

Review of Committee Structure and consequential changes to the Care Inspectorate's Reservation of Powers and Scheme of Delegation

Report to: Board
Date: 30 March 2017
Report by: K. McClure, Head of Legal Services
Report No: B-04-2017
Agenda Item: 15

PURPOSE OF REPORT

To seek the Board's approval of proposed changes to the Care Inspectorate's Committee Structure and consequential amendments to the Reservation of Powers and Scheme of Delegation.

RECOMMENDATIONS

1. That the Board approves the proposals set out in this report, and adopts the amended Reservation of Powers and Scheme of Delegations at Appendix 1 which seek to address the issues raised by Committees in the course of reviewing their effectiveness.

Version Control and Consultation Recording Form

| Version | Consultation | Manager | Brief Description of Changes | Date |
|---------|----------------------------------------------------|--------------------------|-----------------------------------------------------|-------------------------------------|
| | Senior Management | Chief Executive | | Various |
| | Legal Services | | | N/A |
| | Resources Directorate | | | N/A |
| | Committee Consultation (where appropriate) | All Committees and Board | Report is informed by Committee and Board proposals | Jan / Feb 2016 and 2017, March 2017 |
| | Partnership Forum Consultation (where appropriate) | | | |

Equality Impact Assessment

To be completed when submitting a new or updated policy (guidance, practice or procedure) for approval.

| | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|----------------------------------------|
| Policy Title: | Reservation of Powers and Scheme of Delegation and Standing Orders | |
| Date of Initial Assessment: | | |
| EIA Carried Out | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| If yes, please attach the accompanying EIA and briefly outline the equality and diversity implications of this policy. | | |
| If no, you are confirming that this policy will have no negative impact on people with a protected characteristic and a full Equality Impact Assessment is not required. | Name: K. McClure Position: Head of Legal Services | |
| Authorised by Director | Name: Gordon Weir | Date: 21 March 2017 |

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| Version: 2.0 | Status: Final | Date: 23/03/2017 |
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1.0 BACKGROUND

The Care Inspectorate's Board approved the current Reservation of Powers and Scheme of Delegation on 26 June 2015.

2.0 CONSULTATION

Consultation has principally been by way of Committee (and Board) effectiveness sessions, ensuring that all Board members have had the opportunity to contribute to discussion of the changes proposed.

3.0 PROPOSED AMENDMENTS

3.1 A number of Committee effectiveness sessions have concluded that there is potential to improve the effectiveness of the Care inspectorate's current committee structures. In particular, the existence of a discrete Complaints Committee now seems less appropriate, given that the Complaints Committee no longer has a role in the review of decisions reached in individual complaint cases, as a result of changes to our Complaints Procedures. That is not to suggest that the Care Inspectorate does not value complaints or take them seriously, but highlights that under the existing arrangements, the way the Care Inspectorate handles complaints was receiving considerably more detailed scrutiny by Committee than other important areas of the Care Inspectorate's activity. As a result, it is proposed to no longer have a dedicated Complaints Committee and that the Complaints Committee and the Policy Committee should both cease, and in their place, there should be a single committee named the Quality & Strategy Committee. This committee would continue to fulfil the role of the existing Policy Committee in monitoring the internal and external environments and making recommendations to the Board as to the Care Inspectorate's strategic direction. It would in addition have a more general quality monitoring role, having the capacity to consider the quality of aspects of the Care Inspectorate's work across the whole range of its activities, rather than being restricted to the narrow field of complains which while (as acknowledged above) are important, form only a very small part of the scope of the Care Inspectorate's activities. The remit of the proposed committee is as proposed at paras 5.1.2 – 5.1.4 of Appendix 1. To reflect this expanded role, a small increase in both maximum and minimum membership is proposed, and the range of officers who will generally, and who may, from time to time, attend the committee has also been extended.

3.2 As part of its annual effectiveness review, the Resources Committee proposed revised and updated Terms of Reference. These are incorporated in the Appendices

3.3 Principal Changes

3.3.1 It is proposed that there no longer be a Policy Committee or Complaints Committee. These will be replaced by a Quality & strategy Committee as described at 3.1 above, having the Terms of Reference proposed in the Appendices

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- 3.3.2** The Terms of Reference of the Resources Committee shall be amended in accordance with the revised Terms of Reference proposed following its annual effectiveness session as detailed at section 6 of Appendices 1 and 2
- 3.3.3** Clause 1.2.20 has been added, making specific reference to the Scottish Regulators' Strategic Code. In addition, minor changes are proposed to the Terms of Reference of all committees, to refer to the provision of leadership in the development and promotion of efficient, effective, economic, sustainable (an addition) and intelligence-led use of public (rather than "Board") resources. Further, specific provision is proposed at Para 2.4.3 of the Reservation of Powers & Scheme of Delegation to make it clear that, like Committees, the Board may appoint advisers, who may attend at its meetings, and to place limits on the remuneration they may receive for so doing, and to provide that in so doing, they are not to be regarded as members of the Board, and may not vote.
- 3.3.4** The proposed amendments are incorporated in Appendix 1 and shown as tracked changes in Appendix 2.

4.0 RESOURCE IMPLICATIONS

None.

5.0 BENEFITS FOR PEOPLE WHO USE SERVICES AND THEIR CARERS

It is essential for the fulfilment of all of the Care Inspectorate's corporate outcomes that its Board and committees and sub-committees function efficiently, that they understand their respective roles and are supported in doing so by appropriate and clear Terms of Reference.

6.0 CONCLUSION

The Board is asked to consider the proposed changes and to approve them.

List of Appendices

- Appendix 1** Reservation of Powers and Scheme of Delegation – Tracked Version
Appendix 2 Reservation of Powers and Scheme of Delegation – Non-Tracked Version

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