



REPORT TO: MORAY INTEGRATION JOINT BOARD ON 24 SEPTEMBER 2020

SUBJECT: DELEGATED AUTHORITY FOR CHIEF OFFICER

BY: INTERIM CHIEF OFFICER

1. REASON FOR REPORT

- 1.1. To seek authorisation to revoke the delegated authority granted by Moray Integration Joint Board to the Chief Officer on 26 March 2020 to take decisions that would normally require Board approval

2. RECOMMENDATION

2.1. It is recommended that the Moray Integration Joint Board (MIJB):

- i) **revoke the delegated authority granted on 26 March 2020 for the foreseeable future to the Chief Officer or Interim Chief Officer, to take decisions in respect of matters that would normally require Board approval, subject to consultation taking place with the Chair and Vice Chair of the Board, if the Board is unable to meet.**

3. BACKGROUND

- 3.1. At the start of the ongoing Covid-19 pandemic, investigations took place into the Board's business continuity arrangements, including how decisions that require Board approval could be made if the Board was unable to meet as a result of restrictions arising from the pandemic
- 3.2. Delegated authority was granted to the Chief Officer or Interim Chief Officer to take any operational decisions that would normally require Board approval, subject to undertaking consultation with the Chair and Vice Chair of the Board.
- 3.3. This was to be the subject of ongoing review and it was anticipated that normal Board meeting arrangements would be reintroduced as soon as practicable when it was safe to do so and pandemic restrictions were eased. The delegation of powers were to be reviewed within 3 months or whenever the Board was able to meet again, whichever was sooner.

4. KEY MATTERS RELEVANT TO RECOMMENDATION

- 4.1 The Covid-19 is an unprecedented emergency situation. It was believed unlikely in March 2020 that the Board would be able to meet as scheduled for some time due to Government restrictions and health advice. It was anticipated that decisions regarding health and social care issues would require to continue to be made in order to ensure continuity of care and that decisions may require to be made in matters which would normally require to be made by the Board. Authority was therefore delegated to the Chief Officer to make decisions on their behalf on 26 March 2020.
- 4.2 The Board has now established regular online meetings and is able to take its own decisions. It is no longer considered necessary for the Chief Officer or Interim Chief Officer to continue to hold emergency decision making powers. Consequently it is recommended that the powers granted to the Chief Officer on 26 March 2020 be revoked.

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP)) and Moray Integration Joint Board Strategic Plan “Moray Partners in Care 2019 – 2029”

MIJB has a duty to provide services within its remit. Ensuring that decisions can be made during the epidemic will ensure that services can continue to be provided and decisions continue to be made in fulfilment of their obligations.

(b) Policy and Legal

The Chief Officer is employed by the MIJB. Operational responsibilities for the Chief Officer were agreed by MIJB on 10 November 2016, as amended on 29 November 2018 (para 9 of the Minute refers). MIJB has the authority to delegate further powers to the Chief Officer as necessary. There is provision in terms of standing orders, if necessary, to appoint an Interim Officer should the Chief Officer no longer be available to exercise the powers.

Additional emergency powers were granted to the Chief Officer or Interim Chief Officer on 26 March 2020 in anticipation of the Board being unable to meet during the pandemic.

(c) Financial implications

None arising from this report

(d) Risk Implications and Mitigation

MIJB requires to ensure continuity of service for the public in their areas of responsibility. Delegating these powers to the Chief Officer reduced democratic accountability. Revoking this decision will increase democratic accountability.

(e) Staffing Implications

None arising directly from this report

(f) Property

None arising from this report

(g) Equalities/Socio Economic Impact

None arising from this report

(h) Consultations

The Chief Officer, S95 Officer and the Monitoring Officer have been consulted and their comments have been incorporated within this report.

6. CONCLUSION

6.1. The revocation of powers granted to the Chief Officer, or interim Chief Officer, is recommended as being no longer necessary.

Author of Report: Morag Smith, Senior Solicitor

Background Papers:

Ref: