



<b>Title:</b>	<b>Review of Reservation of Powers and Scheme of Delegation and Standing Orders</b>
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<b>Appendices:</b>	<b>1. Schedule of Proposed Changes</b>
	<b>2. Reservation of Powers and Scheme of Delegation (Untracked Changes)</b>
	<b>3. Reservation of Powers and Scheme of Delegation (Tracked Changes)</b>
<b>Consultation:</b>	<b>Audit Committee and Board</b>
<b>Resource Implications:</b>	<b>*Yes/No</b> (*Please provide detailed description in Resources section of report)

#### EXECUTIVE SUMMARY

This report proposes amendments to the Board's Reservation of Powers and Scheme of Delegation and Standing Orders to:

- (a) give effect to changes deemed necessary by the Board as a result of the annual effectiveness reviews carried out by the Audit Committee on 7 March 2019 and by the Board on 30 May 2019;
- (b) update or improve drafting; and
- (c) address some typographical errors in the existing documents

**The Board is invited to: (Give details: Approve/agree/note)**

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|----|---|
| 1. | Agree the proposed changes, all as detailed in the Schedule of Proposed Changes at Appendix 1 |
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<b>Links:</b>	Corporate Plan Outcome	N/A	Risk Register	5	Equality Impact Assessment	N	
<b>For Noting</b>		<b>For Discussion</b>		<b>For Assurance</b>		<b>For Decision</b>	<b>X</b>

If the report is marked Private/Confidential please complete section overleaf to comply with the Data Protection Act 2018 and General Data Protection Regulation 2016/679.

<p><b>Reason for Confidentiality/Private Report:</b> <i>(see Reasons for Exclusion)</i></p>
<p><b>Disclosure after:</b></p>

Reasons for Exclusion	
a)	Matters relating to named care service providers or local authorities.
b)	Matters relating to named persons which were they to be discussed in public session, may give rise to a breach of the Data Protection Act 1998 or General Data Protection Regulation 2016/679.
c)	Matters relating to terms and conditions of employment; grievance; or disciplinary procedures relating to identified members of staff.
d)	Matters involving commercial confidentiality.
e)	Matters involving issues of financial sensitivity or confidentiality.
f)	Matters relating to policy or the internal business of the Care Inspectorate for discussion with the Scottish Government or other regulatory or public bodies, prior to final approval by the Board.
g)	Issues relating to potential or actual legal or statutory appeal proceedings which have not been finally determined by the courts.

## **REVIEW OF RESERVATION OF POWERS AND SCHEME OF DELEGATION AND STANDING ORDERS**

### **1.0 INTRODUCTION**

The Board and any Committees established by it are expected to carry out an annual review of their effectiveness. The Care Inspectorate's Audit Committee and Board carried out such reviews on 7 March 2019 and 30 May 2019 respectively. The review carried out by the Board, informed in part by the Audit Committee's review, propose certain changes to the Reservation of Powers and Scheme of Delegation (RoP&SoD) and Standing Orders. The purpose of this report is to give effect to these proposals.

### **2.0 PRINCIPAL CHANGES**

The detail of the changes proposed can be found in the Schedule attached at Appendix 1. Appendix 2 is the untracked version of the modified RoP&SoD and Appendix 3 is the version showing the tracked changes to the document. The principal changes are the renaming of the Audit Committee as the Audit & Risk Committee and changes to its terms of reference to make clear its role in scrutinising the Care Inspectorate's role in securing Best Value in all that it does, and to clarify its role in relation to the development and maintenance of the Care Inspectorate's Risk Register.

### **3.0 IMPLICATIONS AND/OR DIRECT BENEFITS**

There are clear benefits in regularly reviewing the effectiveness of the Board and its Committees – and to do so represents good governance practice. As part of that process, changes may be necessary to the Reservation of Powers and Scheme of Delegation and Standing Orders in order to address issues which have arisen or to update, with resulting improvements in effectiveness and efficiency.

#### **3.1 Resources**

This report has no resource implications

#### **3.2 Sustainability**

This report has no direct sustainability implications

#### **3.3 Policy**

It is important to ensure effective governance within the context of public service delivery and reform to the benefit of the people of Scotland. Relevant policy developments in this regard include the National Performance Framework and the Four Pillars of Public Service Reform: Prevention, Performance, People and Partnership.

**3.4 People Who Experience Care**

It is in the interest of people who experience care that the Care Inspectorate is a well-governed organisation, whose Board and Committee(s) are equipped and resourced to provide appropriate leadership, guidance and scrutiny to the organisation.

**3.5 Customers (Internal and/or External)**

It is important for our staff to know that there is an up to date Reservation of Powers and Scheme of Delegation in place, as that is the source of their decision-making authority. It is important that the people of Scotland as taxpayers and as users or prospective users of social services know that the regulator / inspectorate which is a recipient of public funding is well-governed and effective in all that it does, and responds appropriately to internal and external factors which may influence the way in which it operates.

**4.0 CONCLUSIONS/NEXT STEPS**

The changes detailed in the Appendices, although not extensive provide the clarifications sought by the Audit Committee and Board and it is recommended that the Board adopts them.