

CORPORATE GOVERNANCE

SOCIAL CARE AND SOCIAL WORK IMPROVEMENT SCOTLAND

**RESERVATION OF POWERS
AND SCHEME OF DELEGATION**

Lead Officer: Head of Legal Services

Approved by the Board:

SOCIAL CARE AND SOCIAL WORK IMPROVEMENT SCOTLAND ('THE CARE INSPECTORATE')
RESERVATION OF POWERS AND SCHEME OF DELEGATION

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SCHEME OF DELEGATION AND RESERVATION OF POWERS

1. INTRODUCTION

This Scheme of Delegation and Reservation of Powers has been developed by Social Care and Social Work Improvement Scotland (hereinafter referred to as 'the Care Inspectorate') constituted under Section 44 of the Public Services Reform (Scotland) Act 2010 (hereinafter referred to as 'the Act').

The Framework agreement with the Scottish Government's Sponsor Directorate and the Scottish Public Finance Manual have been taken into account and are reflected in the terms of the Scheme. The Care Inspectorate's Board will review the Scheme biennially.

1.1 General

The purpose of this document is to set out those powers reserved to the Board of the Care Inspectorate for decision collectively at its Board meetings and those powers which are delegated to a committee, officer or member. For the avoidance of doubt, any reference in this document to a committee of the Care Inspectorate's Board also includes any sub-committee established in terms of Paragraph 3.1 hereof. Paragraph 12(1) of Schedule 11 to the Act states that the Care Inspectorate may delegate any of its functions to the Chief Executive, any other employee or any of its committees, save that it may not authorise any other person to either approve annual reports and accounts nor approve any budget or financial plan. The Board of the Care Inspectorate remains accountable for all of its functions, notwithstanding any such delegation. The Care Inspectorate must ensure that it is satisfied that adequate arrangements have been made in respect of the accountability of the delegated body/individual and that adequate reporting arrangements are in place to allow it to oversee the exercise of those delegated powers. The Care Inspectorate has a statutory duty to co-operate with a range of other bodies in its work, and these are detailed in Appendix 1.

1.2 The Functions, Duties and Powers of The Care Inspectorate

The Act gives the Care Inspectorate the following functions, duties and powers:

- 1.2.1** To further the improvement in the quality of social services.
- 1.2.2** To provide information to the public about the availability and quality of social services.
- 1.2.3** To provide advice to the Scottish Ministers.

- 1.2.4** To provide advice when asked to do so, about any matter relevant to the functions of the Care Inspectorate to:
- (a) persons who provide, seek to provide, or may seek to provide social services;
 - (b) persons, or groups of persons, representing those who use, or are eligible to use, social services;
 - (c) persons, or groups of persons, representing those who care for those who use, or are eligible to use, social services;
 - (d) local authorities;
 - (e) health bodies; and
 - (f) such other persons, or groups of persons, as may be prescribed.
- 1.2.5** To consider applications for registration according to the terms of the Act and relevant regulations, and to grant or refuse registration on that basis.
- 1.2.6** To grant applications for registration subject to such conditions as the Care Inspectorate thinks fit to impose.
- 1.2.7** To consult on, prepare and keep under review, and from time to time, revise (with the approval of the Scottish Ministers) a plan for carrying out inspections of social services in accordance with best regulatory practice.
- 1.2.8** To carry out inspections of any social service, or the organisation or co-ordination of any social services in accordance with its inspection plan.
- 1.2.9** To take into account the national care standards and the Scottish Social Services Council's codes of conduct and practice in making decisions and in any appeals or criminal proceedings under the Act.
- 1.2.10** To issue condition notices, to vary or remove existing conditions on the registration of care services, or to impose new conditions when necessary.
- 1.2.11** To issue emergency condition notices to impose new conditions on the registration of care services where there is a serious risk to the life, health or well-being of any person.
- 1.2.12** To issue improvement notices when necessary to those providing registered services, requiring significant improvement in the provision of the care service, of a specified nature and within a specified period.
- 1.2.13** To cancel the registration of a registered service where at any time after the expiry of the period specified in an improvement notice, the service is not being carried out in accordance with the relevant requirements on the

ground that any person is convicted of a relevant offence in relation to the service; or for other prescribed reasons.

