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**REPORT TO: MORAY COUNCIL ON 24 MAY 2023**

**SUBJECT: REVIEW OF SCHEME OF ADMINISTRATION**

**BY: DEPUTE CHIEF EXECUTIVE EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT**

**1. REASON FOR REPORT**

- 1.1 To amend the Council's Scheme of Administration to reflect revised reporting arrangements for Children's services.
- 1.2 This report is submitted to Committee in terms of Section II (10) of the Council's Scheme of Administration, amendments to the Committee Structure.

**2. RECOMMENDATION**

- 2.1 **It is recommended that the Council approve the amended Scheme of Administration detailed in Appendix 1 to reflect the statutory delegation of Children's Services to Moray Integration Joint Board.**

**3. BACKGROUND**

- 3.1 Following a Council management restructure in June 2019 it was agreed by both the Council and NHS Grampian that Children's Services would be included within the social care services formally delegated to the Moray Integration Joint Board (MIJB).
- 3.2 Update reports on progress have been made through the Council, MIJB and NHS Grampian Board. These have included a revised Integration Scheme which required Scottish Government approval.
- 3.3 In the meantime the Head of Service and staff have been managed by the MIJB Chief Officer, with reports going through the Council's Education Communities and Leisure Services Committee.
- 3.4 The Scottish Government approved the amended Integration Scheme on 16 March 2023 and the changes need to be given formal effect.
- 3.5 The Council's Scheme of Administration requires to be amended to reflect the service delegation and a date agreed for the new reporting arrangements.

3.6 A further change is required to the description of the Appointments Committee reflect a recent change in the Council's procedure for recruitment of senior staff.

#### **4. PROPOSALS**

4.1 It is proposed that the Council's Scheme of Administration is amended in accordance with **Appendix 1** to reflect the amended Integration Scheme.

4.2 The effect of this will be that all policy and budget issues involving Children's Services will be reported through the MIJB.

4.3 The Council will have a residual interest in:

- The small number of socialwork services which are not able to be delegated under legislation.
- Its role as employer of social care and social work staff.

4.4 It is proposed that these arrangements take effect from the date of this meeting, 24 May 2023 subject to the agreement in the following paragraph.

4.5 The Council, MIJB and Grampian NHS Board have agreed a shadow period where, until 31 March 2024, Moray Council retain the sole financial risk for Children's Social Work and Justice Services. For the 23/24 financial year there will be a requirement for budget monitoring reports to continue being reported through the Council. The operational performance and decision making around any significant expenditure will continue to be through the line management of the Chief Officer by the Chief Executive, and where necessary brought to Council for ratification.

4.6 A further change has been made to Para III A (1) to reflect that Appointments Committees are for posts of Head of Service and above and membership is selected following initial full council meeting where political balance is determined.

#### **5. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

No direct implications

**(b) Policy and Legal**

Primary statutory responsibility for Children's Service is given to the Council. This responsibility is being delegated to the MIJB through the Integration Scheme. This arrangement needs reflected in the Council's Constitutional documents.

**(c) Financial implications**

A shadow year for expenditure on Children's Services is outlined above. The Council will benefit from any underspend in 2023/24 and bear the full cost of any overspend in that financial year. Thereafter expenditure on Children's Services will form part of the MIJB funding envelope with underspends returned to MIJB reserves and any overspends which

cannot be met from reserves funded by both partners, NHSG and the Council, pro rata to the contributions they make to the overall funding envelope.

**(d) Risk Implications**

Correct delegations need to be in place to reduce risk of decisions being challenged.

**(e) Staffing Implications**

Changes to the Council's Scheme of Delegation will also be required to reflect the move of Children's Services to the MIJB. There is another report on the agenda of this meeting recommended including these changes.

Changes to the establishment in both social care and social work for e.g. service redesign, expansion or contraction will continue to be in accordance with the Council's agreed change management policy and procedures and reported under the Council's Scheme of Administration for the shadow year and beyond.

**(f) Property**

No direct implications

**(g) Equalities/Socio Economic Impact**

No direct implications.

**(h) Climate Change and Biodiversity Impacts**

No direct implications

**(i) Consultations**

Chief Executive, Chief Officer MIJB, Head of Service (MIJB) Chief Financial Officer, Head of HR, ICT & OD.

**5. CONCLUSION**

**5.1 Legislation gives primary statutory responsibility for Children's Service to the Council.**

**5.2 This statutory responsibility is being delegated by the Council to the MIJB through the Integration Scheme.**

**5.1 This delegation needs reflected in the Council's Constitutional documents.**

Author of Report: Alasdair McEachan, Head of Governance, Strategy and Performance.

Background Papers:

Ref:

