



Dumfries and Galloway
Integration Joint Board

22nd September 2022

This Report relates to
Item 5 on the Agenda

Scheme of Delegation to Committees and Officers

Presented by Vicky Freeman

For Approval

Author:	Vicky Freeman, Strategic Policy Lead Dumfries and Galloway Joint Integration Board Vicky.freeman2@nhs.scot
Approved for Submission by:	Julie White, Chief Officer Julie.white2@nhs.scot
List of Background Papers:	06/12/19 - Dumfries and Galloway Integration Joint Board Scheme of Delegation to Committees and Officers 10/03/2022 – Performance Management Framework 2022-25
Appendices:	Appendix 1 – Revised Scheme of Delegation

Direction Required to Council, Health Board or Both	Title N/A		Reference Number N/A	
	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				

<p>1.</p> <p>1.1</p>	<p>Introduction</p> <p>This report presents the Dumfries and Galloway Integration Joint Board Scheme of Delegation (Appendix One), revised to reflect a proposed new committee structure for the Integration Joint Board.</p>
<p>2.</p> <p>2.1</p>	<p>Recommendations</p> <p>The Integration Joint Board is asked to:</p> <ul style="list-style-type: none"> • Note the revised committee structure for the Integration Joint Board and • Approve the revised Scheme of Delegation
<p>3.</p> <p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p>	<p>Background and Main Report</p> <p>The original, 2016 Dumfries and Galloway Integration Joint Board Scheme of Delegation was last revisited, revised and approved by the Integration Joint Board in 2019 and was again, due for review. This review is now concluded and the document revised to reflect a proposed new committee structure for the Integration Joint Board.</p> <p>Learning, and the lived experience of members of the Integration Joint Board over the last 7 years, formed the basis of this review process. Workshops with members of the Integration Joint Board, to discuss the Scheme of Delegation, the document review and proposals for revisions, took place on 15/03/2022, 25/04/22 and 08/09/2022. Verbal updates, on the establishment of and progress made by the Scheme of Delegation Short Life Working Group, as directed from the output of workshop activity, were provided to members at meetings of the Integration Joint Board. One to one sessions, for further detailed discussion of above, were offered to all members of the Integration Joint Board.</p> <p>All of the revisions to the Dumfries and Galloway Integration Joint Board Scheme of Delegation are in relation to changes to the committee structure of the Integration Joint Board. No changes or revisions have been made in relation to the delegation arrangements for officers of the Integration Joint Board.</p> <p>The proposed changes to the committee structure within the revised Scheme of Delegation (Appendix One) firmly embeds as core, the 3 yearly cycle of strategic commissioning and by doing so, supporting and strengthening</p> <ul style="list-style-type: none"> - The Integration Joint Board’s role and function as a Board of strategic commissioning - Performance management by more closely aligning all of the parts of the Board structure with the cycle of strategic commissioning - The cohesion between the committees and the committees and the Integration Joint Board resulting in - Linkage between the Integration Joint Board and its Strategic Planning Group
<p>4.</p> <p>4.1</p>	<p>Conclusions</p> <p>Embedding a committee structure for the strategic commissioning body that better aligns with the strategic commissioning cycle is anticipated to result in improved outcomes for all stakeholders and, in particular, those people who use health and social care and support.</p>

5.	Resource Implications
5.1	Additional officer capacity to support the work of the committees will need to be identified to sustain this new committee structure. Funding for this will be identified within existing resources in the first instance.
6.	Impact on Integration Joint Board Outcomes, Priorities and Policy
6.1	Evolving the Integration Joint Board by building on the learning and experience of Board members to strengthen its overall approach will contribute greatly to the effective delivery against the 10 areas of focus set out within its Strategic Commissioning Plan. This, in turn, will impact positively on all of the National Health and Wellbeing Outcomes for Health and Social Care .
7.	Legal and Risk Implications
7.1	The revised Dumfries and Galloway Integration Joint Board Scheme of Delegation has been shared with governance officers of the constituent bodies.
7.2	Risks identified are those related to developing new ways of working. It is recognised that individual members will have support requirements. Capacity to provide this support will be identified from within existing resources.
8.	Consultation
8.1	Consultation has been with <ul style="list-style-type: none"> - Members of the Integration Joint Board and committees of the Integration Joint Board - Senior Officers/Leads within the Health and Social Care Partnership
9.	Equality and Human Rights Impact Assessment
9.1.	In relation to statutory responsibilities around inequalities and equality and diversity the Integration Joint Board and Committees of the Integration Joint Board will: ensure that the legislative requirements of the Human Rights Act 1998, Equality Act 2010, Community Empowerment Act 2015 , the Fairer Scotland Duty (2018) are considered in all decision-making processes and impact assessments are undertaken to support the meeting of such statutory requirements
9.2.	In addition to above, the 10 principles of the Integration Joint Board include inequalities and human rights and specifics such as Carers and particularly the needs of people.
10.	Glossary
	Not Required