- 1.2.14** To take immediate court action seeking cancellation of registration in situations where unless the registration is cancelled there will be a serious risk to the life health or wellbeing of persons.
- 1.2.15** To establish, following consultation (including consultation with the Scottish Public Services Ombudsman) a complaints procedure for complaints about the provision of a care service.
- 1.2.16** The Care Inspectorate must, in exercising its functions, make arrangements which both secure continuous improvement in user focus in the exercise of its scrutiny functions, and demonstrate that improvement.
- 1.2.17** The Care Inspectorate is subject to a statutory duty under s114 of the Act, to co-operate and co-ordinate activity with a range of other bodies (specified in Appendix 1 hereto) and, where appropriate, with the Scottish Ministers with a view to improving the exercise of its scrutiny functions in relation to social work, child protection and children's services and care services, having regard to efficiency, effectiveness and economy.
- 1.2.18** The Care Inspectorate must, at the request of Scottish Ministers, and in accordance with directions given by and a timetable approved by them, conduct inspections of children's or other services, or both, jointly with a range of other persons or bodies (specified in Appendix 2 hereto).
- 1.2.19** **General Principles**

The Care Inspectorate is required to exercise its functions in accordance with the following principles:

The safety and welfare of all persons who use, or are eligible to use, care services are to be protected and enhanced;

The independence of those persons is to be promoted;

Diversity in the provision of care services is to be promoted with a view to those persons being afforded choice;

Good practice in the provision of social services is to be identified, promulgated and promoted.

1.2.20 **Scottish Regulators' Strategic Code of Practice**

The Care Inspectorate is obliged to have regard to The Scottish Regulators' Strategic Code of Practice, made under the Regulatory Reform (Scotland) Act 2014 in determining any general policy or principles by

reference to which it exercises any regulatory functions to which the code applies, and in exercising those regulatory functions.

1.3 The Chair of The Care Inspectorate

1.3.1 The Chair is personally responsible to the Scottish Ministers for ensuring that the Care Inspectorate's policies are compatible with those of the Scottish Ministers and for ensuring probity in the conduct of the Care Inspectorate's affairs. Communications between the Board and the Scottish Ministers shall normally be through the Chair. The Chair shall ensure that the other Board members are kept informed of such communications.

1.3.2 The Chair has a particular responsibility for providing effective strategic leadership on the following matters:

- (a) formulating the Care Inspectorate's strategy for discharging its statutory duties;
- (b) encouraging high standards of propriety and promoting the efficient and effective use of staff and other resources throughout the Care Inspectorate
- (c) ensuring that, in reaching decisions, the Care Inspectorate takes proper account of guidance provided by Scottish Ministers or the Sponsor Directorate;
- (d) representing the views of the Care Inspectorate to the general public; and
- (e) annual assessment of the performance of individual Board members and the Chief Executive and reporting thereon to the Sponsor Directorate.

1.3.3 The Chair must ensure that all Board members of the Care Inspectorate, when taking up office, are fully briefed on the terms of their appointment and on their duties, rights and responsibilities, (including those arising from the Code of Conduct for Members of the Care Inspectorate) and must ensure that they receive appropriate induction training, including training in the financial management and reporting requirements of public sector bodies and on any differences which may exist between private and public sector practice.

1.3.4 The Chair may nominate any Board member to represent the interests of the Care Inspectorate at any external meeting or event.

1.3.5 The Care Inspectorate may appoint one of its members to be Vice Chair. The Vice Chair (if one be appointed) shall exercise all of the functions of the Chair, during any period when the post of Chair shall be (for whatever

reason) vacant, during any period of absence on the part of the Chair, either exceeding 28 days, or following intimation of incapacity by the Chair. In addition, the Vice Chair shall exercise all of the functions of the Chair whether for the purposes of a particular meeting or event, or generally, during a specified period, when requested to do so by the Chair. The member nominated as Vice Chair shall receive no additional remuneration in respect thereof. The term 'Chair' wherever occurring in this Scheme of Delegation and Reservation of Powers, and in the Care Inspectorate's Standing Orders shall be interpreted in accordance with this paragraph.

