



**THE CONVENTION OF SCOTTISH LOCAL AUTHORITIES
(COSLA)**

SCHEME OF DELEGATION

2022

17/02/2022 (draft)

SCHEME OF DELEGATION

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SECTION 1. GENERAL

Purpose

- 1.1 The Scheme regulates the delegation of the Association's functions to the Leaders' Meeting, Boards, the Audit Group, the Leadership Sounding Board, President, Vice-President, Spokespersons and Officers of the Association or other bodies.
- 1.2 This Scheme of Delegation needs to be read and used alongside the Association's Constitution and Standing Orders relating to Meetings which together make up the wider framework of governance within the Association. The Association's governance is based upon the following principles.
 - Openness,
 - Accountability,
 - Responsiveness, and
 - Democracy.

Amendment

- 1.3 This Scheme may be amended at any time by a decision of Convention by a simple majority.

Interpretation

- 1.4 In this Scheme the following expressions will have the following meaning assigned to them:
 - "Association" means The Convention of Scottish Local Authorities.
 - "Chief Executive of the Association" means the Chief Executive appointed by the Association.
 - "Chief Executive of a Member Council" shall, in the case of a Member Council which does not have an officer so designated, mean the Member Council's Head of Paid Service.
 - "Constitution" shall mean the Constitution of the Association.
 - "Convention" means the meetings of the Association, as distinct to meetings of any other governance group.
 - "Leaders' Meeting" shall be the meeting referred to in clause 9 of the Association's Constitution.
 - "Member Councils" shall mean those local authorities constituted in terms of Section 2 of the Local Government etc (Scotland Act) 1994 who subscribe to membership of the Association.
 - "Office Bearer" shall mean the President or Vice-President of the Association
 - "Opposition" means the second largest Political Group providing they are not in coalition with the largest Political Group.
 - "Political Group" shall mean a group comprising 2 or more Members of the Association who are members of the same political party or who share a political affiliation (including independents).
 - "Political Group Leader" shall mean the leader from time to time appointed by a Political Group.
 - "Presidential Team" shall mean the President and Vice-President of the Association.
 - "Declaration of Acceptance" means a declaration in terms of The Local Authorities (Councillors) (Declaration of Acceptance of Office) (Scotland) Order 1990 or any equivalent legislation.
- 1.5 Conflict with Standing Orders - in the event of any dispute or differences as to the interpretation of this Scheme of Delegation and the Constitution or the Standing Orders for Meetings, the Constitution or the Standing Orders for Meetings will prevail over the Scheme of Delegation.
- 1.6 The Association will appoint and maintain the following bodies, namely:
 - Leaders' Meeting
 - Leadership Sounding Board
 - Policy Boards
 - Audit Group

These bodies will have the constitution, quorum, terms of reference and delegated powers hereinafter specified under the appropriate section of the Scheme.

- 1.7 As set out herein, the Association may from time to time appoint Special Interest Groups or such other bodies with such constitution, quorum, terms of reference and delegated powers as the Association may decide.

SECTION 2. PROVISIONS APPLICABLE TO ALL

Delegated Functions

- 2.1 Except as otherwise specified herein, subject to the provisions of the Association's Constitution and Standing Orders for Meetings, where any function of the Association is delegated to a body or person, that body or person will have the power to exercise the function in like manner as the Association could have exercised it had there been no delegation; provided however that it will be competent for such body or person in relation to any delegated matter, instead of taking a decision thereon to make a recommendation to the Leaders' Meeting, in which event, the matter will be decided by the Leaders' Meeting after consideration of that recommendation.
- 2.2 There will be excluded from delegation to any body or person the following:
- (a) On an annual basis, the approval of the Association's Revenue and Capital budgets for the following year or years;
 - (b) On an annual basis, approval of the Association's Corporate or Strategic Plan and the annual review of its performance, including the detailed implementation of strategy and action taken by Leaders' Meeting and Boards in pursuit of the Association's key priorities;
 - (c) Approval of the Annual Accounts of the Association;
 - (d) Amendment of the Constitution;
 - (e) Any change to the Scheme of Delegation regulating the constitution, membership, functions and/or powers of Leaders, Boards, Special Interest Groups, Committees or other bodies possessing delegated powers;
 - (f) Any change to the Standing Orders Relating to Meetings and Proceedings of the Association;
 - (g) Any change to the Scheme of Delegation to officers, detailing those functions delegated by the Association to its Officers;
 - (h) Other than to the Staffing Committee or a Committee specifically appointed for the purpose, the appointment or dismissal of the Chief Executive;
 - (i) The appointment of representatives of the Association on outside bodies;
 - (j) The nomination and removal of the President, Vice-President and Spokespersons; and
 - (k) The approval of any annual Treasury and Investment Strategy relating to the borrowing of money by the Association.

