



Integration Joint Board

6th December 2019

This Report relates to
Item 7 on the Agenda

Scheme of Delegation to Committees and Officers

(Paper presented by Alison Warrick)

For Approval

Approved for Submission by	Julie White, Chief Officer
Author	Alison Warrick, Corporate Governance Officer
List of Background Papers	Integration Scheme between NHS Dumfries and Galloway and Dumfries and Galloway Council Integration Joint Board Standing Orders
Appendices	Appendix 1 - Scheme of Delegation to Committees and Officers

Direction Required to Council, Health Board or Both	Direction to:	
	1. No Direction Required	X
	2. Dumfries and Galloway Council	
	3. NHS Dumfries and Galloway	
	4. Dumfries and Galloway Council and NHS Dumfries and Galloway	

SECTION 1: REPORT CONTENT

Title/Subject: Scheme of Delegation to Committees and Officers
Meeting: Integration Joint Board
Date: 6th December 2019
Submitted By: Alison Warrick
Action: For Approval

1. Introduction

- 1.1 Following an audit finalised earlier this year (2019-A-01-19 Delegated Authorities) by Internal Audit it was noted that the current Scheme of Delegation did not include full Terms of Reference of Sub Committees nor did it include the duties of named officers.
- 1.2 It was also noted that this Scheme had not been reviewed in line with its target date of June 2018

2. Recommendations

- 2.1 **The Integration Joint Board is asked to:**
 - **Approve the Scheme of Delegation to Committees and Officers**

3. Background

- 3.1 This Scheme of Delegation is intended to be read in conjunction with the IJB Standing Orders and the Integration Scheme. It sets out the Committees that the Board is required to set up, as stipulated in the Public Bodies (Joint Working) (Scotland) Act 2014, which are also included in the Integration Scheme.
- 3.2 The Scheme of Delegation provides authority to Officers to deliver functions or to make decisions on operational matters on behalf of the Integration Joint Board whilst at the same time reserving responsibility for the strategic oversight to the Integration Joint Board.

4. Main Body of the Report

- 4.1 The Action Plan which followed the Delegated Authorities audit stipulates:

The IJB Scheme of Delegation did not capture the complete range of duties stated within the Integration Scheme and the Standing Orders. This included Terms of Reference of sub committees, and duties of names officers. In addition the Scheme of Delegation has not been reviewed in line with its target date. This risks the IJB failing to ensure all activities are being monitored, scrutiny is complete and assurances are being delivered in line with IJB expectations.

- 4.2 The outcome of this Action Plan is that a full review of the Scheme of Delegation was undertaken in line with the Integration Scheme and the IJB Standing Orders.
- 4.3 Throughout the compilation of this document the named Officers were notified of any prospective changes and their views were incorporated within the document.
- 4.4 This revised document at **Appendix 1** was then circulated for consultation to all members of the Integration Joint Board for their views and any changes incorporated in the final document.
- 4.5 To ensure that the information contained within the Scheme of Delegation to Committees and Officers is kept up to date it will be reviewed on an annual basis.

5. Conclusions

- 5.1 Based on the information provided Board Members are asked to approve this Scheme of Delegation to Committees and Officers

Dumfries and Galloway Integration Joint Board



DIRECTION

(ISSUED UNDER SECTIONS 26-28 OF THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014)

1.	Title of Direction and Reference Number	
2.	Date Direction Issued by Integration Joint Board	
3.	Date from which Direction takes effect	
4.	Direction to	
5.	Does this direction supersede, amend or cancel a previous Direction? If yes, include the reference number(s)	
6.	Functions covered by Direction	
7.	Full text of Direction	
8.	Budget allocated by Integration Joint Board to carry out Direction	
9.	Desired Outcomes	
10.	Performance Monitoring Arrangements	
11.	Date Direction will be Reviewed	



Dumfries and Galloway Integration Joint Board
Scheme of Delegation to Committees and Officers

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Reviewer	Julie White	Implementation Date:	December 2019
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Approved By	IJB	Last Review Date:	First Draft
Impact Assessed		Data Impact Assessed	

