

Integration Joint Board 14th February 2022

Subject: **IJB Governance**

Purpose: To advise Integration Joint Board of proposed changes to Standing Orders and Scheme of Delegation.

Recommendation: That the Integration Joint Board reviews and approves the revised versions of (1) Standing Orders attached at Appendix 1 and (2) Scheme of Delegation attached at Appendix 2 with immediate effect.

Glossary of Terms

IJB	Integration Joint Board
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1.	EXECUTIVE SUMMARY
1.1	The Standing Orders for Integration Joint Board Meetings set out the rules for decision taking and define how the IJB and its committees conduct their business democratically.
1.2	The Scheme of Delegation sets out delegation of authority to officers to enable delivery of IJB services.
1.3	These key governance documents have been reviewed and updated and approval is sought for the revised versions attached at Appendices 1 and 2.
2.	CURRENT POSITION
2.1	The Standing Orders for meetings were last amended in August 2019 to permit webcasting of meetings.
2.2	<p>A further review of Standing Orders has been undertaken and the revised document is attached at appendix 1. The document has been amended to include:</p> <ul style="list-style-type: none"> • re-ordering to format and correction of typographical errors; • minor adjustments to wording including reference to remote participation in meetings; • clarification of quorum in relation to specific items on the agenda; • amended reference to the Code of Conduct for Members and declaration of interests; • clarification that admission of press and public to meetings refers to Board meetings only and not to any other committees or sub-committees.
2.3	The Scheme of Delegation to Officers in respect of functions delegated from North Ayrshire Council, and the NHS Ayrshire and Arran was approved in 2015. The Scheme lists the functions delegated to key officers. In turn those officers can delegate those functions to other officers within their services to ensure service delivery. The provisions of the Scheme have not been reviewed since 2015 and require to be refreshed to reflect any changes in legislation and practice.

2.4	The proposed revisals to the Scheme reflect that delegation to key officers relates to the strategic Board functions rather than operational service delivery which is granted by the respective constituent authorities under their own specific schemes of delegation. More generally, the layout of the Scheme has been refreshed with content re-positioned. There have been deletions where delegations are not required. As previously, the Scheme of Delegation to Officers provides that any functions which are not otherwise reserved to the Board will be dealt with by officers. It also retains the core provision that delegated powers should not be exercised by Officers where any decision would represent a departure from IJB policy or procedure or would be contrary to a standing instruction of the IJB or would itself represent a significant development from policy or procedure.
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3. PROPOSALS

3.1 Anticipated Outcomes

The Standing Orders and Scheme of Delegation will be updated which supports compliance with the IJB's legal and administrative arrangements.

3.2 Measuring Impact

N/A

4. IMPLICATIONS

Financial:	None
Human Resources:	None
Legal:	Approval of the key governance documents is an essential component of the IJB's legal and administrative arrangements
Equality:	None
Children and Young People	None
Environmental & Sustainability:	None
Key Priorities:	None
Risk Implications:	None
Community Benefits:	None

Direction Required to Council, Health Board or Both	Direction to :-	
	1. No Direction required	X
	2. North Ayrshire Council	
	3. NHS Ayrshire & Arran	
	4. North Ayrshire Council & NHS Ayrshire & Arran	

5 CONSULTATION

The IJB Standards Officer was consulted in the preparation of this report.

6.	CONCLUSION
	The report recommends adoption of the amended Standing Orders and Scheme of Delegation.

For more information please contact Caroline Cameron, Director/Chief Officer on carolinecameron@north-ayrshire.gov.uk or (01294) 317723.



NORTH AYRSHIRE INTEGRATION JOINT BOARD

STANDING ORDERS FOR MEETINGS

Date of Agreement – 2nd April 2015
Date of Amendment – 16-4-15
Date of Amendment – 29-8-19

Date of Amendment - []

1. General

- 1.1** These Standing Orders are made under the Public Bodies (Joint Working) (Scotland) Act 2014 and the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014. These Standing Orders shall, as far as applicable be the rules and regulations for the proceedings of the Board, its Committees and Sub-Committees and therefore reference to the term 'Board' in the said Standing Orders should be interpreted accordingly. The term 'Chairperson' shall also be deemed to include the Chairperson of any Committee or Sub-Committee but only in relation to such Committees or Sub-Committees.
- 1.2** In these Standing Orders "the Integration Board" shall mean the North Ayrshire Integration Joint Board established in terms of the Public Bodies (Joint Working) (Integration Joint Board Establishment) (Scotland) Order 2015 and the Integration Scheme entered into by North Ayrshire Council and NHS Ayrshire & Arran Health Board, as approved by Scottish Ministers.
- 1.3** Any statutory provision, regulation or direction issued by the Scottish Ministers shall have precedence if they are in conflict with the Standing Orders.

