended that the Integration Joint Board (IJB):

- 2.1 Notes the content of the Report and adopts the updated Scheme of Delegation for officers which is detailed in Appendix 1.

3.0 FINANCIAL IMPLICATIONS

None.

4.0 MAIN TEXT

- 4.1 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 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.
- 4.2 The scheme of Delegation was approved by the IJB at its meeting of the 25th April 2017 on submission of report DIJB17-2017 (Article X of the minute of the meeting refers). It was noted that Dundee City Council were reviewing their Scheme of Delegation and that any wording required in relation to the position of the Chief Social Work Officer would be reported to a meeting of the IJB. This is reflected in the updated Scheme of Delegation which is attached as Appendix 1.

An action identified within the Annual Internal Audit Report 2017/18 Action Plan presented to the Performance and Audit Committee held on the 25th September 2018 (PAC57-2018) (Article XII of the minute refers) was to develop the scheme of delegation in relation to delegated functions to the IJB. The revisions to the Scheme of Delegation as set out within the Appendix 1 provide further transparency to the specific delegated powers to IJB officers and the role of the Chief Social Work Officer.

5.0 POLICY IMPLICATIONS

None.

6.0 RISK ASSESSMENT

Risk 1 Description	Failure to have adequate Scheme of Delegation will undermine the IJB's governance arrangements
Risk Category	Governance risk
Inherent Risk Level	Likelihood 3 x Impact 4 = Risk Scoring 12 (which is a High Risk Level)
Mitigating Actions (including timescales and resources)	Regular update of Scheme of Delegation to reflect the current organisational structure.
Residual Risk Level	Likelihood 2 x Impact 3 = Risk Scoring 6 (which is a Moderate Risk Level)
Planned Risk Level	Likelihood 1 x Impact 2 = Risk Scoring 2 (which is a Low Risk Level)
Assessment of Risk Level	The mitigating actions set out above will ensure the Scheme of Delegation remains relevant and appropriate and therefore the risk to poor governance is low.

7.0 CONSULTATIONS

The Chief Officer and the Clerk were consulted in the preparation of this report.

8.0 DIRECTIONS

The Integration Joint Board requires a mechanism to action its strategic commissioning plans and this is provided for in sections 26 to 28 of the Public Bodies (Joint Working)(Scotland) Act 2014. This mechanism takes the form of binding directions from the Integration Joint Board to one or both of Dundee City Council and NHS Tayside.

Direction Required to Dundee City Council, NHS Tayside or Both	Direction to:	
	1. No Direction Required	X
	2. Dundee City Council	
	3. NHS Tayside	
	4. Dundee City Council and NHS Tayside	

9.0 BACKGROUND PAPERS

None.

DAVE BERRY
CHIEF FINANCE OFFICER

DATE: 27 March 2019

SHEILA WEIR
SECTION LEADER

SCHEME OF DELEGATION

1 INTRODUCTION AND INTERPRETATION

1.1 Introduction

The Scheme of Delegation was approved by Dundee City Integration Joint Board (hereinafter referred to as the "IJB") on 25th April 2017. The scheme clarifies the remit and responsibilities of the Chief Officer and the Chief Finance Officer in respect of the operational management and deliverability of the integrated services as set out in the Integration Scheme for Dundee, which was approved by Scottish Ministers in September 2015.

This scheme of delegation sets out the powers conferred on the Integration Authority (the Dundee City Integration Joint Board) by the Public Bodies (Joint Working) (Scotland) Act 2014 ("the Act") and what is delegated to the IJB from the Partners and clarifies the remit and responsibilities of the Chief Officer and the Chief Finance Officer in respect of the operational management and deliverability of the integrated services.

1.2 Interpretation and Definitions

The Interpretation Act 1978 shall apply to the interpretation of the Scheme as it would apply to the interpretation of an Act of Parliament. In this Scheme the following words shall have the meanings assigned to them, that is to say:

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

"the Board" means Dundee City Integration Joint Board;

"Chief Officer" means the Chief Officer of the Integration Joint Board;

"Chief Finance Officer" means the chief financial officer of the Board appointed by the Board in terms of section 95 of the 1973 Act.

"Clerk" means the Head of Democratic and Legal Services of Dundee City Council

"Integration Scheme" means the Dundee Integration Scheme made between the Partners under the 2014 Act and approved by Scottish Ministers;

1.3 Alteration of Scheme

1.3.1 The Board shall be entitled to amend, vary or revoke the Scheme from time to time.

1.3.2 The Clerk shall have the power to alter the Scheme to correct any textual or minor errors, or to make any consequential amendments required as a result of a decision of the Board.

2 CORE PRINCIPLES

2.1 *Dundee City Council and NHS Tayside (hereinafter referred to as "the Partners") delegated various functions to the IJB on 1st April 2016 under the Dundee City Integration Scheme. The Partners retain overall statutory responsibility for their respective functions delegated to the IJB, as the IJB are responsible for the strategic planning and resources provision for the functions set out in the Scheme.*

2.2 *The matters reserved to the IJB or its committees, sub-committees or working groups are mainly the strategic policy, the making of Directions and financial or regulatory issues requiring to be decided by the IJB, while the day to day operational matters are assigned to officers. The remit of officers of the IJB detailed in the Scheme are not exhaustive.*

3 GENERAL POWERS RESERVED FOR THE INTEGRATION JOINT BOARD

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 and Commissioning Plan;
- (iii) a significant development of policy or procedure.

