

Scheme of Delegation

Clackmannanshire & Stirling Integration Joint Board

1. Introduction & Commencement

- 1.1 In the absence of a decision by the Clackmannanshire & Stirling Integration Joint Board (the **IJB** or the **Board**) to the contrary, all of its powers would have to be exercised through meetings of the full Board. That is, all decisions no matter how large or small would need to be taken at meetings of the full IJB.
- 1.2 Recognising that would be unworkable and would detract from the Board's aims and values, the IJB has chosen to exercise the power to delegate. A Scheme of Delegation will help to ensure the effective and efficient management of IJB business between Board meetings by providing the Chief Officer and, as appropriate, the Chief Financial Officer with authority to take decisions and/ or to act on the IJB's behalf.
- 1.3 This Scheme of Delegation (**Scheme**) was approved by the IJB on [16 November 2016].
- 1.4 The Scheme specifies the powers which the IJB has decided to delegate to officers and regulates the exercise of delegated powers.

2. Interpretation

- 2.1 The Interpretation Act 1978 shall apply to the interpretation of this Scheme as it applies to an Act of Parliament.
- 2.2. In this Scheme the following terms have the meanings assigned to them:
 - 2.2.1 "2014 Act" means the Public Bodies (Joint Working) (Scotland) Act 2014;
 - 2.2.2 "Chief Finance Officer" means the chief financial officer of the IJB appointed by the IJB under Section 95 of the Local Government (Scotland) Act 1973;
 - 2.2.3 "Chief Officer" means the Chief Officer of the IJB appointed by the IJB under Section 10 of the 2014 Act;

2.2.4 “Constituent Authorities” means Clackmannanshire Council, Stirling Council and NHS Forth Valley; and

2.2.5 “Integration Scheme” means the Clackmannanshire & Stirling Integration Scheme agreed by the Constituent Authorities under the 2014 Act and approved by Scottish Ministers.

3. Delegation

3.1 The matters to be reserved to the IJB are mainly the strategic policy, direction, financial and regulatory issues which require to be decided by the IJB. Day to day management and actions on behalf of the IJB will be delegated to the relevant officer(s).

3.2 The IJB has determined that all powers which are not specifically reserved to the Board are delegated to the Chief Officer or, as the case may be, the Chief Finance Officer to the Board.

3.3 The Chief Officer will have delegated responsibility from the IJB for all matters in respect of the oversight, development and implementation of IJB policy unless specifically reserved to the IJB, together with such statutory or other legal duties as may have been specifically assigned to the Chief Officer.

3.4 The Chief Finance Officer will have delegated responsibility from the IJB for the planning, development and delivery of the three year financial strategy together with such statutory or other legal duties as may have been specifically assigned to the Chief Finance Officer including

3.4.1 Establishing financial governance systems for the proper use of the delegated resources;

3.4.2 Ensuring that the Strategic Plan meets the requirement for best value in the use of the Integration Joint Board’s resources; and

3.4.3 Ensuring that the directions to the Health Board and Local Authority provide for the resources that are allocated in respect of the directions are spent according to the plan;

3.5 The Chief Officer or Chief Finance Officer are authorised to take, or make arrangements for, any action required to implement any decision of the IJB or any decision taken in the exercise of a delegated power.

3.6 The Chief Officer or Chief Finance Officer are authorised to execute contracts and other legal documents on behalf of the IJB. The delegated power at this Section 3.6 cannot be sub-delegated by the Chief Officer or Chief Finance Officer.

- 3.7 The IJB may deal with a delegated matter itself or withdraw or amend the delegation. If the IJB determines that a particular power should be exercised by it, notwithstanding the delegation permitted in this Section 3, no officer may exercise delegated authority in respect of that power.
- 3.8 All exercise of delegated power is subject to Section 5.
- 3.9 It is the responsibility of any officer who intends to exercise delegated authority to ensure that they are permitted to do so in accordance with the terms of this Scheme.

4. Powers Expressly Reserved to the Integration Joint Board

- 4.1 Powers which are not reserved to the IJB are delegated, in accordance with the provisions of this Scheme.
- 4.2 The following is a comprehensive list of what is reserved to the IJB:
- 4.2.1 any function, power or remit which is, in terms of statute or other legal or regulatory requirement bound to be undertaken by the IJB itself;
 - 4.2.2 the approval to issue Directions to constituent authorities in terms of Section 26 and 27 of the 2014 Act;
 - 4.2.3 to change the name of the IJB;
 - 4.2.4 to receive any certified abstract of the Board's annual accounts;
 - 4.2.5 the approval or amendment of the financial strategy;
 - 4.2.6 the approval or amendment of the annual budget;
 - 4.2.7 the approval of any investment strategy and annual investment report;
 - 4.2.8 the approval of any stakeholder expenses policy relating to service user, unpaid carer and third sector representatives and determining issues regarding the entitlement of IJB members and others to expenses;
 - 4.2.9 to establish such committees, sub-committees and joint committees as may be considered appropriate to conduct IJB business;