2. Membership

- 2.1** Voting membership of the Integration Board shall comprise four persons nominated by the NHS Board, and four persons appointed by the Council. Where the NHS Board is unable to fill its places with non-Executive Directors it can then nominate other appropriate people, who must be members of the NHS Board to fill their spaces, but at least two must be non-executive members.
- 2.2** Non-voting membership of the Integration Board shall comprise:
- a. the chief social work officer of the local authority;
 - b. the chief officer of the Integration Board;
 - c. the proper officer of the Integration Board appointed under section 95 of the Local Government (Scotland) Act 1973;
 - d. a registered medical practitioner whose name is included in the list of primary medical services performers prepared by the Health Board in accordance with Regulations made under section 17P of the National Health Service (Scotland) Act 1978;
 - e. a registered nurse who is employed by the Health Board or by a person or body with which the Health Board has entered into a general medical services contract;
 - f. a registered medical practitioner employed by the Health Board and not providing primary medical services.
 - g. One member to represent staff of the constituent authorities engaged in the provision of services provided under integration functions;
 - h. One member to represent third sector bodies carrying out activities related to health or social care in the area of the local authority;
 - i. One member to represent service users residing in the area of the local authority;

- j. One member to represent persons providing unpaid care in the area of the local authority; and
- k. Such additional members as the Integration Board sees fit. Such a member may not be a councillor or a non-executive director of the Health Board.

The members appointed under paragraphs (d) to (f) must be determined by the Health Board

- 23** A member of the Integration Board in terms of 2.2 (a) to (c) will remain a member for as long as they hold the office in respect of which they are appointed. Otherwise, the term of office of Members of the Integration Board shall be for two years or until the day of the next ordinary Elections for Local Government Councillors in Scotland, whichever is shorter.
- 24** Where a Member resigns or otherwise ceases to hold office, the person appointed in his/her place shall be appointed for the unexpired term of the Member they replace.
- 25** On expiry of a Member's term of appointment the Member shall be eligible for re-appointment provided that he/she remains eligible and is not otherwise disqualified from appointment.
- 26** A voting Member appointed under paragraph 2.1 ceases to be a member of the Integration Board if they cease to be either a Councillor or a non- executive Director of the NHS Board or an Appropriate Person in terms of the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014.
- 27** A Member of the Integration Board, other than those Members referred to in paragraph 2.2(a) to (c), may resign his/her membership at any time during their term of office by giving notice to the Integration Board in writing. The resignation shall take effect from the date notified in the notice or on the date of receipt if no date is notified. If this is a voting member the Integration Board must inform the constituent authority that made the nomination.
- 28** If a Member has not attended three consecutive Ordinary Meetings of the Integration Board, and their absence was not due to illness or some other reasonable cause as determined by the Integration Board, the Integration Board may, by giving one month's notice in writing to that Member, remove that person from office.
- 29** If a member acts in a way which brings the Integration Board into disrepute or in a way which is inconsistent with the proper performance of the functions of the Integration Board, the Integration Board may remove the member from office with effect from such date as the Integration Board may specify in writing.

- 210** If a member is disqualified under article 8 of the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 during a term of office they are to be removed from office as a Member of the Integration Board immediately.
- 211** A constituent authority may remove a member which it nominated by providing one month's notice in writing to the Member and the Integration Board.
- 212** Named Depute Members for Members of the Integration Board may be appointed by the constituent authority which nominated the Member, or the Member as appropriate. The appointment of such Deputies will be subject to the same rules and procedures for Members. Deputies shall receive papers for Meetings of the Integration Board but shall be entitled to attend or vote at a Meeting only in the absence of the principal Member they represent. If the Chairperson or Vice Chairperson is unable to attend a meeting of the Integration Board, any Depute Member attending the meeting may not preside over that meeting.
- 213** The acts, meetings or proceedings of the Integration Board shall not be invalidated by any defect in the appointment of any Member or any vacancy in the membership of the Integration Board.