4 SPECIFIC POWERS RESERVED FOR THE INTEGRATION JOINT BOARD

4.1 *The powers which are reserved to the IJB or its committees, sub-committees and working groups are comprised of those which must, in terms of statute, be reserved, and those which the IJB has, itself, chosen to reserve. Powers which are not reserved are delegated, in accordance with the provisions of the Integration Scheme and this Scheme.*

4.2 *The following is a list of what powers are reserved to the IJB or any of its committees, sub-committees or working groups - this list is exhaustive:*

- a) *Any other functions or remit which is, in terms of statute or legal requirement bound to be undertaken by the IJB itself;*
- b) *To establish such committees, sub-committees and working groups, as may be considered appropriate to conduct business and to appoint and remove Chairperson and Vice Chairperson, members of committees, sub-committees, working groups and outside bodies;*
- c) *The approval of the Annual Budget;*
- d) *The approval of the Financial Strategy;*
- e) *The approval of the IJBs Accounts;*
- f) *The approval or amendment of the Standing Orders regulating meetings proceedings and business of the IJB and committees, sub-committees and working groups and contracts in so far as it relates to business services, the engagement of consultants, or external advisors for specialist advice, subject to necessary approvals through the Partners Procurement Standing Orders, Schemes of Delegation and Procurement Regulations;*
- g) *The approval or amendment of the Scheme of Delegation detailing those functions delegated by the IJB to its officers;*
- h) *The decision to co-operate or combine with other Integration Joint Boards in the provision of services other than by way of collaborative agreement;*
- i) *The approval or amendment of the Strategic and Commissioning Plan and associated Financial Framework;*
- j) *To deal with matters reserved to the IJB by Standing Orders, Financial Regulations and other schemes approved by the IJB;*
- k) *To issue Directions to the Partners under sections 26 and 27 of the 2014 Act, in line with the Integration Scheme and legislative framework sitting around the Chief Executive Officers (CEO's) of the Partners, and;*
- l) *The approval of the Clinical and Care Governance Framework.*

5 DELEGATION TO OFFICERS

5.1 Chief Officer

4.1.1 The Chief Officer will have delegated responsibility for all matters in respect of the operational management and delivery of integrated functions of the Board, as set out in the Integration Scheme, except where

- (i) *generally or* specifically reserved to the Board; or
- (ii) where the Board determines that a particular power should be exercised by the Board, notwithstanding the delegation permitted by this clause.
- (iii) *specifically reserved to the Chief Finance Officer in section 4.2 of this Scheme*

4.1.2 The Chief Officer is ~~or where appropriate the Chief Finance Officer are~~ authorised to take, or make arrangements for, any action required to implement any decision of the Board or any decision taken in the exercise of delegated powers.

4.1.3 The Chief Officer may in urgent circumstances and after consultation with the Chairperson and Vice Chairperson of the Board and the Chief Finance Officer and Clerk take such measures as may be required in which case a report will be submitted to the next appropriate meeting of the Board for noting.

4.1.4 If any decision proposed under delegated powers might lead to a budget being exceeded, the Chief Officer ~~or where appropriate the Chief Finance Officer~~ must consult with the Chairperson and Vice Chairperson of the Board before exercising the delegated power.

4.1.5 The Chief Officer whom failing the Chief Finance Officer or Clerk is authorised to execute or sign any deed or document to which the Board is a party.

4.1.6 Any deputy of the Chief Officer ~~or where appropriate the Chief Finance Officer~~ is authorised to exercise all powers delegated to the Chief Officer ~~or where appropriate the Chief Finance Officer~~ in the absence of the Chief Officer ~~or the Chief Finance Officer~~.

4.2 Chief Finance Officer

4.2.1 The Chief Finance Officer has overall responsibility for Finance including Audit and Financial Management.

4.2.2 The Chief Finance Officer shall discharge their duties in accordance with the powers as delegated to them by the Partners under their respective approved Schemes of Delegation. In discharging their duties and in making any recommendation to the IJB, the Chief Finance Officer will demonstrate to the IJB that they have followed relevant Partner procedures and sought approval, where this is required.

4.2.3 The Chief Finance Officer shall:-

- a) act as the Proper Officer responsible for the administration of the financial affairs of the IJB in terms of section 95 of the Local Government (Scotland) Act 1973;*
- b) adhere to IJB and Partner 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 report thereon to the IJB;*
- d) determine all accounting procedures and financial record keeping of the IJB, to ensure the IJB is fully compliant with the Chartered Institute of Public Finance and Accountancy (CIPFA) Statement of Recommended Practice;*

- e) *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 IJB will be sought. The Financial Regulations of the Partners set out the rules in Virement;*
- f) *any deputy of the Chief Finance Officer is authorised to exercise all powers delegated to the Chief Finance Officer in the absence of the Chief Finance Officer*

4.3 Chief Social Work Officer

- 4.3.1 *The Chief Officer and Chief Finance Officer will support the Chief Social Work Officer in the discharge of their duties as a statutory appointment by virtue of section 3 of the Social Work (Scotland) Act 1968. The Council Management Team of Dundee City Council will ensure appropriate experienced and qualified cover for the post of Chief Social Work Officer during the absence of the Chief Social Work Officer.*