1.4 The Care Inspectorate's Board

1.4.1 The Board has corporate responsibility for ensuring that the Care Inspectorate fulfils its aims and objectives, for promoting the efficient and effective use of staff and other resources and for identifying and managing risk. To this end, and in pursuit of its wider corporate responsibilities, the Board shall, under the leadership of the Chair:

- (a) ensure that high standards of corporate governance are observed at all times, including establishing and using an audit committee to help the Board address the key financial and other risks facing the Care Inspectorate, and for which the Board retains responsibility;
- (b) establish the overall strategic direction of the Care Inspectorate within the policy and resources framework agreed with Scottish Ministers;
- (c) ensure that the Care Inspectorate operates within the limits of its statutory authority and any delegated authority agreed with its Sponsor Directorate, and in accordance with any other conditions relating to the use of public funds;
- (d) scrutinise the work of its committees and hold them to account for their decision-making;
- (e) ensure that, in reaching decisions, the Care Inspectorate takes into account any guidance issued by the Sponsor Directorate;
- (f) ensure that equalities are central to the policies and practice of the Care Inspectorate;
- (g) ensure that Scottish Ministers are kept informed of any changes which are likely to impact on the strategic direction of the Care Inspectorate or on the attainability of its targets, and determine the steps needed to deal with such changes;
- (h) ensure that the Board receives and reviews regular financial information concerning the management of the Care Inspectorate; is informed in a timely manner about any concerns about the

activities of the Care Inspectorate; and provides positive assurance to the responsible Scottish Government Directorate that appropriate action has been taken on such concerns;

- (i) provide commitment and leadership in the development and promotion of Best Value principles throughout the organisation;
- (j) appoint (with the approval of Scottish Ministers) and monitor the performance of, the Chief Executive;
- (k) Individual Board members must at all times:
 - (i) comply with the Care Inspectorate's Code of Conduct and with the rules relating to the use of public funds, conflicts of interest and confidentiality;
 - (ii) not misuse information gained in the course of their public service for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations;
 - (iii) act in good faith and in the best interests of the Care Inspectorate.

1.5 The Chief Executive

1.5.1 All powers of the Care Inspectorate which have not been reserved to its Board or delegated to a committee of the Board shall be exercised on behalf of the Care Inspectorate by the Chief Executive. This Scheme of Delegation identifies which functions (s)he shall perform personally and which functions may be delegated to directors within the organisation, together with the accompanying reporting arrangements, save that the Chief Executive (or director deputising for the Chief Executive) may take any action, whether or not delegated to him / her in terms of this Reservation of Powers and Scheme of Delegation where (s)he considers that to be urgent, necessary and expedient to protect or preserve the critical interests of the Care Inspectorate (a certificate of which, given by the Chief Executive or director deputising for the Chief Executive shall be conclusive), provided that such action is reported to the Board at its next meeting following the taking of the action, in terms of paragraph 2.3.9 hereof.

1.5.2 The Chief Executive of the Care Inspectorate is designated by the Principal Accountable Officer of the Scottish Administration as the Care Inspectorate's Accountable Officer in accordance with Section 15 of the Public Finance and Accountability (Scotland) Act 2000.

1.5.3 As the Care Inspectorate's Accountable Officer, the Chief Executive is personally responsible for safeguarding the use of public funds within the

stewardship of the Care Inspectorate for which (s)he has charge; for ensuring propriety and regularity in the management of those public funds and for the day-to-day operations and management of the Care Inspectorate. (S)he should act in accordance with the terms of the Executive Framework and within the instructions and guidance in the Scottish Public Finance Manual and other instructions and guidance issued from time to time by Scottish Ministers. In particular, (s)he should act in accordance with the Memorandum to Accountable Officers of Other Public Bodies.

The Chief Executive, as Accountable Officer, has a duty to secure Best Value, which includes the concepts of good corporate governance, performance management and continuous improvement.

Members of the Care Inspectorate's Board (including the Chair) must not give the Chief Executive instructions which conflict with his/her duties as the Care Inspectorate's Accountable Officer. Should such instructions be issued, the Chief Executive is required to send a copy to the Auditor General.