1. Chairperson and Vice Chairperson

- 1.1** The Chairperson and Vice Chairperson will be drawn from the NHS Board and the Council voting members of the Integration Board. If a Council member is to serve as Chairperson then the Vice Chairperson will be a member nominated by the NHS Board and vice versa. The first Chair of the Integration Board will be appointed on the nomination of the Council.
- 1.2** The appointment to Chairperson and Vice Chairperson is time limited to a period not exceeding two years and carried out on a rotational basis between Council and NHS Board appointed Chairperson. The term of office of the first Chairperson will be for the period to the local government elections in 2017, thereafter the term of office of the Chairperson will be for a period of two years. The Council or NHS Board may change their appointee as Chairperson or Vice Chairperson during an appointing period.
- 1.3** The Vice-Chairperson may act in all respects as the Chairperson of the Integration Board if the Chair is absent or otherwise unable to perform his/her duties.
- 1.4** At every meeting of the Integration Board the Chairperson, if present, shall preside. If the Chairperson is absent from any meeting the Vice-Chairperson, if present, shall preside. If both the Chairperson and the Vice-Chairperson are absent, a Chairperson shall be appointed from within the members present for that meeting. Any Depute Member attending the meeting in terms of 2.12 may not preside over that meeting.

15 Powers, authority and duties of Chairperson and Vice-Chairperson.

The Chairperson shall amongst other things :-

- (a) Preserve order and ensure that every Member has a fair Hearing;
- (b) Decide on matters of relevancy, competency and order, and whether to have a recess during the Meeting, having taken into account any advice offered by the Chief Officer or other relevant officer in attendance at the Meeting;
- (c) Determine the order in which speakers can be heard;
- (d) Ensure that due and sufficient opportunity is given to Members who wish to speak to express their views on any subject under discussion;
- (e) If requested by any Member ask the mover of a motion, or an amendment, to state its terms;
- (f) Maintain order and at his/her discretion, order the exclusion of any member of the public who is deemed to have caused disorder or misbehaved;
- (g) The decision of the Chairperson on all matters within his/her jurisdiction shall be final;
- (h) Deference shall at all times be paid to the authority of the Chairperson. When he/she rises to speak, the Chairperson shall be heard without interruption; and
- (i) Members shall address the Chairperson while speaking.

2. Meetings

- 21** The first meeting of the Integration Board will be convened at a time and place to be determined by the Chairperson. Thereafter Integration Board shall meet at such place and such frequency as may be agreed by the Integration Board.
- 22** The Chairperson may convene Special Meetings if it appears to him/her that there are items of urgent business to be considered. Such Meetings will be held at a time, date and venue as determined by the Chairperson. If the Office of Chairperson is vacant, or if the Chairperson is unable to act for any reason the Vice-Chairperson may at any time call such a meeting.
- 23** If the Chairperson refuses to call a meeting of the Integration Board after a requisition for that purpose specifying the business proposed to be transacted, signed by at least two thirds of the voting Members, has been presented to the Chairperson or if, without so refusing, the Chairperson does not call a meeting within seven days after such requisition has been presented, those Members who presented the requisition may forthwith call a Meeting provided no business shall be transacted at the Meeting other than specified in the requisition.

- 24** Adequate provision will be made to allow for members to attend a meeting of the Integration Board or a committee of the Integration Board either by being present together with other members in a specified place, or in any other way which enables members to participate despite not being present with other members in a specified place.

3. Notice of Meeting

- 31** Before every meeting of the Integration Board, a notice of the meeting specifying the time, place and business to be transacted at it and signed by the Chairperson, or by a Member authorised by the Chairperson to sign on that person's behalf, shall be delivered to every Member or sent by post to the usual place of residence of such Members or delivered by electronic means so as to be available to them at least five days before the meeting. Members may opt in writing addressed to the Chief Officer to have notice of meetings delivered to an alternative address. Such notice will remain valid until rescinded in writing. Lack of service of the notice on any Member shall not affect the validity of anything done at a meeting.
- 32** In the case of a meeting of the Integration Board called by Members in default of the Chairperson, the notice shall be signed by those Members who requisitioned the meeting.
- 33** At all Ordinary or Special Meetings of the Integration Board, no business other than that on the agenda shall be discussed or adopted except where by reason of special circumstances, which shall be specified in the minutes, the Chairperson is of the opinion that the item should be considered at the meeting as a matter of urgency.

4. Quorum

- 41** No business shall be transacted at a meeting of the Integration Board unless there are present (which shall include remotely if by appropriate means in accordance with Standing Order 4.4), and entitled to vote both Council and NHS Board members and at least one half of the voting Members of the Integration Board are present
- 42** If within ten minutes after the time appointed for the commencement of a meeting of the Integration Board, a quorum is not present, the meeting will stand adjourned to such date and time as may be fixed and the minute of the meeting will disclose the fact.
- 43** If less than a quorum is entitled to vote on an item because of declarations of interest, that item cannot be dealt with at that meeting.

