

# SCHEME OF DELEGATIONS

OF

THE WEST  
LOTHIAN  
INTEGRATION  
JOINT  
BOARD

29 January 2017	Approved for immediate use
21 January 2020	Biennial reviewed concluded. Changes to 3.3(f), 5.3(k) and 6.1(l). Director re-titled as Chief Officer. Changes effective from 1 February 2020
5 October 2021	Reviewed, and, following decisions at IJB meetings, additions of entries for CIPFA FM Code and Civil Contingencies Act 2004
13 January 2022	Reviewed by Board via AR&GC. No changes. Review cycle in future to be triennial
27 June 2025	Reviewed by Board via AR&GC, and following decision at IJB meeting, addition of delegation to Data Protection Officer.

## **1 Introduction**

- 1.1 The West Lothian Integration Joint Board is a statutory corporate body with its own legal personality. 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 The IJB only has one member of staff - the Chief Officer, formerly known locally as the Director. It has other officers who are not members of its staff but who carry out duties for it (for example, the Chief Finance Officer, the Standards Officer, and the Data Protection Officer). It also receives support from officers and employees of the council and the health board. They are not employed by the IJB and they are managed by the Chief Officer in his complementary roles in the management structures of those two organisations.
- 1.3 To help ensure sound decision-making, adequate control and good governance the IJB has approved this Scheme of Delegations to its officers. The Scheme sets out the powers and responsibilities of significance to the IJB's discharge of its statutory responsibilities which it has chosen to delegate to those officers.
- 1.4 It does not contain any delegation of powers or duties in relation to the council or the health board or their members of staff. They are separate legal bodies with different duties, powers and interests in relation to the integration of health and social care. They will have their own internal rules and delegations of powers in relation to their own interests.
- 1.5 Each of the posts covered by the Scheme has its own role description used by the IJB Appointments Committee and the IJB when the posts were first filled, or subsequently refreshed. It is not the Scheme's purpose to replace those or duplicate them or repeat them. The Scheme is part of a governance framework for efficient, effective and accountable decision-making amongst the Board, its committees and its officers.

## **2 General considerations**

- 2.1 The Scheme is not 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.
- 2.2 It does not record temporary or one-off instructions or delegations to officers. Those are recorded in minutes of Board and committee meetings. As a general rule, delegations which will last for more than six months are included, and others are not.
- 2.3 Subject to the specific provisions in the Scheme and the IJB's Standing Orders and Financial Regulations, powers delegated include anything which is calculated to facilitate, or is conducive or incidental to, their discharge.
- 2.4 In using a delegated power, officers must have regard and comply with the following over-arching considerations:-
  - a) They must comply with the law
  - b) They must have regard to statutory guidance

- c) They must act within the terms of the Integration Scheme
- d) They must not depart from the terms of the Strategic Plan
- e) They must comply with the IJB's Standing Orders and Financial Regulations
- f) They must not act where matters are reserved to the IJB or delegated to a committee
- g) They must act in accordance with IJB policies, procedures and instructions
- h) They must not act in relation to issues which are politically sensitive or controversial

2.5 Officers may delegate the use of their powers to other officers or employees of the council or health board providing support to the IJB. If they do so, they must ensure adequate controls and reporting arrangements are in place. Notwithstanding any such sub-delegation, they remain accountable directly and personally to the IJB.

### **3 Chief Officer**

- 3.1 As a matter of law, the Chief Officer is employed by either West Lothian Council or NHS Lothian and seconded to the IJB as its only member of staff.
- 3.2 The Chief Officer is accountable to the IJB as its Chief Officer and also holds positions of authority and responsibility in both council and health board. He is managed jointly by the Chief Executives of the council and the health board.
- 3.3 The Chief Officer has the following delegated powers and responsibilities:-
  - a) The statutory position of Chief Officer in terms of section 10 of the Public Bodies (Joint Working) (Scotland) Act 2014
  - b) Providing corporate and strategic advice and direction to the IJB
  - c) Liaising with the Chair and Vice-Chair in relation to the preparation of agendas and reports for meetings of the IJB and its committees
  - d) Implementing the Integration Scheme
  - e) Developing, implementing and reviewing the Strategic Plan and other policies determined by the IJB
  - f) Implementing decisions, instructions and directions made by the IJB, and, where specifically authorised by the IJB and after consultation with the Chair and Vice-Chair, to determine the exact wording of directions within parameters set by the Board when delegating that authority
  - g) Establishing and supporting the Strategic Planning Group
  - h) Appointing a competent substitute to act in his or her absence or incapacity

