

NORTH STRATHCLYDE COMMUNITY JUSTICE AUTHORITY

To: North Strathclyde Community Justice Authority

On: 29th September, 2006

**Report by
Clerk and Chief Officer**

Scheme of Delegation

1. Summary

- 1.1 To facilitate the effective and responsive operation of the Authority, the Clerk in consultation with the Chief Officer and the Head of Legal Services of Renfrewshire Council have drafted the attached Scheme of Delegation to Officers for consideration by the Authority.
- 1.2 The Scheme operates on the principle that decisions should be made at the lowest level consistent with the nature of the issues involved.
- 1.3 It is proposed that, in the interim, the Authority adopt the lead authority's policies, and procedures etc as appropriate, and as detailed in the proposed scheme, until the Authority has had the opportunity, where necessary, to develop and approve such matters.
- 1.4 All matters of interpretation of the Scheme of Delegation will be determined by the Clerk to the Authority.
- 1.5 It is suggested that the attached Scheme of Delegation be reviewed within 2 years of approval to allow for possible amendment to reflect the changing role, function or powers of the Authority and having regard to good practice.

2. Recommendations

- 2.1 That the Scheme of Delegation to Officers, as detailed in the Appendix to the report be approved.
- 2.2 That the Scheme of Delegation be reviewed within 2 years.

NORTH STRATHCLYDE COMMUNITY JUSTICE AUTHORITY

**SCHEME OF DELEGATION IN RESPECT OF THE CHIEF OFFICER,
CLERK AND TREASURER**

SCHEME OF DELEGATION IN RESPECT OF THE CHIEF OFFICER, CLERK AND TREASURER

INTRODUCTION

The powers/functions detailed within this document are those delegated by North Strathclyde Community Justice Authority (the Authority) to the Chief Officer, the Clerk and the Treasurer or in appropriate cases powers/functions recognised by the Authority as powers/functions exercised by the Chief Officer under statutory authority.

GENERAL

Without prejudice to the statutory functions and duties of the Chief Officer the delegations approved by the Authority are subject to:-

- (1) appropriate provisions for financial outlays having been made in the estimates for the current year; and
- (2) the lead authority's standing orders relating to contracts and the lead authority's financial regulations.

POWERS/FUNCTIONS DELEGATED OR RECOGNISED

The Chief Officer is empowered or is recognised by the Authority as enjoying the authority:-

- (1) To exercise all powers and duties etc of the chief officer under the Management of Offenders etc (Scotland) Act 2005 and any other Act, Order or Regulations.
- (2) to deploy resources as she thinks fit for the best execution of functions under her management.
- (3) to ensure, so far as reasonably practicable, the health, safety and welfare at work of Authority employees and others affected by the lead authority's health and safety policy and health and safety plan.
- (4) to maintain proper security for staff, buildings, stocks, stores, furniture, equipment, non-physical assets such as data and similar items under her control. Where special arrangements are considered necessary she shall consult with the Treasurer to the Authority.
- (5) to ensure that all activities undertaken are within the legal powers of the Authority and in the event of doubt to consult with the Clerk to the Authority.

- (6) where she thinks it is in the interests of the Authority to approve the provision of reasonable hospitality to representatives of other authorities, organisations, and to others up to a maximum of £500 in relation to any one occasion.
- (7) to approve the attendance of officers at conferences or meetings within the United Kingdom where she considers it to be in the interests of the Authority provided that the cost does not exceed £750 exclusive of subsistence, travelling and other ancillary expenses.
- (8) to authorise the attendance of employees on full-time or part-time courses of study and the payment of appropriate fees.
- (9) to authorise officials to travel within and outwith the Authority area (but within the United Kingdom), to authorise overnight absences in appropriate circumstances and to authorise the payment of monies for travel and subsistence in accordance with the scheme of travel/subsistence allowances accepted or approved by the lead authority.
- (10) to issue orders for the supply of goods and services required for normal working and for which there is adequate provision in the estimates all in accordance with any purchasing policy and the lead authority's financial regulations..
- (11) to authorise the payment of accounts due by the Authority for goods and services properly supplied and for which there is adequate provision in the estimates.
- (12) to appoint all staff below the level of Chief Officer.
- (13) to apply the lead authority's conditions of service as affecting members of staff.
- (14) to approve the acceleration of increments within existing salary scales to members of staff following consultation with the lead authority's Head of Personnel Services.
- (15) in consultation with the lead authority's Head of Personnel Services, to amend post designations where they do not affect the grade of the posts.
- (16) to exercise all powers given in the Conditions of Service so far as discipline and efficiency of the Authority is concerned.
- (17) to determine appeals arising from the termination of service of employees except in so far as such appeals stand referred to the Personnel Appeals Sub-Committee of the Authority or any sub-committee arranged for this purpose.