- 4.2.10 the approval annually of the Integrated Revenue Budget;
- 4.2.11 the incurring of any additional net expenditure not provided for in the estimate of revenue expenditure unless, such expenditure is approved by and reported to the IJB;
- 4.2.12 the approval or amendment of the IJB's Standing Orders, Financial Regulations and/ or this Scheme of Delegation;
- 4.2.13 approving the appointment of the Chief Officer and Chief Finance Officer subject to compliance with any relevant frameworks or policies of the relevant constituent authority, if appropriate;
- 4.2.14 any approval or amendment of the Strategic Plan including the associated Financial Plan;
- 4.2.15 to set and amend a programme of IJB and committee meetings;
- 4.2.16 any matters reserved to the Board by Standing Orders, Financial Regulations and other strategies or frameworks approved by the IJB; and
- 4.2.17 [Any other matters which it is considered should be reserved to the IJB].

5. Restrictions on and Terms Applicable to the Exercise of all Delegated Powers by Officers

- 5.1 All delegated authorities must be exercised within the IJB's approved budget(s). If the exercise of any power might lead to a budget being exceeded, and the IJB has not previously been notified of the likelihood of that budget being so exceeded, or it is expected the action will lead to a budget being exceeded by more than has been notified to the IJB, the officer must consult with the Chief Executives of the constituent authorities, the Section 95 officers of the Constituent Authorities and the Chair and Vice Chair of the IJB before exercising that delegated power.
- 5.2 No delegation may be granted if it is reserved by law to the IJB or if the IJB has expressly determined the matter in question should be discharged other than by an officer.
- 5.3 All delegations must be exercised in compliance with IJB's strategies, frameworks, standing decisions and the legal framework within which the IJB and the relevant officer operates, including without prejudice to the foregoing generality, in compliance with the IJB's Financial Regulations, Integration

Scheme and its Strategic Plan. For the avoidance of doubt, delegated powers must not be exercised by any officer where the decision or action by that officer in exercising that delegated power would represent:

5.3.1.1 a departure from IJB strategy or policy;

5.3.1.2 a departure from the IJB's Financial Regulations, Integration Scheme of its Strategic Plan, or would be contrary to any standing instruction, decision or direction of the IJB; or

5.3.1.3 a significant development of IJB strategy, policy or approach.

5.4 Officers will report back to the IJB on actions taken under authority delegated to them.

5.5 If an officer is proposing to take any action that is or is likely to be regarded as controversial or have any material effect on the financial, reputational or operational risk and/ or the service delivery/ performance for the IJB or any of the Constituent Authorities then they must first consult with the Chair and Vice Chair of the IJB and the Chief Executives of the Constituent Authorities.

6. Sub-delegation & Deputies

6.1 The Chief Officer and the Chief Finance Officer may sub-delegate powers to officers of Constituent Authorities, as appropriate. Any officer of a Constituent Authority afforded delegated power under this Section may only exercise that power in respect of their own Constituent Authority and in accordance with the requirements of their post and employment with that Constituent Authority. Any such sub-delegation must be recorded in writing and copied to the Chief Executive of the Constituent Authority that employs the relevant officer. In doing so, the Chief Officer or the Chief Finance Officer shall retain responsibility for carrying out the delegated power.

6.2 If the Chief Officer is absent or otherwise unable to carry out their responsibilities for a period of 4 weeks or longer, the Integration Scheme provides that formal arrangements require to be made by the IJB. Under any such arrangements, the person appointed there under would be entitled to exercise delegated responsibility under this Scheme as is afforded to the Chief Officer.

6.3 If the Chief Finance Officer is absent or otherwise unable to carry out their responsibilities, any suitably experienced and qualified person formally appointed by the IJB to carry out the role in the Chief Finance Officer's absence would be entitled to exercise delegated responsibility under this Scheme as is afforded to the Chief Finance Officer.

6.4 Any officer exercising delegated authority either by sub-delegation under Section 6.1, or under Section 6.2 or 6.3 is required to exercise it in accordance with Section 5 of this Scheme

7. Alteration & Review of Scheme

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

7.2 The Chief Officer shall have the power to alter the Scheme only to correct any minor errors or to make any consequential amendments required as a result of a decision of the IJB.

7.3 The IJB shall review this Scheme periodically (at least annually) or earlier, if required.