Dumfries and Galloway Integration Joint Board

Revised Scheme of Delegation to Committees and Officers

2022 - 2025

Document Control		Policy No:	IJBS02
Policy Group	Integration Joint Board Governance Documents		
Author	Vicky Freeman	Version No:	2.2
Reviewer	Julie White	Implementation Date:	September 2022
Status	Draft	Review Date:	March 2024
Approved By	Integration Joint Board	Last Review Date:	September 2021
Impact Assessed	Not Required	Data Impact Assessed	Not Required

Version Control	Date	Summary of Changes	Name
2.1	26/07/2022	Redraft of document following discussions with the Short Life Working Group and the IJB	Vicky Freeman
2.2	04/08/2022	Template and consistency check	Alison Warrick

Contents:

Section One:	Introduction
Section Two:	Principles and Purpose
Section Three:	Committees of the Integration Joint Board
Section Four:	Committee Terms of Reference
Section Five:	Membership of Committees
Section Six:	Core Principles of Delegation to Officers
Section Seven:	Delegations to the Chief Officer
Section Eight:	General Restrictions on Exercise of Delegated Powers by the Chief Officer
Section Nine:	Powers Reserved to the Integration Joint Board
Section Ten:	Chief Finance Officer
Section Eleven:	Delegation to other Officers
Section Twelve:	New legislation and updating of Powers
Section Thirteen:	Alteration of the Scheme

Section One: Introduction

- 1.1 The Dumfries and Galloway Integration Joint Board is a public body with its own legal responsibilities. It is established under the Public Bodies (Joint Working) (Scotland) Act 2014 and has the responsibilities and powers conferred by that Act and associated statutory regulations.
- 1.2 In this Scheme the following words shall have the meanings assigned to them:-
- The Act means the Public Bodies (Joint Working) (Scotland) Act 2014
 - The Integration Joint Board means the Dumfries and Galloway Integration Joint Board
 - Chief Officer means the Chief Officer of the Board under section 10 of the 2014 Act
 - Chief Finance Officer means the Chief Finance Officer of the Board appointed by them in terms of Section 95 of the 1973 Act
- 1.3 The Integration Joint Board shall be entitled to amend, vary or revoke the Scheme of Delegation as required by agreement of a majority of voting members
- 1.4 This Scheme of Delegation should be read alongside the Standing Orders, Integration Scheme and Financial Regulation of the Integration Joint Board which make up its wider framework of governance.

Section Two: Principles and Purpose

Principles

- 2.1 The Integration Joint Board's principles are based on their strategic commissioning intentions, stated in the Strategic Commissioning Plan and the Scottish Government principles of integration (see below)
- [\(https://www.gov.scot/publications/guidance-principles-planning-delivering-integrated-health-social-care/documents/\)](https://www.gov.scot/publications/guidance-principles-planning-delivering-integrated-health-social-care/documents/)
- 2.2 The 10 principles for health and social care and support that provides the basis for the work of the Integration Joint Board and its committees are that it
- Improves people's wellbeing and supports them to live independently and well in their own home
 - Feels seamless and integrated from the point of view of the people who use services, their families and Carers
 - Is collaboratively planned, co-designed and, where appropriate, co-produced (including community participation approaches), recognising and addressing the structural and other barriers to participation faced by some groups

- Demonstrably takes account of people's lived experience, diversity and the particular needs of people
- Respects people's rights, particularly their human rights
- Addresses inequalities
- Is safe and of high quality
- Diverts people from crisis situations by placing a focus and emphasis on anticipation, prevention and early intervention
- Achieves good outcomes
- Makes the best use of all available resources

In addition to above, in relation to statutory responsibilities around inequalities and equality and diversity, the Integration Joint Board and Committees of the Integration Joint Board will ensure that the legislative requirements of the

- Human Rights Act 1998
- Equality Act 2010
- Community Empowerment Act 2015
- Fairer Scotland Duty (2018)

are considered in all decision-making processes and that impact assessments are undertaken to support the meeting of such statutory requirements.