1.5.4 As the Care Inspectorate's Accountable Officer, the Chief Executive shall, in particular:

- (a) Advise the Board on the discharge of its responsibilities.
- (b) Ensure that appropriate financial systems are in place and applied and that procedures and controls are reviewed from time to time to ensure their continuing relevance and reliability, especially at times of major change.
- (c) Sign the annual accounts - and the associated governance statement - for the Care Inspectorate, and in doing so accept personal responsibility for their proper presentation as prescribed in legislation and/or in the relevant Accounts Direction issued by the Scottish Ministers.
- (d) Ensure that proper financial procedures are followed and that accounting records are maintained in the form prescribed for published accounts.
- (e) Ensure that the public funds for which (s)he is responsible are properly managed and safeguarded, including independent and effective checks of any cash balances in the hands of any official.
- (f) Ensure that assets for which s)he is responsible such as land, buildings or other property, including stores and equipment, are controlled and safeguarded with similar care, and with checks as appropriate.

- (g) Ensure that, in the consideration of policy proposals relating to the resources for which (s)he has responsibilities as Accountable Officer, all relevant financial considerations, including any issues of propriety, regularity or value for money, are taken into account, and where appropriate brought to the attention of the body.
- (h) Ensure that procurement activity is conducted in accordance with the requirements in the Procurement section of the Scottish Public Finance Manual
- (i) Ensure that delegation of responsibility is accompanied by clear lines of control and accountability together with reporting arrangements.
- (j) Ensure that effective management systems appropriate for the achievement of the Care Inspectorate's objectives, including financial monitoring and control systems, have been put in place.
- (k) Ensure that risks, whether to achievement of business objectives, regularity, propriety or value for money, are identified, that their significance is assessed and that systems appropriate to the risks are in place in all relevant areas to manage them.
- (l) Ensure that arrangements have been made to secure Best Value as set out in the Scottish Public Finance Manual. Ensure that managers at all levels have a clear view of their objectives, and the means to assess and measure outputs, outcomes and performance in relation to those objectives.
- (m) Ensure that managers at all levels are assigned well defined responsibilities for making the best use of resources (both those consumed by their own commands and any made available to third parties) including a critical scrutiny of outputs, outcomes and value for money.
- (n) Ensure that managers at all levels have the information (particularly about costs), training and access to the expert advice which they need to exercise their responsibilities effectively
- (p) Take action as set out in paragraphs 5.1 to 5.4 of the Memorandum to Accountable Officers of Other Public Bodies if the Care Inspectorate or its Chair, is contemplating a course of action involving a transaction which the Chief Executive considers would infringe the requirements of propriety (financial or otherwise) or regularity, or does not represent prudent or economical administration or efficiency or effectiveness.

- (q) Give evidence when summoned before Committees of the Scottish Parliament, on the use and stewardship of public funds by the Care Inspectorate.
- (r) Ensure that an effective complaints procedure is established and made widely known, including reference to the Scottish Public Services Ombudsman where applicable, and inform the Directorate Accountable Officer about any complaints about the Care Inspectorate accepted by the Scottish Public Services Ombudsman for investigation, and about the Care Inspectorate's proposed response to any subsequent recommendations from the Ombudsman.
- (s) Approve and review any Memoranda of Understanding or protocols with other scrutiny bodies and organisations.
- (t) Ensure that the Care Inspectorate's banking arrangements are consistent with the provisions contained in the Scottish Public Finance Manual, and review these arrangements every two years.

The Chief Executive may delegate the day-to-day administration of his/her Accountable Officer responsibilities to other employees of the Care Inspectorate. However, (s)he shall not assign absolutely to any other person any of the responsibilities set out in this document.

1.5.5 Directors' Power to Delegate their own Delegated Powers

In so far as powers are delegated to any director or officer, he or she shall be free to further delegate those powers to any member of his/her staff, but the director or officer shall remain accountable to the Chief Executive and to the Board for all aspects of the exercise of those powers.

The Operations Scheme of Delegation and any other Scheme of Delegation put in place by a director is to be operated in accordance with the Standing Orders, the Management Statement and Financial Memorandum, the Financial Regulations and all other corporate governance procedures relevant to the Care Inspectorate.