Version Control	Date	Summary of Changes	Name
0.1	17/07/2019	Initial Draft	Alison Warrick
0.2	19/08/2019	Further Draft following comments from Chief Social Work Officer	Alison Warrick
0.3	15/10/2019	Further Draft following comments from Chief Finance Officer	Alison Warrick
0.4	20/11/2019	Further Draft following comments upon conclusion of consultation	Alison Warrick

Scheme of Delegation to Committees and Officers

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Introduction

This Scheme of Delegation needs to be read and used alongside the Standing Orders, Integration Scheme and Financial Regulations of the IJB which make up the wider framework of governance within the Integration Joint Board. The Board's Governance is based upon the principles of:

- Accountability
- Openness
- Responsiveness
- Democracy

This Scheme of Delegation contributes to these fundamental principles by defining a route for certain decisions enabling the Integration Joint Board to be:

- Speedy and responsive in taking decisions
- Efficient – by freeing the formal decision making structures of the IJB to focus on other key decisions which have to be taken under full public scrutiny
- Accountable – by holding appropriate staff fully accountable for the directions they take.

Interpretation:

In this Scheme the following words shall have the meanings assigned to them:-

- The Act means the Public Bodies (Joint Working) (Scotland) Act 2014 (Joint Working) (Scotland) Act 2014
- The IJB means the Dumfries and Galloway Integration Joint Board
- Chief Officer means the Chief Officer of the Integration Joint Board
- Chief Finance Officer means the Chief Finance Officer of the IJB appointed by them in terms of Section 95 of the 1973 Act

Section 1: Overview of Delegation to Committees

- 1.1 The approved Standing Orders for the Proceedings and Business of the Integration Joint Board, shall also apply to all Committee meetings.
- 1.2 The Integration Joint Board shall appoint the Chairs, Vice Chairs and Membership of each Committee and shall approve the Terms of Reference.
- 1.3 Any voting Integration Joint Board Member may substitute for a Committee Member who is also a voting Integration Joint Board Member.
- 1.4 The quorum for any meeting of a Committee shall be half of its voting members. If a quorum is not present, the meeting will stand adjourned to such a date and time as may be fixed by the Chair.
- 1.5 A Member may be regarded as being present at a Committee meeting if they are able to participate from a remote location via a video or other communication link. Members must allow reasonable notice of 5 working days if they wish to attend a Meeting via this method.
- 1.6 Minutes of the proceedings of each Committee are to be drawn up and submitted to the next ensuing meeting of the Committee for agreement.
- 1.7 Approved minutes of committee meetings will also be reported to the next Integration Joint Board for noting.

Section 2: Committees

- 2.1 The Integration Scheme requires that the Integration Joint Board delegate authority to a Clinical and Care Governance Committee and a Risk Management Sub Group, their role and remit are outlined in Sections 3 and 4.
- 2.2 Where a Board is responsible for budget expenditure, best practice dictates that an Audit Committee must also be established to advise the Board on internal control and audit matters. Therefore, the Integration Joint Board has established three Committees:
 - Audit and Risk Committee
 - Clinical and Care Governance Committee
 - Performance and Finance Committee
- 2.3 The Committee remits, in the sections that follow, reflect what is set out in the Integration Scheme for each Committee with the exception of the Performance and Finance Committee which is not outlined in the Integration Scheme.
- 2.4 Dependent on the business need for further committees, this Scheme may be amended as required by the Board.

Section 3: Audit and Risk Committee

Remit and Powers:

- 3.1 To appoint an Internal Auditor.
- 3.2 To review the effectiveness of the Boards framework of governance, risk management and internal control.
- 3.3 To approve draft Annual Accounts prior to their submission for consultation.
- 3.4 To approve the annual risk based internal audit plan and monitor internal audit work against the plan.
- 3.5 To consider the annual external audit plan.
- 3.6 To approve the internal audit charter and monitor the independence and effectiveness of the internal audit function.
- 3.7 To consider internal and external audit reports and receive assurance that agreed recommendations have been timeously and effectively implemented.
- 3.8 Consider the unaudited accounts and governance statement.
- 3.9 To redirect internal audit resources as and when deemed appropriate.
- 3.10 To make recommendations to the Board on any matters within its remit which are otherwise referred to it by the Board.
- 3.11 To develop a risk management strategy for approval by the Board.
- 3.12 To advise on the appropriate risk appetite for the Board.
- 3.13 To advise on any subsequent changes to the risk management strategy and risk appetite for approval by the Board.
- 3.14 To consider the effectiveness of the risk management process, ensuring that significant risks are being adequately managed.

