



PERTH & KINROSS INTEGRATION JOINT BOARD

WEDNESDAY 23 MARCH 2016

SCHEME OF DELEGATION

Report by Chief Officer

PURPOSE OF REPORT

This report asks the Board to approve the Scheme of Delegation which sets out the Chief Officer's authority to make decisions on behalf of the Board.

1. BACKGROUND

- 1.1 The 2014 Act, supporting Regulations and the Integration Scheme together set out the powers of the Board in relation to the integrated functions.
- 1.2 To ensure the smooth running of Board business, the Chief Officer requires to be given authority to act on the Board's behalf, particularly in relation to matters which require a decision or action between Board meetings.
- 1.3 As a matter of good practice, a Scheme of Delegation requires to be agreed by the Board, which sets out the extent of the Chief Officer's power to make decisions on the Board's behalf. A proposed Scheme of Delegation is attached at Appendix One.
- 1.4 Governance documents such as the Scheme of Delegation should be regularly reviewed. The Scheme of Delegation will therefore be reviewed after a 12 month period and any recommendations for change will be reported to the Board after that review.

2. CONCLUSION AND RECOMMENDATION

- 2.1 It is recommended that the Board approves the Scheme of Delegation set out in Appendix One.

Contact Officer: Name: Sarah Rodger, Legal Manager, Corporate and Democratic Services
Ext: 75177
Email: srodger@pkc.gov.uk

Address of Service: Blackfriars Development Centre, North Port, Perth, PH2 5LU

Date of Paper: 15 February 2016

APPENDIX 1

PERTH AND KINROSS INTEGRATION JOINT BOARD

SCHEME OF DELEGATION

1. COMMENCEMENT, INTERPRETATION, DEFINITIONS AND ALTERATION OF THE SCHEME OF ADMINISTRATION

1.1 Commencement

The Scheme shall apply with effect from 1 April 2016.

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:

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

“Board” means Perth and Kinross 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.

“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 Perth and Kinross Integration Scheme made between the Partners under the 2014 Act and approved by Scottish Ministers;

“Members” means Members of the Board;

“Partners” means NHS Tayside and Perth and Kinross Council.

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 Chief Officer 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. Any such alteration shall be notified to the Clerk to the Board and made to the version of the Scheme retained by the Clerk.

2 DELEGATION TO OFFICERS

- 2.1 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.

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

- (i) 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.
- 2.2 The Chief Officer or 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.
- 2.3 The Chief Officer or Chief Finance Officer are authorised to take such measures as may be required in emergency situations, subject to reporting to the Board as soon as possible on any items for which approval would normally be necessary.
- 2.4 In exercising the authority hereby delegated to them, officers must act in accordance with any policies and procedures of the Board.
- 2.5 If any decision proposed under delegated powers might lead to a budget being exceeded, the Chief Officer or Chief Finance Officer must consult with the Chair of the Board before exercising the delegated power.

3 GENERAL POWERS RESERVED TO THE BOARD

- 3.1 Notwithstanding clause 2.1 above, 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;
 - (iii) a significant development of policy or procedure.

The only exception to this is in the case of emergency as set out in clause 2.3 above.

4 SPECIFIC POWERS RESERVED FOR THE BOARD

4.1 The following specific powers are reserved to the Board:

- (i) To approve or amend of the Strategic Plan including the Financial Plan;
- (ii) To issue Directions to the Partners under sections 26 and 27 of the 2014 Act;
- (iii) To approve the financial strategy;
- (iv) To approve the annual budget;
- (v) To receive any certified abstract of the Board's annual accounts and annual financial statement;
- (vi) To appoint (but not dismiss) the Chief Officer and the Chief Finance Officer subject always to the relevant policies and procedures of the Employer;
- (vii) To deal with matters reserved to the Board by Standing Orders, Financial Regulations and other schemes approved by the Board;
- (viii) To establish such committees and sub-committees as may be considered appropriate to conduct business and to appoint and remove Chairs, Depute Chairs and members of such committees and sub-committees;
- (ix) To approve or amend the Standing Orders regulating meetings, proceedings and business of the Board;
- (x) To approve or amend this Scheme;
- (xi) To approve any Expenses Policy and the entitlement of Members and others to such expenses;
- (xii) To change the name of the Board;
- (xiii) To fix and amend a programme of Board and committee meetings; Any other functions or remit which is, in terms of statute or other legal requirement, bound to be undertaken by the Board itself;