- i) In consultation with the IJB Chair, determining whether a matter is politically sensitive or controversial
- j) In consultation with the IJB Chair, Vice-Chair and Standards Officer, taking urgent action on behalf of the IJB under Standing Order 16
- k) Collecting, monitoring and periodic reporting to the IJB and the public of service performance and providing service information for the annual statutory performance report
- l) Collating service and financial performance information and providing the annual statutory performance report for IJB approval
- m) Issuing directions to the council and health board on the IJB's instructions and monitoring and reporting on compliance by the council and health board
- n) Liaising and negotiating with the council, health board and the other NHS Lothian IJBs in relation to the efficient and economical use of premises and other assets
- o) Maintaining the IJB's risk register, monitoring risk and taking mitigating action, reporting on risk to the IJB
- p) Representing the IJB on the Community Planning Partnership Board and ensuring the IJB's participation in the community planning process
- q) Clinical and care governance and adherence to professional standards and regulatory regimes
- r) Workforce development
- s) Ensuring adequate provision of professional, technical and administrative support services by the council or health board
- t) Ensuring the IJB's compliance with statutory regimes such as public sector equality duties, freedom of information, data protection, climate change
- u) Providing and operating a complaints handling procedure and liaising with and complying with the requirements of the SPSO
- v) Implementing a public and stakeholder engagement strategy and communications and public relations arrangements (including an IJB website)
- w) Business continuity planning
- x) Liaising with other IJBs in the NHS Lothian area, and with the council and the health board, in relation to both integrated and non-integrated functions
- y) Dealing with inspections by regulatory authorities
- z) Responding to consultations on non-controversial or technical issues, subject to those responses being reported to the next IJB meeting for information
- aa) Ensuring compliance, discharge and review of IJB duties under the Civil Contingencies Act 2004

- 3.4 The Chief Officer is a non-voting member of the IJB, and a member and chair of the Strategic Planning Group.
- 3.5 The role description for the post was approved by the IJB Appointments Committee on 26 January 2016 and was refreshed and used for the recruitment of the Chief Officer in 2021.

#### **4 Chief Finance Officer**

- 4.1 The Chief Finance Officer cannot be a member of staff of the IJB and does not have to be an officer of the council or the health board. It is for the IJB to determine the appropriate appointment and contractual arrangements in consultation with the council and the health board.
- 4.2 The local authority financial and accounting regime is applied as a matter of law to the IJB. The Chief Finance Officer therefore carries the duties of what in council terms is the “Section 95 Officer”. That position includes ensuring compliance with relevant legislation and guidance, including Part VII of the Local Government (Scotland) Act 1973, Part I of the Local Government in Scotland Act 2003 and the Local Authority Accounts (Scotland) Regulations 2014.
- 4.3 The Chief Finance Officer has the following delegated powers and responsibilities:-
  - a) The statutory responsibility for the proper administration of the IJB’s financial affairs in terms of section 95 of the Local Government (Scotland) Act 1973, as applied by section 13 of the Public Bodies (Joint Working) (Scotland) Act 2014
  - b) Establishing, maintaining, applying and reviewing Financial Regulations
  - c) Accounting record-keeping, financial management and accounting control systems
  - d) Ensuring that proper accounting practices are observed in the financial administration of the IJB
  - e) Providing strategic financial advice, planning, forecasting and direction
  - f) Liaising and negotiating with the council and the health board in relation to their annual budget contributions, efficiencies, budget pressures and in-year and end-of-year adjustments
  - g) Financial performance and budgets - monitoring, periodic reporting and providing financial information for the statutory annual performance report
  - h) Provision of the annual financial statement required to accompany the Strategic Plan
  - i) Preparing the Annual Accounts and abstract and accompanying statements, signing them and securing their submission for external audit
  - j) Publishing the unaudited Annual Accounts for public inspection, advertising their availability and responding to any objections made to them

- k) Reporting the audited Annual Accounts and external auditor's report to the IJB for approval, arranging for their signature, submitting them to the external auditor and publishing them
- l) Securing compliance with relevant statutory financial regimes, including Best Value (including the IJB Best Value Framework) and Following the Public Pound
- m) Reporting to the IJB and publishing any report or special report or the findings of the Accounts Commission following any hearing on a report or special report, in terms of Part VII of the Local Government (Scotland) Act 1973
- n) Liability insurance and other indemnity arrangements
- o) Banking arrangements
- p) Procurement and contracts, including if required Standing Orders for Contracts
- q) Liaison with and supporting the IJB's Internal Auditor and the Audit Risk & Governance Committee in relation to the internal audit function
- r) Liaison and cooperation with the IJB's external auditor and the Accounts Commission
- s) Ensuring compliance with the CIPFA Financial Management Code

4.4 The Chief Finance Officer is a non-voting member of the IJB.

4.5 The role description for the post was approved by the IJB Appointments Committee on 26 January 2016.

## **5 Internal Auditor**

- 5.1 The Internal Auditor cannot be a member of staff of the IJB and does not have to be an officer of the council or the health board. It is for the IJB to determine the appropriate appointment and contractual arrangements in consultation with the council and the health board.
- 5.2 The local authority financial and accounting regime is applied as a matter of law to the IJB. That requires the IJB to establish and maintain a professional and independent internal auditing service in accordance with recognised standards and practices in relation to internal auditing. The post is also governed by Part VII of the Local Government (Scotland) Act 1973, Part I of the Local Government in Scotland Act 2003 and the Local Authority Accounts (Scotland) Regulations 2014.