Membership:

- 3.15 Four Voting Members of the Integration Joint Board, comprising 2 appointed by NHS Dumfries and Galloway and 2 by Dumfries and Galloway Council.
- 3.16 One Advisory Members of the IJB, being:
 - Chief Finance Officer

Appendix 1

3.17 The Chair and Vice Chair of the Committee to be appointed by the Integration Joint Board

3.18 In accordance with the Audit Committee Handbook, the Chair and Vice Chair of the Integration Joint Board may not be Members of the Committee

3.19 The Chief Internal Auditor, External Auditor and Risk Officers from NHS Dumfries and Galloway and Dumfries and Galloway Council are invited to attend the Committee as required.

Frequency of Meetings:

3.20 There will be a minimum of 3 meetings per year although additional meetings can be agreed by the Chair if required.

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Section 4: Clinical and Care Governance Committee

Remit and Powers:

- 4.1 To provide an effective overview of the clinical and care governance agenda across integrated services.
- 4.2 To ensure that quality monitoring and governance arrangements are in place for safe and effective health and social care delivery in Dumfries and Galloway, which will include as a minimum these elements listed below:
 - Service user/patient experience of integrated delivery, including complaints raised by service users, carers and families
 - Achievement of personal outcomes.
 - Risk management, including adverse event reporting and learning systems.
 - Inspection activity and associated improvement plans.
 - Research and development.
 - Quality and safety of care, including continuous improvement.
 - Statutory and legal requirements.
 - Quality assurance in commissioned services.
 - Workforce development and regulation.
- 4.3 The Committee will provide reports to the Integration Joint Board, NHS Dumfries and Galloway's Healthcare Governance Committee and Dumfries and Galloway Council Social Work Services Committee in order to provide assurance with regards to the quality and safety of services being delivered via the Integration Joint Board.
- 4.4 The Clinical and Care Governance Committee will receive reports from, and provide oversight of the work of the locality services.

Membership:

- 4.5 Four Voting Members of the Integration Joint Board, comprising 2 appointed by NHS Dumfries and Galloway and 2 by Dumfries and Galloway Council.
- 4.6 Four Advisory Board Members being:
 - the Chief Officer,
 - the Chief Social Work Officer,
 - the Medical Director (Registered Medical Practitioner(not Primary Medical Services) Representative)
 - the Director of Nursing (Registered Nurse Representative)
- 4.7 The Chair and Vice Chair are to be appointed by the Integration Joint Board.
- 4.8 There will be a minimum of 3 meetings per year, although additional meetings can be agreed by the Chair if required.

Section 5: Performance and Finance Committee

5.1 The specific focus of the Performance and Finance Committee will be to report to the Integration Joint Board following review, discussion and assessment of the effectiveness of:

- Plans to achieve financial balance within any given year.
- Development of Revenue Financial Plans for the Integration Joint Board.
- Overall Performance against the Strategic Plan, National Outcomes/Annual Operational Plan, Ministerial Strategic Group targets and the locality plans.
- Outcomes from the Integration Joint Board's investment decisions and scrutiny of investment decisions to ascertain value for money.
- To consider external inspections and value for money reports and their application and to make recommendations to the Integration Joint Board on the outcome of the scrutiny process.
- Achievement of the Integration Joint Board's efficiency plans and targets and monitoring progress with the Sustainability and Modernisation Programme.
- Development of the Strategic Plan including the Locality Plans.
- To ensure that Best Value is achieved in the decision making processes, through the impact of decisions on policy and in service delivery.
- To review key performance indicators and targets in respect of the scrutiny function and to assure continuous improvement in delivery of key performance indicators.

Membership:

5.2 Six voting members, including the Committee Chair, comprising three from Dumfries and Galloway Council and three from Dumfries and Galloway NHS Board.

5.3 The Chair of the Integration Joint Board will undertake the role of the Chair of the Committee.

5.4 Three Advisory Board Members being:

- the Chief Officer,
- the Chief Finance Officer

- the Chief Social Work Officer or Officer delegated by the CSWO

Meeting frequency:

- 5.5 There will be a minimum of 3 meetings per year although additional meetings can be agreed by the Chair if required.