1.5.6 Absence of directors or officers to whom powers have been delegated

In the absence of a director or officer to whom powers have been delegated, those powers shall be exercised by that director's or officer's superior or by another director or by an officer appointed by the Chief Executive or another director to exercise those powers. If the Chief Executive is absent, powers delegated to him/her may be exercised by a director acting on behalf of Chief Executive, taking advice as necessary, from other appropriate directors and officers.

2. RESERVATION OF POWERS TO THE CARE INSPECTORATE

2.1 Reserved Powers

The Care Inspectorate must determine those matters on which decisions are reserved, i.e. decisions which are reserved to the Board of the Care Inspectorate in formal session for decision. The reserved matters are set out in paragraphs 2.2 to 2.8 below

2.2 General Enabling Provision

The Board sitting in formal session may determine any matter it wishes, within its statutory powers, specifically including (but without prejudice to the generality of the foregoing) the following matters:

2.3 Regulation and Control

2.3.1 The approval of Standing Orders, the Code of Conduct for Members, the Reservation of Powers and Scheme of Delegation and the Financial Regulations, including any alterations, deletions or additions thereto; the agreement of changes to the Management Statement, Financial Memorandum, or any similar document setting out the relationship between the Care Inspectorate and the Scottish Ministers or the Sponsor Directorate.

2.3.2 Requiring and receiving declarations of interests from members of the Board.

2.3.3 Determination of any conflict arising between a member's declared interests and those of the Care Inspectorate by reference to the Care Inspectorate's Code of Conduct and Standing Orders.

2.3.4 Approval of the disciplinary procedure for directors/officers of the Care Inspectorate, including any alterations, deletions or additions thereto.

2.3.5 Approval of the Care Inspectorate's statutory Complaints Procedure.

2.3.6 Monitoring progress and performance in all functions of the Care Inspectorate, including, but not limited to:

- Monitoring the performance of the Care Inspectorate against its Corporate Plan and Operational Plans
- Approving and monitoring progress against the Care Inspectorate's Communications Strategy
- Approving and monitoring performance against the Care Inspectorate's strategy for participation of key stakeholders in its work (particularly people who use social services and their carers)
- Approving and monitoring performance against any plan or plans related to the development and implementation of the Care

Inspectorate's scrutiny improvement function

- Approving and monitoring performance against any plan or plans related to the discharge of the Care Inspectorate's statutory Duty of Co-operation
- Monitoring the performance of the Care Inspectorate's Duty of Co-operation with other scrutiny bodies
- Approving and monitoring performance against the Care Inspectorate's Intelligence Strategy
- Approving and monitoring performance against the Care Inspectorate's Public Reporting Strategy

2.3.7 Receiving reports from any committees and taking appropriate action thereon.

2.3.8 Establishing terms of reference and reporting arrangements for any committees or sub-committees and approval of changes thereto.

2.3.9 Receiving reports of any urgent, necessary and expedient action which would otherwise have been contrary to this Reservation of Powers and Scheme of Delegation, which has been taken by the Chief Executive or director deputising for the Chief Executive.

2.4 Appointments

2.4.1 The establishment and dissolution of any committees of the Board, including the appointment of committee conveners.

2.4.2 The appointment, and co-option in terms of paragraph 3.5.3 hereof, of members to any committee, save that the Chair may at any time appoint additional members to, and /or remove members from, a committee of the Board, (whether generally, or for a single meeting of the committee concerned) subject to ratification of such appointment, and / or removal at the next full meeting of the Board, provided that such appointment or removal does not make the committee concerned non-compliant with its Terms of Reference. In the event that such an appointment, removal or substitution shall not be ratified by the Board at its next full meeting, the appointment or removal shall be of no effect, save for the period between its making and its consideration by the Board when it shall be regarded as having had full force and effect, and any decision taken by any committee concerned during the period between the appointment or removal concerned and its consideration by the Board shall have full force and effect.