- (18) to determine appeals relating to statutory grievances.
- (19) To authorise the working of overtime by appropriate grades of officers and the payment of overtime or compensatory leave or honoraria in accordance with the criteria laid down by the lead authority.
- (20) in consultation with the lead authority's Head of Personnel Services to approve the award of temporary responsibility payments to employees in recognition of significant increase in duties and responsibilities, such payments to be reviewed at the end of a period of six months unless approved for a shorter period of time.
- (21) to take all necessary action of a routine nature in terms of her appointment to implement policies, practices and procedures previously agreed by the Authority and also to take such action implicitly in all matters ancillary thereto, including the incurring of expenditure of a minor or recurring nature and for which adequate provision has been made in the estimates.
- (22) to sign and issue (a) authorisation to officers of the Authority to exercise statutory powers (including the right to enter land and premises in connection with the discharge of their duties) and (b) identity cards.
- (23) to make recompense in respect of damage to, or loss of an employee's personal property in respect of any one incident up to an amount not exceeding £110 and up to £550 with the agreement of the Clerk to the Authority.
- (24) to advise the Treasurer to the Authority about any extraordinary departmental financial obligation which will affect the Authority.
- (25) to advise the Treasurer to the Authority about any extraordinary risk which will affect the insurances held on behalf of the Authority.
- (26) to permit any member of her staff to absent him/herself occasionally and temporarily during business hours to attend to personal or family related matters or duties or services of a civic, honorary, charitable, academic or social nature or as otherwise prescribed in the lead authority's adopted special leave scheme provided that these do not interfere with the efficient discharge of the functions of the Authority.
- (27) to terminate, vary or amend on behalf of the Authority any contract or part of any contract which the Authority is entitled to terminate, amend or vary under the appropriate conditions of contract after consultation with the Clerk to the Authority if satisfied that it is in the interests of the Authority.

- (28) to authorise that the salary of an officer should progress over/beyond a salary bar point in circumstances where the Chief Officer is satisfied that the officer has attained the qualification and/or experience generally recognised as necessary/appropriate for such progression and provided that the agreement of the lead authority's Head of Personnel Services has been sought and obtained.
- (29) following agreement with the Clerk to the Authority, to deal with and, in appropriate circumstances, to approve applications by employees charged with offences in the course of their employment for assistance with legal expenses of their defence.
- (30) following agreement with the Clerk to the Authority, to deal with and, in appropriate circumstances, to approve applications by employees convicted of and fined in respect of offences committed whilst acting in the course of their employment, for full or part payment of the fine imposed.
- (31) to deal with any operational matter not otherwise delegated in the period between the last meeting of an administration and prior to the setting up of a new Authority following statutory Council elections.
- (32) to deal with, and in appropriate circumstances, to approve applications from employees for reimbursement of reasonable legal expenses, in part or in whole, incurred in defending actions raised against them personally, providing that they were acting:
 - (a) within the course of their employment;
 - (b) in accordance with Authority procedures; and
 - (c) in good faith.
- (33) in consultation with the lead authority's Head of Personnel Services to appoint temporary staff as replacements for established employees on long term absence through sickness, maternity or special leave or where the appointments are fully funded by external agencies.
- (34) to set fees for the sale of documents and services where the level of such fees is not prescribed by statute.
- (35) in consultation with the Clerk to the Authority, to take such measures as may be required in emergency situations on any matter for which the Authority's approval would normally be necessary subject to advising the Convener or Deputy Convener of the Authority where possible and reporting to the Authority as soon as practicable thereafter.
- (36) in consultation with the Clerk, to make decisions regarding complaints made under the Authority's complaints procedure.
- (37) to submit responses to consultation documents which concern operational issues.