General

- 2.3 The proceedings of any body will not be invalidated through any vacancy in membership or any defect in appointment.
- 2.4 The bodies and persons detailed in this scheme will have the terms of reference specified in this scheme in relation to each such body or person and will conduct their business within their terms of reference only and will act in accordance with the policies of the Association.
- 2.5 The bodies detailed in this scheme shall conduct their business always in accordance with the Standing Orders relating to meetings of the Association as far as they are applicable.
- 2.6 The ordinary meetings of bodies will take place according to a timetable determined by Leaders' Meeting from time to time. (The Chief Executive of the Association, in consultation with the President and the Chair of a body will have power where the agenda calling the meeting has not been issued to rearrange the date, time and place of a meeting of that body in cases of urgency.)

- 2.7 In the event that an issue arises which falls within the remit of more than one body, the Chief Executive of the Association will determine which body shall deal with the issue.
- 2.8 If an Elected Member representative of a Member Council is unable to attend any meeting of Convention, the Leaders' Meeting, or any Board, then a substitute from that Member Council may be nominated as specified in Standing Orders. The substitute will be entitled to attend and vote at a meeting. Otherwise, there will be no temporary substitution of Members unless specific provision is made for the temporary substitution of Members of any body when the body is created, or subsequently through this Scheme of Delegation.

SECTION 3. LEADERS MEETING

Constitution

3.1 The Leaders' Meeting will comprise:

- (a) The President and Vice-President of the Association;
- (b) The Leader of the Administration (or Convenor where no Leader exists) of each Member Council. Where a Member Council has Joint or Co-Leaders, while all Co-Leaders are eligible to attend meetings, only one Co-Leader at a time may attend as a voting representative at a specific meeting, it being for the Member Council to decide which Co-Leader attends as the voting representative.
- (c) Spokespersons who are not Leaders/Convenors of a Member Council; and
- (d) Any Political Group Leader who is not a Leader/Convenor of a Member Council or a Spokesperson.

3.2 Only the Leader of the Administration (or Convenor where no Leader exists) of each Member Council (or their substitute) shall have the right to vote, except where a casting vote is required.

3.3 The Chief Executive of each Member Council or an officer deputising for the Chief Executive shall be entitled to attend and may be invited to take part in the proceedings of the meeting but shall not have the right to vote.

Chair

3.4 The President, whom failing the Vice-President, will be the Chair of the Leaders' Meeting. Unless the Chair is the Leader of the Administration (or Convenor where no Leader exists) of a Member Council, they shall not be eligible to vote except by way of a casting vote.

Quorum

3.5 One quarter of Members present and entitled to a vote (not a casting vote) shall represent a quorum, provided that from those present at least one quarter of Member Councils are represented. For the avoidance of doubt, the definition of 'present' shall include the participation of Members via a remote meeting platform.

Delegated Powers

3.6 The Leaders' Meeting will have full delegated powers to implement its functions.

Functions Referred

3.7 The following functions of the Association will stand referred to the Leaders' Meeting:

General

3.8 All strategy and policy functions not specifically reserved to Convention or delegated to any other body or officer, including the following: -

- (a) Development of policies and strategy in relation to corporate issues affecting Local Government including but not exclusively community planning, social inclusion, equal opportunities, subsidiarity, community wealth building, sustainability, and Best Value;
- (b) Development of and making recommendations to Convention on the Association's Corporate or Strategic Plan;

- (c) Delivering on the strategy and key priorities identified by Convention and articulated in the Association's Corporate or Strategic Plan;
- (d) Performance management and review of the implementation of the Association's Corporate or Strategic Plan including directing Spokespersons or Special Interest Group Chairs to make presentations as requested and for reporting to the Convention on progress at least annually;
- (e) Progressing discussion and negotiations with Scottish and, if appropriate, UK government on the overall amounts, and arrangements for distribution, of expenditure and grants;
- (f) Considering proposals for levels of financial assistance, charges for services and other payments to other bodies and fees or charges to be made by Councils;
- (g) Development of and making recommendations to Convention on the Association's annual revenue budget;
- (h) Liaison with other local authority associations on matters of common interest;
- (i) Discussion and negotiation with the European Union and participation in its institutions and other international institutions;
- (j) Development of policies to secure a highly skilled and motivated Local Government workforce, including the negotiation of their pay and conditions of service;
- (k) Provision of accommodation required by the Convention for meetings of Convention; and all associated bodies;
- (l) Determining the calendar of meetings of Convention, and Leaders Meetings, and Boards and the time and places of such meetings;
- (m) Securing the provision of advice to the Association and its various bodies by the appointment of advisers and other arrangements where this is considered appropriate;
- (n) Proposing the establishment of Special Interest Groups in terms of Clause 12 of the Constitution;
- (o) Considering issues with significant implications for Local Government that have been referred to it by the Association's Boards or other bodies;
- (p) Initiating or carrying out reviews of the Association's Risk Management and Business Continuity Strategies;
- (q) Development, approval and review of the Association's Communications Strategy;
- (r) Consideration of new legislation or consultation papers, except where the subject matter is within the remit of another Committee or delegated to Officers;
- (s) Promoting the highest standards of conduct by Elected Members including appropriate training;
- (t) Assisting Elected Members in observing the relevant Codes of Conduct;
- (u) Reviewing the personal development and training of Members; and
- (v) The preparation and implementation of a strategy for Performance Review.