2.4.3 The Board may seek to secure the attendance as advisers of persons who are not members of the Board of the Care Inspectorate but hold relevant experience or skills which are considered necessary to advise the Board in the fulfillment of its responsibilities. Any remuneration payable to any such adviser shall not exceed such allowances as may be specified by Scottish Ministers in respect of Board members. For the avoidance of doubt, any

such adviser shall not be a member of the Board, shall not be counted in establishing a quorum, and shall not be entitled to be present during discussion of any item of business deemed confidential or to be taken in private, nor shall they be entitled to vote.

2.5 Policy Determination

2.5.1 The approval, subject to any guidance or direction from Scottish Ministers, of the organisational structure of the Care Inspectorate or its strategic management or organisational development policies, unless otherwise stated within this Scheme of Delegation.

2.6 Strategy, Corporate Plan and Budget

2.6.1 The approval of the statement of strategic aims and objectives of the Care Inspectorate within its Corporate Plan.

2.6.2 The approval of the Corporate Plan, Annual Report and Accounts and budget for each financial year.

2.7 Specific Matters Requiring Board Approval

2.7.1 The introduction or discontinuance of any significant activity or operation.

2.7.2 The adoption or revisal of key policies relating to the operation of the Care Inspectorate.

2.7.3 Proposals to let single-tender or restricted contracts including any which could be seen as novel or contentious or which exceed the delegated limit set out in the Financial Memorandum.

2.7.4 Any expenditure for any purpose which is or might be considered novel or contentious, or which has or could have significant future cost implications, including on staff benefits.

2.7.5 Any significant change in the scale of operation or funding of any initiative or particular scheme previously approved.

2.7.6 Any change of policy or practice which has wider financial implications (e.g. because it might prove repercussive among other public sector bodies) or which might significantly affect the future level of resources required.

2.7.7 All individual contracts of a capital nature that exceed £25,000 (exclusive of VAT) and which either are not included in the approved capital programme or exceed the expenditure limit agreed in the approved capital programme.

- 2.7.8** Any changes in the fees chargeable to registered care services (where regulations allow the Care Inspectorate to set these)
- 2.7.9** Approval of the Care Inspectorate's pay remit in accordance with the current public pay policy guidance.
- 2.7.10** The approval of any change to the Care Inspectorate's organisational structure resulting in a change to established staffing having a cost exceeding £200k *per annum*.
- 2.7.11** The adoption, amendment or renewal of any significant policy adopted or proposed to be adopted by the Care Inspectorate where that policy addresses the interaction of the Care Inspectorate with members of its own staff or with any third parties, or where such policy can be regarded as novel or contentious.
- 2.7.12** The matters set out at paragraphs 2.7.3, 2.7.4 and 2.7.7 - 2.7.9 above may also be subject to Sponsor Directorate authorisation requirements in terms of the Scottish Public Finance Manual or the Framework agreement with the Sponsor Department.

2.8 Audit Arrangements

- 2.8.1** To approve the appointment of internal auditors to the Care Inspectorate.
- 2.8.2** To note the receipt of the annual management letter from the external auditor and to note the actions of and to consider and where appropriate, adopt, the recommendations of Audit Committee.
- 2.8.3** To make recommendations to the Audit Committee as to matters which appear to be appropriate for its consideration.
- 2.8.4** To note the receipt of the annual report from the internal auditor and the action taken where appropriate on the recommendations by the Audit Committee.

2.9 The Care Inspectorate as an Employer

- 2.9.1** To determine appeals (in accordance with procedures laid down by the Care inspectorate) by any member of staff in relation to any grievance concerning their terms and conditions of employment or in relation to disciplinary matters. This function will be discharged by an *ad hoc* committee of the Board consisting of no less than three and no more than five members of the Board, which committee shall have the power to determine the matters before it as though it were the Board in formal session. This committee will also provide a forum for review where the Chief Executive disagrees with the conclusions of his/her annual performance development review.

2.9.2 To receive and consider reports on the monitoring of the performance of the Chief Executive. Such reports will be considered in private session in terms of Standing Order 3.2.

3. DELEGATION OF POWERS TO COMMITTEES AND MEMBER / OFFICER WORKING GROUPS

3.1 The Board may delegate responsibility for specified matters to committees which may, with the approval of the Board, further delegate specified matters which fall within their terms of reference to sub-committees.

3.2 Details of the committee currently established by the Care Inspectorate and its terms of reference are set out at Section 4 of this document.