Purpose

- 2.3 The Integration Joint Board is responsible for the strategic planning of the functions delegated to it by its constituent bodies and for ensuring the delivery of those functions through the directions issued by it under section 25 of the Act.
- 2.4 The Integration Joint Board has responsibility for delivery of its Strategic Commissioning Plan within the budget delegated to it by its constituent bodies, seeking to improve outcomes for the people who receive and deliver health and social care and support.
- 2.5 The purpose of a committee is to support the effective working of the Integration Joint Board on those matters which have been delegated to it by the Integration Joint Board

Section Three: Committees of the Integration Joint Board

- 3.1 The Integration Joint Board can appoint sub-committees. The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 extends the options available to the Integration Joint Board in effectively planning for the provision of services by permitting it to form a committee to carry out any of its

functions as it sees fit. A committee of the Integration Joint Board can only exercise the functions conferred upon it by the Integration Joint Board.

- 3.2 In the interests of fairness and effective working, a committee of the Integration Joint Board must consist of equal numbers of representatives from each constituent authority, as set out in the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 (article 17(3)).
- 3.3 Committees of the Integration Joint Board are bound by the Public Bodies (Joint Working) (Scotland) Act, the terms of the Dumfries and Galloway Integration Scheme and the Standing Orders and principles of the Integration Joint Board.
- 3.4 Committees of the Integration Joint Board will:
- Provide robust assurance to the Integration Joint Board with regard to the execution of statutory roles and functions and the delivery of plans
 - Make decisions only in as far as any decisions that may be specifically delegated to the committee by the Integration Joint Board, ensuring that agreed organisational processes for safe decision-making are followed and fully adhered to e.g. Making Difficult Decisions, Significant Decisions, Statements of Consultation, etc
 - Deliver the Strategic Commissioning Plan by monitoring progress against the strategic commissioning intentions and advising the Integration Joint Board accordingly (for example, making recommendations in respect of the use of directions)
 - Provide advice on a range of matters as determined by the Integration Joint Board
 - Determine if directions are delivering the strategic outcomes of those functions within the scope of the committee as set out in the Scheme of Delegation. This will include following the detailed progress of directions relating to specific functions
 - Proactively seek relevant and up to date information in relation to people's 'lived experience', unmet need and other relevant data to inform any decision-making, work and direction of the committee
 - Demonstrably adhere to the agreed Integration Joint Board principles (as detailed in section 2) in all and every undertaking on its behalf

4.0 Section Four – Terms of Reference for all Committees of the Integration Joint Board

- 4.1 The approved Standing Orders for the Proceedings and Business of the Integration Joint Board shall also apply to all committee meetings.
- 4.2 The Integration Joint Board shall appoint the Chairs, Vice Chairs and membership of each committee and approve the terms of reference.
- 4.3 Any voting Integration Joint Board member may substitute for a committee member who is also an Integration Joint Board Member.
- 4.4 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 or Vice Chair.

- 4.5 A member will be regarded as being present at a committee meeting if they participate from a remote location via a video or other communication link.
- 4.6 Minutes of the proceedings of each committee meeting are to be drawn up and submitted to the following meeting of the committee for approval.
- 4.7 Approved minutes of committee meetings will be submitted to the next meeting of the Integration Joint Board for noting.
- 4.8 Committees will meet a minimum of 3 times per year. Additional meetings can be agreed by the Chair or Vice Chair
- 4.9 Each committee will develop and present a full committee report to the Integration Joint Board at least once per year. The report will be presented to the Integration Joint Board by the Chair or Vice Chair of the committee.
- 4.10 Where a Board is responsible for budget expenditure, best practice dictates that an Audit Committee is established to advise the Board on internal control and audit matters. In addition, The Dumfries and Galloway Integration Scheme requires the Integration Joint Board to delegate authority to a Clinical and Care Governance Committee and a Risk Management Sub Group. In accordance with above, an Audit, Risk and Governance committee has been established to have oversight of these.
- 4.11 Dependent on the business need for further committees, this Scheme of Delegation may be amended as required by the Integration Joint Board
- 4.12 The Committees of the Integration Joint Board and their areas of oversight as devolved to them by the Integration Joint Board are set out below