SECTION 4. LEADERSHIP SOUNDING BOARD

Constitution

4.1 The membership of the Leadership Sounding Board will comprise the President, Vice-President, Political Group Leaders and Spokespersons.

Chair

4.2 The Chair will be the President.

Quorum

4.3 One half of the members present will constitute a quorum. For the avoidance of doubt, the definition of 'present' shall include the participation of Members via a remote meeting.

Delegated Powers

4.4 The Leadership Sounding Board has delegated powers to create Special Interest Groups. Otherwise, the Board does not have delegated powers, and except for matters reserved to Convention all recommendations of the Board will be considered by the Leaders' Meeting.

Meetings

4.5 The Leadership Sounding Board will meet monthly in advance of Leaders' meetings or as and when business requires.

Functions Referred

4.6 This is an advisory group that provides policy direction on current priority issues for Local Government, and a platform to strengthen the working relationship and build cross-party consensus. Its functions are: -

- (a) To create Special Interest Groups in terms of clause 12 of the Constitution and determine their membership, remit, and lifespan, and make recommendations to the Leaders' Meeting regarding any resource or other issues that arise from that.
- (b) To review the operation and effectiveness of Special Interest Groups and make recommendations to the Leaders' Meeting, Boards or Member Councils as appropriate in connection with issues arising from that review activity.
- (c) Monitoring and reviewing the Association's policies and procedures
- (d) To act as the Association's Staffing Committee and to be responsible for the following staffing matters in relation to the Association's employees: -
 - To consider arrangements for the selection of candidates for, and authorise the appointment of an individual to posts, of Chief Executive of the Association and the Senior Management Team of the Association.
 - The dismissal of the Chief Executive of the Association.
 - To consider and approve any application from a senior officer for early release, voluntary early retirement or voluntary redundancy which does not otherwise comply with Association policy on early release.
 - To determine appeals by employees against dismissal, whether resulting from disciplinary action or incapability, in accordance with the Association's Personnel Policies and Procedures.
- (e) The Staffing Committee may also allow specialist or technical assessors to assist the Committee.

SECTION 5. AUDIT GROUP

Constitution

5.1 Appointed by Convention on basis of party balance.

Chair

5.2 The Chair of the Committee will be a Member from those appointed to it.

Quorum

5.3 One quarter of the Members present will constitute a quorum. For the avoidance of doubt, the definition of 'present' shall include the participation of Members via a remote meeting.

Delegated Powers

5.4 The Audit Group has delegated powers to recommend the audited accounts of the Association to Convention. Otherwise, it does not have delegated powers, and except for matters reserved to Convention all recommendations of the Audit Group will be considered by the Leaders' Meeting.

Meetings

5.5 The Audit Group will meet as and when required to conduct the business delegated to it, but indicatively at least twice a year.

Functions Referred

5.6 The following functions will stand referred to the Audit Group:

- (a) Assurance that the Association has proper arrangements to deliver Best Value and value for money, including consideration of quality reviews.
- (b) Assurance that the Association has appropriate corporate governance arrangements in place.
- (c) Assurance on the integrity of the financial reporting process.
- (d) In relation to Internal Audit functions, to oversee its independence, objectivity, performance and professionalism, to support the effectiveness of the internal audit process and to promote the effective use of internal audit within the assurance framework.
- (e) To consider reports from External Audit and their implications for governance, risk management or control.
- (f) Support effective relationships between external audit and internal audit.
- (g) Review the financial statements, external auditor's opinion, and reports, and monitor management actions in response to issues raised by external audit.
- (h) Ensuring that officers maintain effective controls within financial procedures.
- (i) To monitor the effectiveness of the control environment, including arrangements for managing the Association's exposure to Corporate Fraud, Counter Fraud and Corruption, including review of individual case reports.
- (j) Consider the effectiveness of Risk Management arrangements and the control environment.
- (k) Recommend approval of the audited accounts of the Association
- (l) Monitoring the functions of external bodies funded by the Association (Following the Public Pound).
- (m) To be responsible for setting its own work programme which will include the right to undertake reviews.

SECTION 6. CHILDREN & YOUNG PEOPLE POLICY BOARD

Constitution

6.1 The Board will comprise a representative from each Member Council.

Chair

6.2 The Chair will be the Spokesperson for Children and Young People appointed by Convention. Unless the Chair is appointed as the representative of a Member Council, they shall not be eligible to vote except by way of a casting vote.

Quorum

6.3 One quarter of Members present and entitled to vote (not a casting vote), shall represent a quorum, provided that from those present at least one quarter of Member Councils are represented. For the avoidance of doubt, the definition of 'present' shall include the participation of Members via a remote meeting.

Delegated Powers

6.4 The Board has delegated powers to implement its functions except where any decision would either (i) represent a departure from Association policy or procedure; (ii) would be contrary to a standing instruction of Convention or other body detailed in this Scheme of Delegation, (iii) would itself represent a significant development from policy or procedure; or (iv) might lead to a budget being exceeded. In relation to matters where the Board does not have delegated powers, except for matters reserved to Convention all recommendations of the Board will be considered by the Leaders' Meeting.