Section 6 – Core Principles of Delegations to Officers

- 6.1 The Integration Joint Board has determined that all powers which are not specifically reserved to the IJB or its Committees are delegated to the Chief Officer. The matters reserved to the IJB or Committees are mainly the strategic policy or regulatory issues requiring to be decided by the IJB, while the day to day operational matters of running the IJB's services are delegated to Officers.
- 6.2 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 IJB, the power will be delegated to the Officers. The powers reserved by the IJB are detailed in this section.

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Section 7 – Delegations to the Chief Officer

7.1 The undernoted powers are delegated to the Chief Officer:-

- Responsibility for all matters in respect of the operation, development and implementation of policy unless specifically reserved to the IJB or its Committees, together with such statutory duties as may have been specifically and personally assigned to them.
- Such delegations are at all times to be exercised in accordance with all legal and regulatory requirements, this Scheme of Delegation, the Board's Standing Orders, Financial Regulations, previous decisions of the Board or its Committees and other relevant policies and procedures.
- Where clarification is required, the Chief Officer will determine which matters are operational or otherwise.
- The Chief Officer is an employee of either NHS Dumfries and Galloway or Dumfries and Galloway Council and is bound by the employment policies and procedures of which organisation employs them.
- The Chief Officer will be the principle advisor to and Officer of the IJB and will provide overall strategic and operational advice to the IJB.
- The Chief Officer is responsible for the operational management, delivery and performance of services delegated to the IJB
- The Chief Officer will report to the Chief Executives of the NHS and Council.

Section 8: General Restrictions on exercise of Delegated Powers by the Chief Officer

- 8.1 If any decision proposed under delegated powers might lead to a budget being exceeded by more than indicated previously to the IJB, the Chief Officer must consult with the Chair and Vice Chair of the IJB before exercising the delegated power.
- 8.2 The Chief Officer must ensure that the Chair and Vice Chair of the IJB are consulted on matters of a controversial nature. Where appropriate and possible, such matters should be referred to the IJB or the appropriate Committee for a decision.
- 8.3.1 The Chief Officer 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, the Strategic Plan or the determination may lead to a breach of a legal or regulatory requirement; where it is proposed that any issue be determined contrary to significant objections or the strong recommendations of statutory consultees; the Chief Officer proposes to determine the matter, or act in a manner, contrary to the recommendation of the Chief Finance Officer or anyone else 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, Standing Orders, national or international regulation requires determination otherwise
 - there are questions of legality or financial advisability/probity involved

Section 9: Powers Reserved to the Integration Joint Board

9.1 Delegated powers should not be exercised by the Chief Officer 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 previous decision or standing instruction of the IJB or its Committees
- iii. A significant development of a policy or procedure

9.2 The only exception to this in the case of urgency where the Chief Officer may, after consultation with the Chair and Vice Chair of the IJB and the Chief Finance Officer, exercise delegated powers. Should such powers be exercised in urgent circumstances, a report will be submitted to the next appropriate meeting to provide an update.

9.3 Specific powers reserved for the Integration Joint Board:

The powers which are reserved for the Integration Joint Board or its Committees are a mixture of those powers which must, in terms of statute, be reserved, and those which the IJB has chosen to reserve. Powers which are not reserved are delegated, in accordance with the provisions of this Scheme.

9.4 The following is a comprehensive list of what is reserved to the IJB:

- The issuing of Directions by the Board in terms of Sections 26 and 27 of the Public Bodies (Joint Working) (Scotland) Act 2014
- To change the name of the Integration Joint Board
- The approval of the IJBs annual accounts
- The approval of an Expenses Policy and the entitlement of Members and those to such expenses
- Any other function or remit which is, by legal or regulatory requirement, bound to be undertaken by the IJB itself
- To establish such Committees, Sub Committees and Joint Committees as may be considered appropriate to conduct business
- The approval annually of the Integration Revenue budget
- The approval, or amendments, to the IJBs Standing Orders and Scheme of Delegation
- The appointment of the Chief Officer and Chief Finance Officer subject to the relevant policies and procedures of NHS Dumfries and Galloway and Dumfries and Galloway Council
- The approval or amendment of the Strategic Plan including the Integrated Revenue Financial Plan
- To agree a programme of IJB and Committee meetings
- Any matters reserved to the IJB by Standing Orders, Financial Regulations and any other schemes approved by the IJB.