3.3 Member / Officer Working Groups

3.3.1 The Board or any Committee thereof may delegate specific pieces of work to working groups composed of members of the Care Inspectorate and members of its executive.

3.3.1 The purpose of any working group composed of both members of the Care Inspectorate and members of its executive shall be to consider a particular issue or proposal in detail, and to report to the Board or establishing Committee, with recommendations, all of which shall be specified in detail in Terms of Reference which shall be specified by the Board or committee concerned at the point of establishing the working group.

3.3.2 Any working group established under para 3.3.1 above shall have no less than two members, and shall have at least one member who is a member of the Care Inspectorate's Board and one member who is a member of its executive.

3.3.3 Any working group established under para 3.3.1 above shall report to the Board, or its establishing committee or no more than six months from the date of its inception, or by such earlier date as their Terms of Reference may specify. A working group established under para 3.3.1 above shall not subsist for longer than 6 months, which period may not be extended, save with the specific authority of the Board or the group's establishing committee.

3.4 Interpretation

3.4.1 In any situation of uncertainty, it is for the Chair to determine which Committee is empowered to exercise authority which has been delegated by the Board.

3.5 Committees

3.5.1 Authority

All committees are authorised by the Board to undertake any activity within their Terms of Reference. A committee (and any sub-committee thereof) must comply with any directions given to it by the Board of the Care Inspectorate. Any committee may seek information it requires from any other committee and from any employee of the Care Inspectorate through the appropriate director or officer and all employees are expected to co-operate with any such request.

3.5.2 All committees are authorised by the Board to obtain legal or other independent professional advice, subject to the approval of the Board (or in a case of urgency, the Chair and at least one other Board member, who must certify that the situation is one of urgency such that it would be impracticable for the matter to be considered by the Board, at its next meeting) in respect of any resources required.

3.5.3 All committees may, subject to the approval of the Board in terms of paragraph 2.4.2 above, seek to secure the attendance of persons who are not members of the Board of the Care Inspectorate but hold relevant experience or skills which are considered necessary. Any remuneration payable to any such person co-opted as a member of a committee shall not exceed such allowances as may be specified by Scottish Ministers.

3.5.4 Persons co-opted to any committee in accordance with paragraph 3.5.3 above shall not be regarded as members of the Board of the Care Inspectorate and for the avoidance of doubt, shall not be regarded as members of the committee to which they are co-opted, but as advisers who are not vested with voting rights and whose attendance shall not be counted in establishing a quorum.

3.5.5 The terms of reference of all committees shall be subject to periodic review whether at the instance of the committee concerned (subject to any proposed alterations being approved by the Board) or by the Board. Such reviews shall be carried out at intervals not exceeding two years.

3.6 Quorum

3.6.1 The quorum of the Board of the Care Inspectorate shall be as provided in Standing Order 18. The quorum of any committee of the Care Inspectorate shall be as specified in the Terms of Reference of that committee.

3.7 Reporting Mechanism

3.7.1 Minutes shall be drawn up of meetings of the Care Inspectorate's Board and committee(s). The minutes referred to in this clause shall be prepared, distributed and published in accordance with Standing Order 15.

4. COMMITTEES

4.1 The Care Inspectorate shall have an Audit Committee, which shall conduct its business in accordance with Paragraphs 5.2.1- 5.8.1 hereof.

5. AUDIT COMMITTEE

5.1 Terms Of Reference

5.2 General

5.2.1 To consider, approve, and report to the Board on:

- the internal control arrangements of the Care Inspectorate.
- the external and internal audit arrangements.
- the evaluation of risk management and business continuity planning arrangements, including (but not limited to) receiving, considering and making recommendations to the Board upon, the Care Inspectorate's risk register and the measures identified therein for management of the identified risks, and receiving, considering, and making recommendations to the Board upon, the Care Inspectorate's business continuity and disaster recovery plans.

5.2.2 To provide leadership in the development and promotion of efficient, effective, economic and intelligence-led use of public resources in the areas falling within its remit.

5.3 Specific Audit Services

5.3.1 To make recommendations to the Board for the appointment of, and periodically review the appointment of, the Care Inspectorate's internal auditors, approve their terms of reference, and ensure that the audit provision meets the standard expected by the Scottish Government and the external auditors.

