



Changes to the Care Inspectorate's Reservation of Powers and Scheme of Delegation, Standing Orders and Financial Regulations

Report to: Board

Date: 20 June 2018

Report by: Kenny McClure, Head of Legal Services
Alison Cook, Senior Solicitor

Report No: B-46-2018

Agenda Item: 12

PURPOSE OF REPORT

To seek the Board's approval of proposed changes to the Care Inspectorate's Reservation of Powers and Scheme of Delegation and the Standing Orders and consequential amendments to the Financial Regulations.

RECOMMENDATIONS

1. That the Board **approves** the proposals set out in this report, and adopts the amended Reservation of Powers and Scheme of Delegation at Appendix 1, the amended Standing Orders at Appendix 2 and amended Financial Regulations at Appendix 3, which seek to address changes to the structure of the Board and its committees.

Consultation Log

Who	Comment	Response	Changes Made as a Result/Action
Senior Management	Executive Director of Corporate and Customer Services		
Legal Services			
Corporate and Customer Services Directorate	Head of Finance and Corporate Governance		
Committee Consultation (where appropriate)			
Partnership Forum Consultation (where appropriate)			
Equality Impact Assessment			
Confirm that Involvement and Equalities Team have been informed	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
EIA Carried Out	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
If yes, please attach the accompanying EIA and appendix and briefly outline the equality and diversity implications of this policy.			
If no, you are confirming that this report has been classified as an operational report and not a new policy or change to an existing policy (guidance, practice or procedure)	Name: Alison Cook Position: Senior Solicitor		
Authorised by Director	Name: Gordon Weir	Date: 12 June 2018	

1.0 BACKGROUND

The Care Inspectorate's Board approved the current Reservation of Powers and Scheme of Delegation on 30 March 2017. The Board approved the Standing Orders in June 2015 and the Financial Regulations on 17 January 2018.

2.0 CONSULTATION

Consultation has principally been by way of reviews of the effectiveness of the Resources Committee and the Quality and Strategy Committee. In addition, at the Board Governance Review on 15 March, the Board agreed for proposals around a revised Board and Committee structure to be brought to the Board meeting in June.

3.0 PROPOSED AMENDMENTS

3.1 Reservation of Powers and Scheme of Delegation – Appendix 1

3.1.1 A summary of the proposed amendments are set out in Appendix 4.

3.1.2 The principal changes are:-

- Paragraph 1.5 authorises the Chief Executive to act and thereafter report to the Board where action is taken in certain situations which would otherwise have been outwith their delegated powers. This is in place of the requirement for any such action to be ratified or homologated by the Board.
- Reference to committees other than the Audit Committee has been removed.
- Paragraph 2.7.10 gives power to the Chief Executive to make changes to established staffing without the approval of the Board subject to a maximum cost limit of £200k per annum.
- The addition of paragraph 2.9 which specifies functions, relating to the Care Inspectorate as an employer, which are now functions of the Board.

3.2 Standing Orders – Appendix 2

3.2.1 A summary of the proposed amendments are set out in Appendix 5.

3.2.2 The principal changes reflect the Care Inspectorate's new Board and committee arrangements and also the necessary consequential amendments required to reflect the proposed changes to the Reservation of Powers and Scheme of Delegation.

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3.3 Financial Regulations

3.3.1 A summary of the proposed amendments is set out in paragraph 5.0 of the Version Control section of the Regulations.

3.3.2 The principal changes refer to the new Board and committee arrangements and also the necessary consequential amendments required to reflect the proposed changes to the Reservation of Powers and Scheme of Delegation. In particular:

- Paragraph 3.3 has been redrafted to reflect the proposed change at paragraph 1.5.1 of the Reservation of Powers and Scheme of Delegation which removes the requirement for ratification/homologation by the Board in certain circumstances and replaces it with power to act and a duty to report at a later date

Paragraphs 4.2, 4.3 and 4.5 have been redrafted to reflect the proposed change at paragraph 2.7.10 of the Reservation of Powers and Scheme of Delegation which gives the Chief Executive power to make changes to the establishment without the approval of the Board but within certain financial parameters.

4.0 RESOURCE IMPLICATIONS

None.

5.0 BENEFITS FOR PEOPLE WHO EXPERIENCE CARE

It is essential for the fulfilment of all of the Care Inspectorate's corporate outcomes that its Board and 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
Appendix 2	Standing Orders
Appendix 3	Financial Regulations
Appendix 4	Reservation of Powers and Scheme of Delegation – principal proposed changes
Appendix 5	Standing Orders – principal proposed changes

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