5.3 The Internal Auditor has the following delegated powers and responsibilities:-

- a) Ensuring the provision of a professional and independent internal auditing service in accordance with recognised standards and practices in relation to internal auditing
- b) Obtaining approval of the IJB Internal Audit Charter

- c) Preparing, submitting for approval, implementing and reporting on an annual Internal Audit Plan
- d) Supporting and advising the Audit Risk & Governance Committee in fulfilling its remit
- e) Liaising with and supporting the Chair of the Audit Risk & Governance Committee in relation to that role
- f) Conducting investigations and enquiries as required by the Internal Audit Plan and as directed by the Chief Officer or the Audit Risk & Governance Committee
- g) Reporting to the Audit Risk & Governance Committee on investigations carried out and on other matters within its remit
- h) Reviewing the IJB's system of internal control
- i) Liaising and cooperating with the Internal Auditors for the council, the health board and other IJBs in the NHS Lothian area
- j) Liaising and cooperating with the IJB external auditors
- k) Advising the IJB and its committees and officers in relation to risk and assisting with the maintenance of the IJB's risk register

5.4 The Internal Auditor is not a member of the IJB.

5.5 The role description for the post was approved by the IJB Appointments Committee on 26 January 2016.

## **6 Standards Officer**

6.1 The Standards Officer cannot be a member of staff of the IJB and does not have to be an officer of the council or the health board. It is for the IJB to determine the appropriate appointment and contractual arrangements in consultation with the council and the health board.

6.2 The Standards Officer is a statutory position required under regime of ethical standard in public life in Scotland. It carries statutory duties as well as additional duties contained in guidance by the Standards Commission.

6.3 The Standards Officer has the following delegated powers and responsibilities:-

- a) The statutory role defined in the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003
- b) Having regard to and applying the Standards Commission's Advice on the Role of a Standards Officer
- c) Ensuring IJB members are eligible for membership

- d) Establishing, maintaining, reviewing and publishing a Register of Interests for IJB members
- e) Adoption, approval, maintenance and review of a Code of Conduct for IJB members
- f) Advising and assisting IJB members in relation to the Register of Interests and the Code of Conduct
- g) Ensuring IJB compliance with its other general duties under the Ethical Standards in Public Life etc. (Scotland) Act 2000 and related statutory regulations and guidance
- h) Liaising with the Commissioner for Ethical Standards in Public Life and the Standards Commission
- i) Clerk to the IJB and its committees
- j) Making and reviewing Standing Orders for meetings of the IJB, the Strategic Planning Group and committees, to include their remits, membership and matters reserved to the IJB
- k) Making, reviewing and updating a Scheme of Delegated Powers to Officers
- l) Establishing, reviewing and reporting on a local Code of Corporate Governance, including adding new standards, updating and making minor changes to existing standards, but not making major changes or deleting existing standards
- m) Consulting with the Chief Officer in relation to the taking of urgent action on behalf of the IJB under Standing Order 16
- n) Preparation of the annual governance statement to accompany the Annual Accounts
- o) Liaising with the Internal Auditor in relation to the internal audit function

6.4 The Standards Officer is not a member of the IJB.

6.5 The role description for the post was approved by the IJB Appointments Committee on 26 January 2016.

## 7 Data Protection Officer

- 7.1 As the IJB is a public body there is a requirement to appoint a Data Protection Officer.
- 7.2 The Data Protection Officer cannot be a member of staff of the IJB and does not have to be an officer of the council or the health board. It is for the IJB to determine the appropriate appointment and contractual arrangements in consultation with the council and the health board.

7.3 A single Data Protection Officer can be appointed across several organisations and should have expert knowledge of data protection law and practice, and be an expert in the field.

7.4 The Data Protection Officer is a statutory appointment by virtue of section 69 of the Data Protection Act 2018 (the 2018 Act) and Article 37 of the UK General Data Protection Regulation (UKGDPR). The post is regulated by UK-wide legislation. Compliance with the legislation is regulated by the Information Commissioner's Office (ICO). The role is concerned with personal data and not, in terms of law and guidance, with complementary information governance regimes, such as freedom of information.

7.5 The Data Protection Officer has the following delegated powers and responsibilities:-

a) The statutory tasks, proactive and reactive, of the Data Protection Officer listed in section 71 of the 2018 Act. In summary:-

- Inform and advise the IJB of its data protection obligations
- Providing advice on carrying out data protection impact assessments and monitoring compliance
- Co-operating with the ICO, acting as the ICO contact point, and consulting the ICO when appropriate.
- Monitoring compliance with relevant IJB policies
- Monitoring compliance by the IJB with the law

b) In performing these statutory tasks the Data Protection Officer must:-

- have regard to the risks associated with processing
- take into account the nature, scope, context and purpose of processing

The Data Protection officer is not a member of the IJB.