5.3.2 To consider and approve the internal auditors' annual audit plans and long term strategic audit plans and to consider and note the external auditors' audit plans.

- 5.3.3** To receive, consider, and if appropriate, approve, periodic progress reports from the internal and external auditors outlining progress against audit plans to identify any issues arising and to make recommendations as to how they should be addressed.
- 5.3.4** To consider any audit reports submitted by both the internal and external auditors, taking action as appropriate. This may include meeting with the auditor in private when required.
- 5.3.5** To receive, consider, and if appropriate, approve the internal auditor's annual report.
- 5.3.6** To receive and consider the external auditor's annual report and to make recommendations thereon to the Board
- 5.3.7** To consider, draft, and make recommendations to the Board upon, key performance indicators, quality indicators and monitoring measures in respect of the Care Inspectorate's activities, financial and non-financial.
- 5.3.8** To consider and thereafter annually review the arrangements in place for the systematic monitoring of the Care Inspectorate's internal control procedures, including risk management and business continuity planning and to report to the Board thereon.
- 5.3.9** To monitor on an ongoing basis and make recommendations to the Board upon, the Care Inspectorate's dynamic risk register and the measures identified from time to time therein for management of the identified risks, and to receive, consider, and make recommendations to the Board upon, the Care Inspectorate's business continuity and disaster recovery plan.
- 5.4** **Membership**
- 5.4.1** The Audit Committee shall consist of a Convener and not less than four nor more than six members, appointed by the Board.
- 5.5** **Quorum**
- 5.5.1** The quorum of the Audit Committee shall be the Convener of the Committee or any substitute, as provided for in terms of Standing Order 20, and in addition not less than two members of the Committee.
- 5.6** **In Attendance**
- 5.6.1** Chair
Chief Executive
Director of Corporate Services
Other directors as appropriate
Other officers as appropriate

5.7 Frequency

5.7.1 The Audit Committee shall meet at least four times per year.

5.8 Equalities

5.8.1 The Care Inspectorate is committed to promoting equalities. The Committee will at all times conduct its business in a way which reflects good practice in relation to equalities and which complies fully with the requirements of the Equality Act 2010.

6. THE CARE INSPECTORATE SCHEME OF DELEGATION TO OFFICERS

6.1 Scheme of Delegation to Officers

6.1.1 The Care Inspectorate's Financial Regulations set out in some detail the financial responsibilities of the Chief Executive and the Executive Director of Corporate and Customer Services.

6.1.2 The Care Inspectorate shall produce an Executive Scheme of Delegation addressing the further delegation to officers of matters delegated by the Care Inspectorate to directors in relation to specific day to day decision making and the discharge of statutory scrutiny functions detailed in the Act. The Executive Scheme of Delegation shall be approved by the Chief Executive.

APPENDIX 1

Persons and Bodies with whom the Care Inspectorate is subject to a Duty of Co-operation (Para 1.2.17) In terms of s114 of, and Schedule 20 to, the Act

Accounts Commission for Scotland

Food Standards Scotland

Healthcare Improvement Scotland

Her Majesty's Inspectors of Constabulary appointed under s71 of the Police and Fire Reform (Scotland) Act 2012

Her Majesty's Chief Inspector of Prisons for Scotland

Her Majesty's Chief Inspector of Prosecution in Scotland

Her Majesty's inspectors of schools

Mental Welfare Commission for Scotland

The Scottish Housing Regulator

APPENDIX 2

Persons and Bodies with whom Scottish Ministers may request that the Care Inspectorate undertakes Joint Inspections of Children's or Other Services (Para 1.2.18), in terms of s115(6) of the Act

Healthcare Improvement Scotland

Her Majesty's Inspectors of Constabulary appointed under s71 of the Police and Fire Reform (Scotland) Act 2012

Her Majesty's Chief Inspector of Prisons for Scotland

Her Majesty's Chief Inspector of Prosecution in Scotland

Her Majesty's inspectors of schools

Mental Welfare Commission for Scotland

The Scottish Housing Regulator

Any Special Health Board