Section 10: Chief Finance Officer

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

- Finance including Audit, financial management and any procurement by the Health and Social Care Partnership

10.2 The Chief Finance Officer is responsible for the leadership and coordination, planning and policy and the strategic and management of the following services, such powers include the power to:

Finance

- Act as the Proper Officer responsible for the administration of financial affairs for the IJB in terms of Section 95 of the Local Government (Scotland) Act 1973
- To prepare Financial Regulations and relevant Codes of Practice for the IJB in relation to the control of all expenditure and income
- The monitoring of the IJBs revenue budgets during the course of each financial year and report to the IJB
- Determine all accounting procedures and financial record keeping of the IJB
- To arrange the necessary insurances to protect the interests of the IJB as well as making arrangements with insurance companies concerning claims handling and settlement of claims
- To have financial oversight of any procurement entered into directly by the Health and Social Care Partnership, including if appropriate entering into framework arrangements, central purchasing arrangements, maintenance of a standing list of approved contractors, preparation of advice and policies relating to procurement
- Will be responsible for the financial planning input to the Strategic Plan.

Audit:

- To undertake internal audit of IJB systems, procedures and practices and to investigate complaints of issues raised with Internal Audit. To provide policies, procedures and guidance relating to audit or misappropriation of funds.
- To be the primary point of contact with external auditors and provide support, information and recommendations to external auditors.

Section 11: Delegation to other Officers

11.1 The Chief Social Work Officer:

- Has professional responsibility and accountability for Social work practice
- Will ensure that the JB maintains an overview of the quality assurance of Social Work services delegated to the IJB
- Is held to account by the Council for the quality of social work practice and will continue to report to the Council's Social Work Services Committee and will provide an Annual Report on these matters to the Council, NHS Dumfries and Galloway and the IJB
- Will provide appropriate professional advice in relation to the Council's statutory social work duties and make certain decisions in terms of the Social Work (Scotland) Act 1968.

11.2 The Registered Medical Practitioner (not Primary Medical Services):

- Has joint accountability, alongside the Registered Nurse Practitioner, for quality of care and professional governance with regard to the NHS Dumfries and Galloway functions delegated to the IJB
- Holds the delegated responsibility for information governance with regards to NHS Dumfries and Galloway services and is also the Caldicott Guardian
- Is the Responsible Officer within the terms of the Medical Profession (Responsible Officers) Regulations 2010, including the statutory role in making recommendations about the revalidation of doctors with a prescribed connection to NHS Dumfries and Galloway
- Is responsible for under and post graduate education and training and teaching of medical students and this will continue to be discharged through the Director of Medical Education

11.3 The Registered Nurse Practitioner Executive Nurse Director:

- Has joint accountability, alongside the Registered Medical Practitioner (not Primary Medical Services), for quality of care and professional governance with regard to the NHS Dumfries and Galloway functions delegated to the IJB
- Has delegated responsibility with regard to the local supervisory authority for NHS Dumfries and Galloway midwifery practice
- Is responsible for all under graduate and post graduate nursing and midwifery education and evaluation of student nurse clinical placements for all NHS Dumfries and Galloway services

- Is responsible for revalidation of Nurses and Midwives by the Nursing and Midwifery Council (NMC) and Allied Health Professionals by the Health and Care Professions Council (HCPC)

Section 12: New Legislation and Updating of Powers

- 12.1 Only where necessary to comply with new legislation, this Scheme may be updated by the Chief Officer notifying the Chair and Vice Chair of the IJB in advance of the specific power he or she wishes to exercise and if this is not in conflict with, or contradictory to any statutory provision, the IJBs Standing Orders, Financial Regulations or the Strategic Plan, effect may be given to such update(s) immediately and this Scheme will be amended accordingly. The amendments must be ratified by the IJB at its next meetings.

Section 13: Alteration of the Scheme

- 13.1 Subject to the provisions of the Public Bodies (Joint Working) (Scotland) Act 2014 the IJB shall be entitled to amend, vary or revoke this Scheme from time to time.

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