Meetings

6.5 The Board will meet up to six times per annum.

Board Remit and Terms of Reference

1) Remit

The Board's remit relates to children and young people, including

- Education
- Early Learning and Childcare
- Additional Support Needs
- Inclusive Education
- Education Reform
- Learning Estate
- Educational Attainment
- Free School Meal entitlement
- The Promise, Secure Care
- Continuation of Care
- Children's Hearing System
- Sibling Separation, Kinship Care
- Youth Justice
- Child Protection
- Family Support
- Financial Redress
- Joint Investigative Interviewing
- Equally Safe
- Mental Health
- Child Poverty
- Workforce – Education and Social Work

2) Key Responsibilities

The Board has responsibility for discharging the following functions:

- To develop and shape policy in relation to its remit, in ways which uphold the Association's principles of: a) Strengthening Local Democracy; b) Working Together Locally; c) Delivering Outcomes; d) Focusing on Communities; and e) Defending Local Choices.
- In relation to its remit, to be a channel of communication between individual Member Councils and the Association, to support Member Councils through the identification, discussion, and resolution of mutual issues (including legislative or other proposals), the building of consensus to develop joint policy and strategy, and the agreement of joint lobbying positions, and future steps.
- To take forward work that delivers the strategic priorities set by the Association including campaigns, research, improvement support, public statements, and other steps as appropriate.
- To work with the Association's Resources Spokesperson to scrutinise and address the financial, human, and other resource implications for Local Government associated with its terms of reference, making recommendations to the Leaders' Meeting as appropriate.
- To involve Members, Member Councils, and other appropriate stakeholders in the delivery of its work through a varied mix of events, presentations of advice and evidence, networks, debate, and other means of engagement.

- To draw on the expertise of key advisors from the sector, including SOLACE and other local government professional associations. Professional advisers attending meetings will not have voting rights.
- To contribute to reforms, efficiencies, and improvements in the delivery of local services, and identify and share good practice and ideas to stimulate innovation and improvement.
- To provide a mandate to the Spokesperson in their interactions with Ministers and legislatures and hold them accountable in progressing the Association's policy positions.
- To develop and maintain a programme of work to prioritise and deliver their remit, linking with other boards where appropriate. This work plan should include, where appropriate, how the Board will contribute to the Association's overall priorities as agreed by Convention. The Board will report to Leaders' Meetings on relevant matters arising from their work plan, including any issues with significant political and budgetary implications.
- To recommend to the Leadership Sounding Board the establishment of Special Interest Groups, with such terms of reference as Leadership Sounding Board may determine.
- To consider workforce and funding issues relevant to its remit.

SECTION 7. COMMUNITY WELLBEING POLICY BOARD

Constitution

7.1 The Board will comprise a representative from each Member Council.

Chair

7.2 The Chair will be the Spokesperson for Community Wellbeing appointed by Convention. Unless the Chair is appointed as the representative of a Member Council, they shall not be eligible to vote except by way of a casting vote.

Quorum

7.3 One quarter of Members present and entitled to vote (not a casting vote), shall represent a quorum, provided that from those present at least one quarter of Member Councils are represented. For the avoidance of doubt, the definition of 'present' shall include the participation of Members via a remote meeting.

Delegated Powers

7.4 The Board has delegated powers to implement its functions except where any decision would either (i) represent a departure from Association policy or procedure; (ii) would be contrary to a standing instruction of Convention or other body detailed in this Scheme of Delegation, (iii) would itself represent a significant development from policy or procedure; or (iv) might lead to a budget being exceeded. In relation to matters where the Board does not have delegated powers, except for matters reserved to Convention all recommendations of the Board will be considered by the Leaders' Meeting.

Meetings

7.5 The Board will meet up to six times per annum.

Board Remit and Terms of Reference

1) Remit

The Board's remit relates to community wellbeing, including

- Community Empowerment and Engagement
- Community Safety and Resilience
- Consumer Protection
- Culture including libraries
- Employability
- Housing & Homelessness
- Human Rights, Equalities and Violence against Women and Girls

- Justice (community and criminal)
- Migration & Population Policies, Refugee & Asylum Seeker support & settlement Issues
- Poverty, Social Security and Welfare Reform
- Sports
- Veterans / Armed forces

2) Key Responsibilities

The Board has responsibility for discharging the following functions:

- To develop and shape policy in relation to its remit, in ways which uphold the Association's principles of: a) Strengthening Local Democracy; b) Working Together Locally; c) Delivering Outcomes; d) Focusing on Communities; and e) Defending Local Choices.
- In relation to its remit, to be a channel of communication between individual Member Councils and the Association, to support Member Councils through the identification, discussion and resolution of mutual issues (including legislative or other proposals), the building of consensus to develop joint policy and strategy, and the agreement of joint lobbying positions, and future steps.
- To take forward work that delivers the strategic priorities set by the Association including campaigns, research, improvement support, public statements, and other steps as appropriate.
- To work with the Association's Resources Spokesperson to scrutinise and address the financial, human, and other resource implications for Local Government associated with its terms of reference, making recommendations to the Leaders' Meeting as appropriate.
- To involve Members, Member Councils, and other appropriate stakeholders in the delivery of its work through a varied mix of events, presentations of advice and evidence, networks, debate, and other means of engagement.
- To draw on the expertise of key advisors from the sector, including SOLACE and other local government professional associations. Professional advisers attending meetings will not have voting rights.
- To contribute to reforms, efficiencies, and improvements in the delivery of local services, and identify and share good practice and ideas to stimulate innovation and improvement.
- To provide a mandate to the Spokesperson in their interactions with Ministers and legislatures and hold them accountable in progressing the Association's policy positions.
- To develop and maintain a programme of work to prioritise and deliver their remit, linking with other boards where appropriate. This work plan should include, where appropriate, how the Board will contribute to the Association's overall priorities as agreed by Convention. The Board will report to Leaders' Meetings on relevant matters arising from their work plan, including any issues with significant political and budgetary implications.
- To recommend to the Leadership Sounding Board the establishment of Special Interest Groups, with such terms of reference as Leadership Sounding Board may determine.
- To consider workforce and funding issues relevant to its remit.

SECTION 8. ENVIRONMENT & ECONOMY POLICY BOARD

Constitution

8.1 The Board will comprise a representative from each Member Council.

Chair

8.2 The Chair will be the Spokesperson for Environment and Economy appointed by Convention. Unless the Chair is appointed as the representative of a Member Council, they shall not be eligible to vote except by way of a casting vote.

Quorum

8.3 One quarter of Members present and entitled to vote (not a casting vote), shall represent a quorum, provided that from those present at least one quarter of Member Councils are represented. For the avoidance of doubt, the definition of 'present' shall include the participation of Members via a remote meeting.

Delegated Powers

8.4 The Board has delegated powers to implement its functions except where any decision would either (i) represent a departure from Association policy or procedure; (ii) would be contrary to a standing instruction of Convention or other body detailed in this Scheme of Delegation, (iii) would itself represent a significant development from policy or procedure; or (iv) might lead to a budget being exceeded. In relation to matters where the Board does not have delegated powers, except for matters reserved to Convention all recommendations of the Board will be considered by the Leaders' Meeting.

Meetings

8.5 The Board will meet up to six times per annum.

Board Remit and Terms of Reference

1) Remit

The Board's remit relates to the environment and the economy, including

- Digital Connectivity
- Climate Change
- Heat and Energy
- Economy
- Europe, International & Post Brexit
- UN Biodiversity Declaration/Nature Based Solutions
- Planning, Place and Regeneration
- Transport and Flooding
- Waste and the Circular Economy

2) Key Responsibilities

The Board has responsibility for discharging the following functions:

- To develop and shape policy in relation to its remit, in ways which uphold the Association's principles of: a) Strengthening Local Democracy; b) Working Together Locally; c) Delivering Outcomes; d) Focusing on Communities; and e) Defending Local Choices.
- In relation to its remit, to be a channel of communication between individual Member Councils and the Association, to support Member Councils through the identification, discussion and resolution of mutual issues (including legislative or other proposals), the building of consensus to develop joint policy and strategy, and the agreement of joint lobbying positions, and future steps.
- To take forward work that delivers the strategic priorities set by the Association including campaigns, research, improvement support, public statements and other steps as appropriate.
- To work with the Association's Resources Spokesperson to scrutinise and address the financial, human, and other resource implications for Local Government associated with its terms of reference, making recommendations to the Leaders' Meeting as appropriate.
- To involve Members, Member Councils and other appropriate stakeholders in the delivery of its work through a varied mix of events, presentations of advice and evidence, networks, debate, and other means of engagement.

- To draw on the expertise of key advisors from the sector, including SOLACE and other local government professional associations. Professional advisers attending meetings will not have voting rights.
- To contribute to reforms, efficiencies, and improvements in the delivery of local services, and identify and share good practice and ideas to stimulate innovation and improvement.
- To provide a mandate to the Spokesperson in their interactions with Ministers and legislatures, and hold them accountable in progressing the Association's policy positions.
- To develop and maintain a programme of work to prioritise and deliver their remit, linking with other boards where appropriate. This work plan should include, where appropriate, how the Board will contribute to the Association's overall priorities as agreed by Convention. The Board will report to Leaders' Meetings on relevant matters arising from their work plan, including any issues with significant political and budgetary implications.
- To recommend to the Leadership Sounding Board the establishment of Special Interest Groups, with such terms of reference as Leadership Sounding Board may determine.
- To consider workforce and funding issues relevant to its remit.

SECTION 9. HEALTH & SOCIAL CARE POLICY BOARD

Constitution

9.1 The Board will comprise a representative from each Member Council.

Chair

9.2 The Chair will be the Spokesperson for Health & Social Care appointed by Convention.. Unless the Chair is appointed as the representative of a Member Council, they shall not be eligible to vote except by way of a casting vote.