- (38) to allow reasonable unpaid leave of absence to any employee to attend public duties as defined in section 50(1) and (2) of the Employment Rights Act 1996 or approve leave of absence in accordance with the lead authority's special leave policy.
- (39) to approve the secondment of staff to other organisations, such appointments to be subject to the exigencies of the service and to be for periods not exceeding 2 years.
- (40) to grant authorisations for covert surveillance committed under sections 6 and 7 of the Regulation of Investigatory Powers (Scotland) Act 2000 and to appoint officers to act as investigation managers for the purposes of the Act.
- (41) to authorise the acceptability of gifts on behalf of the Authority and acknowledge the acceptance of these gifts.
- (42) to determine requests under the Freedom of Information (Scotland) Act 2002 for the release of information held by the Authority
- (43) to determine requests under the Data Protection Act 1998 for the release of personal data held by the Authority.

The Clerk is empowered :-

- (1) to act as adviser to the Authority on procedural and administrative matters and in this capacity ensure the provision of adequate administrative and other support to the Authority and its sub-committees.
- (2) to act as proper officer to exclude reports containing exempt information from the public, and to provide documents to the press, in accordance with the provisions of section 50(B) of the Local Government (Scotland) Act 1973.
- (3) following consultation with the Chief Officer to provide to the Local Government Adjudicator for Scotland on behalf of the Authority certificates required for the purposes of section 3(3) of the Local Government and Housing Act 1989 in relation to exemption of posts from political restrictions.
- (4) to vary this scheme but only in the following circumstances:-
 - (a) to reflect changes in job titles, reorganisations within the Authority and vacancies in posts; or
 - (b) to change references to any piece of legislation where the legislation is repealed and to insert references to new pieces of legislation where the new pieces of legislation largely re-enact the provisions of repealed legislation.
- (5) to liaise and deal with any enquiries made by the Scottish Public Services Ombudsman. Should any investigation be carried out by the Scottish Public Services Ombudsman resulting from a complaint received, the necessary arrangements will be undertaken by the Clerk, within timescales specified within the guidance to local authorities in dealing with formal investigations involving the Scottish Public Services Ombudsman.
- (6) following consultation with the chief officer and the Treasurer, authorise ex gratia payments up to a maximum of £1,000 relative to recommendations by the Scottish Public Services Ombudsman.
- (7) to exercise delegations in terms of the lead authority's standing orders relating to contracts.
- (8) to exercise delegations in terms of the lead authority's financial regulations.
- (9) to engage private legal firms and/or legal counsel in respect of judicial or quasi-judicial proceedings and to take appropriate action including initiating, entering, defending and withdrawing from such proceedings or engagements.

(12) to exercise delegations in terms of the lead authority's financial regulations.

The Treasurer is empowered or is recognised by the Authority as enjoying the authority:-

- (1) to assist the financial planning of the Authority in terms of the lead authority's financial regulations.
- (2) to issue guidance for the control of all expenditure in terms of the lead authority's financial regulations.
- (3) to advise on procedures for accounting and financial record-keeping by the Authority.
- (4) in respect of insurance:
 - (i) to make arrangements with insurance companies concerning the settlement of claims;
 - (ii) in consultation with the Clerk and the Convener of the Authority, to settle without reference to the Authority, claims against the Authority not otherwise covered by the Authority's insurance arrangements up to a maximum of £10,000 per claim.
- (5) to make the necessary arrangements concerning the collection of debts owed to the Authority and the terms and commissions payable for services rendered to the Authority by other authorities and agents with regard to the collection of debts.
- (6) to determine in consultation with the Chief Officer, the beneficiary of any payments to be made in terms of the lead authority's group Life Assurance Scheme.
- (7) to exercise delegations in terms of the lead authority's Standing Orders relating to Contracts.
- (8) to exercise delegations in terms of the lead authority's financial regulations.