Committee Name	Strategic Plan Delivery and Commissioning	Transformation and Innovation/Futures	Finance, Performance and Quality	Audit, Risk and Governance
Areas of oversight	Strategic Needs Assessment Strategic Planning Group Planning Priorities Commissioning Plan for External Services	Sustainability and Modernisation Population Health Partnership and Collaboration Health Inequalities, Equalities Outcomes and Inclusion	Delegated Budget Finance Performance and Business Intelligence Quality Assurance	Financial Accounts Corporate Risk Internal Audit External Audit Records Management Freedom of Information Clinical and Care Governance

	Directions Workforce Planning	Engagement and Participation		Regulatory bodies recommendations and requirements
--	-------------------------------------	---------------------------------	--	--

Section 5 - Membership of committees

- 5.1 The Chairs and Vice Chairs of committees will be appointed by the Integration Joint Board
- 5.2 A minimum of four voting members of the Integration Joint Board, comprising 2 NHS Dumfries and Galloway appointed members and 2 Dumfries and Galloway Council appointed members.
- 5.3 The Integration Joint Board can appoint other advisory members to sit on a committee from outside the membership of the Integration Joint Board. A decision to do this however, must be agreed on by the voting members of the Integration Joint Board.
- 5.4 The Chief Internal Auditor, External Auditor and Risk Officers from NHS Dumfries and Galloway and Dumfries and Galloway Council are invited to attend the committees.
- 5.5 The Chair and Vice Chair of the Strategic Planning Group will be invited to be members of the Strategic Plan Delivery and Commissioning Committee
- 5.5 The Equality and Diversity Lead and or members of their team will be invited to attend the Transformation and Innovation/Futures Committee

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 Integration Joint Board or its committees are delegated to the Chief Officer. The matters reserved to the Integration Joint Board or committees are mainly the strategic policy or regulatory issues requiring to be decided by the Integration Joint Board, while the day to day operational matters of running the Integration Joint Board'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 Integration Joint Board, the power will be delegated to the officers. The powers reserved by the Integration Joint Board are detailed in this section.

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 Integration Joint Board 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 Integration Joint Board and will provide overall strategic and operational advice to the Integration Joint Board.
- The Chief Officer is responsible for the operational management, delivery and performance of services delegated to the Integration Joint Board
- 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 Integration Joint Board, the Chief Officer must consult with the Chair and Vice Chair of the Integration Joint Board before exercising the delegated power.
- 8.2 The Chief Officer must ensure that the Chair and Vice Chair of the Integration Joint Board are consulted on matters of a controversial nature. Where appropriate and possible, such matters should be referred to the Integration Joint Board or the appropriate committee for a decision.
- 8.3 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 Integration Joint Board 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 Integration Joint Board 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 Integration Joint Board 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 Integration Joint Board:

- 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 Integration Joint Boards 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 Integration Joint Board 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 Integration Joint Boards 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 Integration Joint Board and Committee meetings
- Any matters reserved to the Integration Joint Board by Standing Orders, Financial Regulations and any other schemes approved by the Integration Joint Board.

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 Integration Joint Board in terms of Section 95 of the Local Government (Scotland) Act 1973
- To prepare Financial Regulations and relevant Codes of Practice for the Integration Joint Board in relation to the control of all expenditure and income
- The monitoring of the Integration Joint Boards revenue budgets during the course of each financial year and report to the Integration Joint Board
- Determine all accounting procedures and financial record keeping of the Integration Joint Board
- To arrange the necessary insurances to protect the interests of the Integration Joint Board 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 Integration Joint Board 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 Integration Joint Board
- 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 Integration Joint Board
- 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 Integration Joint Board
- 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 Integration Joint Board
- 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 Integration Joint Board 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 Integration Joint Boards 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 Integration Joint Board 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 Integration Joint Board shall be entitled to amend, vary or revoke this Scheme from time to time.