Quorum

9.3 One quarter of Members present and entitled to vote (not a casting vote), shall represent a quorum, provided that from those present at least one quarter of Member Councils are represented. For the avoidance of doubt, the definition of 'present' shall include the participation of Members via a remote meeting.

Delegated Powers

9.4 The Board has delegated powers to implement its functions except where any decision would either (i) represent a departure from Association policy or procedure; (ii) would be contrary to a standing instruction of Convention or other body detailed in this Scheme of Delegation, (iii) would itself represent a significant development from policy or procedure; or (iv) might lead to a budget being exceeded. In relation to matters where the Board does not have delegated powers, except for matters reserved to Convention all recommendations of the Board will be considered by the Leaders' Meeting.

Meetings

9.5 The Board will meet up to six times per annum.

Board Remit and Terms of Reference

1) Remit

The Board's remit relates to health and social care, including

- Charging Policies for Social Care
- Health and Social Care Reform
- Mental health
- Older People's Care and Support/ NCHC and Care Home Provision
- Public Health and Health Inequalities

- Social Care Workforce
- Care and Well Being Programme
- Supporting Carers
- Digital and Data

2) Key Responsibilities

The Board has responsibility for discharging the following functions:

- To develop and shape policy in relation to its remit, in ways which uphold the Association's principles of: a) Strengthening Local Democracy; b) Working Together Locally; c) Delivering Outcomes; d) Focusing on Communities; and e) Defending Local Choices.
- In relation to its remit, to be a channel of communication between individual Member Councils and the Association, to support Member Councils through the identification, discussion, and resolution of mutual issues (including legislative or other proposals), the building of consensus to develop joint policy and strategy, and the agreement of joint lobbying positions, and future steps.
- To take forward work that delivers the strategic priorities set by the Association including campaigns, research, improvement support, public statements, and other steps as appropriate.
- To work with the Association's Resources Spokesperson to scrutinise and address the financial, human, and other resource implications for Local Government associated with its terms of reference, making recommendations to the Leaders' Meeting as appropriate.
- To involve Members, Member Councils, and other appropriate stakeholders in the delivery of its work through a varied mix of events, presentations of advice and evidence, networks, debate, and other means of engagement.
- To draw on the expertise of key advisors from the sector, including SOLACE and other local government professional associations. Professional advisers attending meetings will not have voting rights.
- To contribute to reforms, efficiencies, and improvements in the delivery of local services, and identify and share good practice and ideas to stimulate innovation and improvement.
- To provide a mandate to the Spokesperson in their interactions with Ministers and legislatures and hold them accountable in progressing the Association's policy positions.
- To develop and maintain a programme of work to prioritise and deliver their remit, linking with other boards where appropriate. This work plan should include, where appropriate, how the Board will contribute to the Association's overall priorities as agreed by Convention. The Board will report to Leaders' Meetings on relevant matters arising from their work plan, including any issues with significant political and budgetary implications.
- To recommend to the Leadership Sounding Board the establishment of Special Interest Groups, with such terms of reference as Leadership Sounding Board may determine.
- To consider workforce and funding issues relevant to its remit.

SECTION 10. PRESIDENT & VICE-PRESIDENT

10.1 The Presidential Team shall comprise the President and Vice-President of the Association.

PRESIDENT

10.2 The remit of President will be as follows:

To: -

- Provide political leadership for the organisation;

- Provide day to day political direction as required to respond to situations;
- Actively promote the role of local government and the interests of local government as a whole;
- Represent the organisation at meetings, conferences and events where the formal authority of the President's office is required;
- Chair Leaders' Meetings and Convention;
- Chair the Leadership Sounding Board;
- Represent the organisation in the media as and when appropriate including briefings, interviews etc;
- Work with the Group Leaders to establish clear political direction to be reflected in the work of the organisation;
- Develop, nurture and manage the general relationship with the Scottish Government; and
- Manage the relationship with all Member Councils.

VICE-PRESIDENT

10.3 The role of the Vice President will be as follows:

To: -

- Work with the President in providing political leadership for the organisation;
- Work with the President in actively managing the relationship with all Member Councils, stakeholders and partner bodies;
- Represent the organisation at meetings, conferences and events where the formal authority of the President's office is required;
- Develop, nurture and manage the relationship with the Scottish Parliament;
- Attend Leaders' Meetings and Convention and represent the organisation in a senior capacity;
- Attend and participate in the Leadership Sounding Board; and
- Deputise for the President as appropriate.