5. Codes of Conduct and Conflicts of Interest

- 5.1** Members of the Integration Board (including any Deputies) shall subscribe to and comply with the Code of Conduct for Members of the North Ayrshire Integration Joint Board (the 'Code of Conduct') which is deemed to be incorporated into these Standing Orders. All Members shall be obliged before taking up membership, to agree in writing to be bound by the terms of the Code of Conduct. Members shall also comply with any relevant guidance issued by the Standards Commission for Scotland.
- 5.2** If any Member has a financial or non-financial interest as defined in the Code of Conduct and is present at any meeting at which the matter is to be considered, he/she must as soon as practical, after the meeting starts (and certainly before taking part in any discussion on that item), disclose that he/she has an interest and the nature of that interest and if he/she is precluded from taking part in consideration of that matter.
- 5.3** Where an interest is disclosed, the member disclosing the interest is to decide whether, in the circumstances, it is appropriate for them to take part in discussion of or voting on the item of business.

6. Adjournment of Meetings

- 6.1** A meeting of the Integration Board may be adjourned to another date, time or place by a motion, which shall be moved and seconded and put to the meeting without discussion. If such a motion is carried by a simple majority of those present and entitled to vote, the meeting shall be adjourned to the day, time and place specified in the motion.

7. Disclosure of Information

- 7.1** No member or officer shall disclose to any person any information which falls into the following categories:-
- Confidential information within the meaning of Section 50A(2) of the Local Government (Scotland) Act 1973.
 - The full or any part of any document marked "not for publication by virtue of the appropriate paragraph of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973", unless and until the document has been made available to the public or press under section 50B of the said 1973 Act.

- Any information regarding proceedings of the Integration Board from which the public have been excluded unless or until disclosure has been authorised by the Integration Board or the information has been made available to the press or to the public under the terms of the relevant legislation.

72 Without prejudice to the foregoing, no Member shall use or disclose to any person any confidential and/or exempt information coming to his/her knowledge by virtue of his/her office as a Member where such disclosure would be to the advantage of the Member or of anyone known to him/her or which would be to the disadvantage of the Integration Board.

8. Recording of Proceedings

No sound, film, video tape, digital or photographic recording of the proceedings of any meeting, other than webcasting of the proceedings by the Integration Board itself, shall be made without the prior approval of the Integration Board. All phones should be switched off or on silent and Members should not correspond, whether by email, text, social media or any other electronic means with any other Member or other person during a Board meeting. Research through the internet is permitted providing it is done in a manner which respects the authority of the Chair and does not interfere with the business of the meeting.

9. Admission of Press and Public

9.1 Subject to the extent of the accommodation available and except in relation to items certified as exempt, meetings of the Integration Board shall be open to the public. In this specific respect, reference to the Board should not be interpreted as including reference to the Board's Committees and/or Sub-Committees, specific provision will be made by the Board regarding the extent of any public access permitted to meetings of its Committees or Sub-Committees. The Chief Officer shall be responsible for giving public notice of the time and place of each meeting of the Integration Board by posting within the main offices of the Integration Board or on the Board's website not less than five days before the date of each meeting.

9.2 The Integration Board may by resolution at any meeting, exclude the press and public therefrom during consideration of an item of business where it is likely in view of the nature of the business to be transacted or of the nature of the proceedings that if members of the press and public were present there would be a disclosure to them of exempt information as defined in Schedule 7(A) of the Local Government (Scotland) Act 1973 Act or it is likely that confidential information would be disclosed in breach of an obligation of confidence.

9.3 Every meeting of the Integration Board shall be open to the public but these provisions shall be without prejudice to the Integration Board's powers of exclusion in order to suppress or prevent disorderly conduct or other

misbehaviour at a meeting. The Integration Board may exclude or eject from a meeting a member or members of the press and public whose presence or conduct is impeding the work or proceedings of the Integration Board.

10. Alteration, Deletion and Rescission of Decisions of the Integration Board

- 10.1** Except insofar as required by reason of illegality, no motion to alter, delete or rescind a decision of the Integration Board will be competent within six months from the decision, unless a decision is made prior to consideration of the matter to suspend this Standing Order in terms of Standing Order 13.

11. Suspension, Deletion or Amendment of Standing Orders

- 11.1** Any one or more of the Standing Orders in the case of emergency as determined by the Chair upon motion may be suspended, amended or deleted at any Meeting so far as regards any business at such meeting provided that two thirds of the Members of the Integration Board present and voting shall so decide. Any motion to suspend Standing Orders shall state the number or terms of the Standing Order(s) to be suspended.