SECTION 11. SPOKESPERSONS

11.1 There are five Spokespersons with remits relating respectively to: -

- Children and Young People;
- Community Wellbeing;
- Environment and the Economy;
- Health and Social Care; and
- Resources

11.2 The role of a Spokesperson can be held jointly.

11.3 The role of the Spokespersons will be as follows:

- To chair Policy Board meetings or Special Interest Groups as appropriate;
- To work with the President and Vice-President to ensure political cohesion across the organisation;
- To actively manage the relationship with Member Councils and stakeholder bodies;
- To enable members of different Political Groups to contribute to the work of the Association and to enable the development of policies which represent, as far as possible, consensus between the Political Groups;

- To act as the Association's primary political point of contact with Scottish Government and other Ministers pertinent to their respective remit;
- To lead cross-party delegations to Ministers as appropriate;
- To maintain regular contact with appropriate officers within the Association both to provide guidance and to keep in touch with issues affecting the area of the Spokesperson's responsibility;
- To develop relationships with partner organisations and stakeholders.
- To respond to and engage with the media as appropriate;
- To represent the views of the Association to Scottish, UK and European Governments and Parliaments, and to the wider community, stakeholder and partner organisations;
- To report on progress of work of the relevant Policy Board to Leaders' Meetings or Convention, as appropriate
- To attend and participate in the Leadership Sounding Board

SECTION 12. DELEGATION TO OFFICERS

- 12.1 The delegation of functions to officers of the Association contributes to good governance by enabling the Association to be:
- Speedy and responsive in taking decisions;
 - Efficient by freeing the formal decision-making structures of the Association to focus on key strategic decisions which have to be taken under Member scrutiny; and
 - Accountable by holding appropriate employees fully accountable for the operational decisions they take to ensure the smooth running of the Association.

Core Principles

- 12.2 All powers which are not specifically reserved to Convention, or any other body as detailed in this Scheme of Delegation are delegated to Officers. The matters reserved to Convention or other bodies detailed in this Scheme of Delegation are mainly the strategic policy or regulatory issues, while the day-to-day operational matters of running the Association's services are delegated to Officers.

Delegations to Officers

- 12.3 The undernoted powers are delegated to officers of the Association: -
- (a) The Chief Executive of the Association or appropriate officer to whom they have sub-delegated powers will have delegated responsibility for all matters in respect of the operation, development, and implementation of policy for the service area assigned to them unless specifically reserved to Convention or other bodies detailed in this Scheme of Delegation or contrary to the principles listed in 2.2 and 2.3 below.
 - (b) The Chief Executive of the Association and/or the appropriate senior officer will be responsible for the appointment of all posts below the level of Senior Management Team of the Association.
 - (c) Such delegations are at all times to be exercised in accordance with the relevant law, and the Association's Constitution and Standing Orders relating to Meetings and other relevant policies and procedures.
 - (d) Where clarification is required, the Chief Executive of the Association will determine which matters are operational or otherwise.

Powers reserved to Convention or other bodies detailed in this Scheme of Delegation

- 12.4 Delegated powers should not be exercised by Officers where any decision would represent a departure from Association policy or procedure or would be contrary to a standing instruction of Convention or other body detailed in this Scheme of Delegation or would itself represent a significant development from policy or procedure. The only exception to this is in the case of urgency where the Officer may, after consultation with the Chief Executive of the Association

and the President exercise delegated powers. Should such powers be exercised in urgent circumstances, a report will be submitted to the next appropriate body for noting.

General Restrictions on Exercise of Delegated Powers by Officers

- 12.5 If any decision proposed under delegated powers might lead to a budget being exceeded, the Officer must consult with both the Chief Executive of the Association and the Association's senior Finance Officer, before exercising the delegated power.
- 12.6 Officers must ensure that the Presidential Team, the relevant Policy Board Chair or Spokesperson is, where appropriate, consulted on matters of a controversial nature. Where appropriate, such matters should be referred to the relevant body detailed in this Scheme of Delegation for decision.
- 12.7 In particular, and without prejudice to the foregoing, officers will exercise particular care in determining whether a matter is to be regarded as controversial in the following circumstances. The Chief Executive of the Association will be the final arbiter of whether a matter is controversial: -
- Where determination of the issue may involve a decision contrary to local or national policy, or the determination may lead to a breach of a relevant Code of Guidance.
 - Where it is proposed that any issue be determined contrary to significant objections
 - The officer proposes to determine the matter, or act in a manner, contrary to the recommendation of other officers whom he/she is obliged to, or has chosen to, consult with.
 - There are perceived public safety or significant public policy issues dependent on the determination (save in the case of urgency as aforesaid).
 - Standing Orders, National or International regulation requires determination otherwise.
 - There are questions of legality or financial advisability/probity involved.

Sub-Delegation

- 12.8 Officers with delegated powers, duties or responsibilities are entitled to delegate further any of these powers etc. to other appropriate officers within their service. Any officer using delegated powers will be fully accountable to the Association for actions. Even though a matter has been specifically delegated to an officer, they have a right to consult with the Chief Executive of the Association on any matter, and they have a duty to consult where instructed or directed by the Chief Executive;

Delegations to Chief Executive of the Association

- 12.9 In addition to the general powers detailed in sections 2 and 3, the Chief Executive of the Association has the following delegated powers: -
1. The Chief Executive of the Association leads the Senior Management Team and has overall responsibility for the following: -
 - Strategic management of Association services;
 - Leadership of Association Employees;
 - Strategy and Policy Development and implementation;
 - Leading Improvement and Organisational Change;
 2. To act as the principal policy adviser to the Association on matters of general policy and to assist Members to formulate clear objectives and affordable programmes having regard to changing political priorities, statutory and financial requirements and community needs and expectations;

3. To ensure that a corporate approach to the management and execution of the Association's affairs is maintained and that advice to the Association is given on a co-ordinated basis;
4. To lead the Senior Management Team;
5. To monitor the performance of all senior officers;
6. To take such action as may be required to ensure that the correct significance is given by the Association's employees to the achievement of the overall policy objectives of the Association;
7. To give clear direction and ensure the visibility of the office of Chief Executive as the central focus for leading and co-ordinating the Association's employees;
8. To advise on staffing requirements and to amend the organisational structures of Services including the number and designation of posts subject to the following conditions:
 - (a) Leadership Sounding Board has been consulted if changes are significant;
 - (b) The costs of the amendments are within the existing revenue budget; and
 - (c) In consultation with the senior Human Resources officer of the Association, approves the grading, conditions of service and designation of posts;
9. To devise, alter and issue, as required, job descriptions in respect of officers;
10. Subject to any Association policies and procedures, to determine the organisation, appointment, and proper management of the Association's employees;
11. In accordance with the any approved policies for early release, to approve any application for voluntary early retirement, redundancy or early release, and in consultation with the senior Human Resources and Finance officers of the Association, to exercise all discretions available to the Association in terms of the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008, the Local Government Benefits, Membership and Contributions)(Scotland) Regulations 2009, the Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 2008 and the Local Government (Discretionary Payments and Injury Benefits)(Scotland) Regulations 1998;
12. To ensure that effective and equitable employment policies are developed and implemented throughout the Association in the interests of the Association and its employees;
13. To authorise the implementation to the Association's employees of national and local agreements relating to pay and conditions of service of local authority employees in consultation with the senior Human Resources and Finance officers of the Association;
14. consider and deal with any urgent issues, whether arising during a recess period or otherwise, subject to reporting back to appropriate body at the first available opportunity. This power is to be exercised in consultation with the Presidential Team;
15. During a pandemic or other public health emergency when the Association is unable to meet, and in consultation with all Political Group Leaders, and if required to enable effective decision making or otherwise during the emergency, to amend the Standing Orders for Meetings, the Scheme of Delegation to Officers, or any Financial Regulations as is required to meet the circumstance arising;
16. To appoint in the absence of the Chief Executive of the Association an Acting Depute Chief Executive of the Association to cover periods of absence. When the Chief Executive of the Association is absent the Acting Chief Executive will have all the delegated authority of the Chief Executive;
17. To refer matters to the Police, in terms of any defalcation procedure;
18. All powers ancillary to or reasonably necessary for the proper performance of the Chief Executive's general responsibilities;

19. To terminate any contract which the Association is entitled to terminate under appropriate conditions of contract where the Chief Executive of the Association is satisfied that it is in the interests of the Association to do so;
20. All powers necessary for the general management of Association services including, but not limited to, the power to:
 - (a) Appoint employees in accordance with Association policy;
 - (b) Authorise special leave for employees in accordance with the provisions of any Scheme of Special Leave;
 - (c) Grant leave of absence with salary to enable employees to undertake approved part-time courses;
 - (d) Authorise and pay for employees' attendance at conferences/seminars and training courses for all employees;
 - (e) Authorise departmental expenditure up to permitted limits on such items as have been allowed for in the appropriate capital and revenue budgets;
21. To delegate further any of their powers etc. to other appropriate officers within the Association;
22. To authorise and pay for the attendance of individual Members at specific conferences, seminars, etc.;
23. To reimburse the professional membership fees of individual employees;
24. To appoint or make recommendations as to the employment of consultants or specialists in accordance with any decision taken by the Association;
25. To manage and monitor the performance of the services which are under their responsibility;
26. To assist in the preparation of the Association's Revenue and Capital Budgets;
27. To enter into contracts for the supply of goods and materials, the execution of works and the provision of services where there is adequate provision in the estimates and in accordance with relevant procurement rules;
28. To sell surplus stores, plant, furniture and equipment, including any IT equipment, for the best price obtainable and write off any such stores, plant, furniture and equipment which have become unfit for use and are un-saleable, subject to any relevant Association policies;
29. 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 any actions raised against them personally, providing they are acting:
 - (a) Within the course of their employment;
 - (b) In accordance with Association procedures;
 - (c) In good faith;
30. To respond to consultation papers unless the response recommends a departure or significant development of Association policy or procedure or is contrary to a standing instruction of the Association;
31. In accordance with the Association's approved Disciplinary and Incapability and Maximising Attendance Procedures, to take disciplinary action including dismissal, as appropriate in respect of employees;
32. Action virement within the overall revenue budgets in accordance with the any approved policies of the association, subject to confirmation by the Association's senior Finance Officer.
33. To apply for and accept grants or external funding to support the agreed strategies, policies or plans of the Association, subject to budget being available for any required match- funding; and
34. During a pandemic or other public health emergency when the Leadership Sounding Board acting as Staffing Committee is unable to meet, to deal with all appeals which would

otherwise be heard by it. This is subject to such appeals being determined by a senior officer who had no prior involvement in the case. Power is given to determine such appeals by written submissions, providing all the rules of natural justice relating to fair hearings are complied with.

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