12. Procedures for Dealing with Items of Business

- 12.1** Every effort shall be made by Members to ensure that as many decisions as possible are made by consensus.
- 12.2** Officers of the Board will speak to the terms of any report drafted by them which is on the agenda for a meeting. Thereafter it will be open to any Member to ask a question or questions concerning the item of business under consideration. Such questions must be relevant to the item of business under consideration and may be directed to any senior officer seeking clarification of the terms of a report.
- 12.3** When the Chairperson is satisfied that there are no more questions to be raised he or she will invite the Board to discuss the item of business. Such discussion must be relevant to the item of business and should attempt to achieve a decision by consensus. As part of the Chairperson's role to manage the meeting, the Chairperson shall attempt to ensure that Members who wish to speak have a fair opportunity to do so. The Chairperson shall have power to determine when Members can speak and will determine the number of occasions and length of time that a Member is able to speak.
- 12.4** When the Chairperson is satisfied that a decision can be made by consensus he or she will clarify the terms of that decision with the Board.

13. Procedure where there is no Unanimous Decision

- 13.1** If the Chairperson is satisfied that a decision cannot be made by consensus, he or she will invite those of differing views to state the decision they wish the Board to make. The first such statement will be known as the recommendation. Any member may seek an amendment to the recommendation. Any recommendation and amendment must relate to the item of business under discussion. No recommendation or amendment will be accepted unless it is seconded. It will be open to any Member to ask a question or questions to the mover of any recommendation or amendment seeking clarity of their recommendation or amendment.
- 13.2** In the event that discussion on any item has exceeded 30 minutes it will be open to any Member to propose a recommendation. If this is not seconded the recommendation will fall and discussion shall continue, subject to 15.1. If it is seconded, the Chairperson will ascertain if there are any amendments, which also require to be seconded.
- 13.3** For the avoidance of doubt, non-voting members can propose or second a recommendation or amendment and speak to its terms, but cannot vote on it.
- 13.4** Debate - When the Chairperson is satisfied that there are no more recommendations, or amendments to be raised he or she will state that the Board is in debate.
- 13.5** Subject to the right of the mover of a recommendation, and the mover of an amendment, to reply, no Member will speak more than once on the same question at any meeting of the Integration Board except:-
- On a question of Order
 - With the permission of the Chairperson
 - In explanation or to clear up a misunderstanding in some material part of his/her speech.
- 13.6** The mover of an amendment and thereafter the mover of the original recommendation will have the right of reply for a period of not more than 3 minutes in order to sum up. He/she will introduce no new matter and once a reply is commenced, no other Member will speak on the subject of debate. Thereafter the discussion will be held closed and the Chairperson will call for the vote to be taken.

14. Voting

- 14.1** Only the four Members nominated by the NHS Board, and the four Members appointed by the Council shall be entitled to vote.

142 Every question at a meeting shall be determined by a majority of votes of the Members present and who are entitled to vote on the question. Voting shall be by a show of hands. In the case of an equality of votes the Chair shall not have a second or casting vote.

143 Where there is an equality of votes the voting members may agree that the decision will be made by a cut of cards or some other equitable method. If the voting members do not agree to such a method of breaking the deadlock then no decision will be taken and the status quo shall prevail. Standing Order 12 shall not preclude reconsideration of any such item within a 6 month period.

144 Where there is a temporary vacancy in the voting membership of the Integration Board, the vote which would be exercisable by any Member appointed to that vacancy may be exercised jointly by the other Members appointed by the relevant constituent authority.

15. Minutes

151 The names of the Members and others present at a meeting shall be recorded in the minutes of the meeting.

152 The minutes of the proceedings of a meeting, including any decision or resolution made by that meeting, shall be drawn up and submitted to the next ensuing meeting for agreement by a person nominated by the Chief Officer, after which they will be signed by the person presiding at that meeting. A minute purporting to be so signed shall be received in evidence without further proof.

16. Committees and Working Groups

161 The Integration Board may establish any Committee or Working Group as may be required from time to time but each Working Group shall have a limited time span as may be determined by the Integration Board.

162 The Membership, Chairperson, remit, powers and quorum of any Committee or Working Groups will be determined by the Integration Board.

163 Agendas for consideration at a Committee or Working Group will be issued by electronic means to all Members no later than two days (not including Saturday and Sunday) prior to the start of the meeting.



NORTH AYRSHIRE INTEGRATION JOINT BOARD

SCHEME OF DELEGATION TO OFFICERS

Version 1 - approved by Board [date]
Version 2 – approved by
Board [date]

Classification: Public

Contents

Section 1	Introduction	3
Section 2	Core Principles & General Provisions	5
Section 3	Chief Officer	8
Section 4	Chief Financial Officer	11
Section 5	Chief Internal Auditor	12
Annex 1	Chief Social Work Officer	13

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 3 – 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.

