



Gofal Cymdeithasol **Cymru**
Social Care **Wales**

CYFARFOD BWRDD / BOARD MEETING: 27.04.17

EITEM/ITEM: 5

TEITL/TITLE: Draft Scheme of Delegation (including Matters only
SCW/17/03 the Board can approve)

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CYFRANWR/CONTRIBUTORS Geraint Rowlands

ATODIADAU/APPENDICIES:

Appendix 1 Matters only the Board can approve

TRAFODWYD YN FLAENOROL YN/ITEM PREVIOUSLY DISCUSSED AT:

Executive Management Team.

PENDERFYNIAD / DECISION:

Members are invited to **discuss** the draft Scheme of Delegation and **delegate** final approval to the Chair.

Members are invited to **approve** Matters only the Board can approve.

Draft Scheme of Delegation (including Matters only the Board can approve)

1. What is the purpose of this report?

- 1.1 Members are invited to **discuss** the draft Scheme of Delegation and **delegate** final approval to the Chair.
- 1.2 We are awaiting final approval by the Welsh Government on the financial delegated limits to Social Care Wales, as part of the Model Framework discussions. Once these financial limits have been approved the scheme can be formally finalised and approved.
- 1.3 Members are invited to **approve** Matters only the Board can approve.

2. What is the Scheme of Delegation?

- 2.1 The Scheme of Delegation sets out the authority and powers of Social Care Wales Board members and those powers which are delegated to a Committee, Sub-Committee, the Accounting Officer and the Executive Directors.
- 2.2 The Scheme of Delegation is based on the delegated authority set out in the Regulation and Inspection of Social Care (Wales) Act 2016 and the Model Framework (item 4).
- 2.3 The draft Scheme of Delegation has been published on the Member's portal and the areas in yellow are subject to final approval of the financial delegated limits set by Welsh Government through the Model Framework.
- 2.4 The Scheme of Delegation shows the 'top level' delegation within Social Care Wales down to Executive Directors and specific Assistant Director posts. There are more detailed operational business processes to support managers and staff in the delivery of operational activities.
- 2.5 There are also more detailed business processes which support the Scheme of Delegation in relation to Workforce Regulation Rules and Social Work Training Rules.
- 2.6 The Scheme of Delegation is used in conjunction with other procedures such as:
 - **Model Framework**
 - **Standing Financial Instructions** – these detail the financial responsibilities which apply to everyone working for Social Care Wales
 - **Standing Orders (Board)** - Standing Orders for the Conduct of business at the Board, Committee, Sub-Committee, Working and Reference group meetings

- **Terms of References for Committees** – the framework for how a Committee will operate – its role and remit

2.7 Matters only the Board can approve is part of the Scheme of Delegation as it sets out the framework for decisions which can only be decided by the Board. This has been attached as Appendix 1 to this report for the Board to approve. This is based on the legislative framework set out in the Regulation and Inspection of Social Care (Wales) Act 2016.

3. Next steps

3.1 Once the financial delegated limits have been agreed with Welsh Government the Scheme of Delegation will be amended to reflect the levels set. This will then be approved by the Chair and made publically available on our website.



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Social Care Wales

Matters only the Board can approve

As a Welsh Government Sponsored Body Social Care Wales has agreed with the Welsh Government how we will work and what we need to do to ensure we get the money we need to do our work as effectively as possible. This is set out in an agreement called the 'Model Governance Framework'.

In the framework Social Care Wales must keep a list of matters that can only be approved by the Social Care Wales Board.

Delegation

The Scheme of Delegation sets out who is allowed to make decisions. This was agreed by the Board on (INSERT DATE).

The Scheme of Delegation states:

- what the Board of Social Care Wales does and how it works
- what is expected of the Board as a group and as individuals
- that the running and management of Social Care Wales is the responsibility of the Chief Executive; and
- that the Chief Executive will allow others in Social Care Wales to make decisions, who they are and what decisions they can make.

The Board will delegate certain matters to the Board's Committees. These will be set out in the Terms of Reference of the relevant Committee.

The following list of matters, including any changes, must be agreed by the Board unless matters have been delegated to the Chief Executive or a Committee of the Board. The list does not cover all the matters the Board will be asked approve.

While the Board allows others to make decisions, it is responsible and answerable for all the decisions made in its name.

The Board can change any responsibility it has given to others or cancel any decision or action of a Committee, Sub-Committee working or stakeholder advisory group.

Matters only the Board can approve are as follows:

What Social Care Wales will do

- Set out what Social Care Wales will do
- How it will get there through its strategic plan and annual business plan
- Approve any new areas of business Social Care Wales may be asked to do

- Approve Social Care Wales's strategic plan and business plan.

How Social Care Wales will spend its money

- Approve Social Care Wales's annual budget which is included in the business plan
- Approve funding schemes to support the training of social workers and social care workers
- Approve the fees the people who are on the Register will pay
- Approve the fees that will be set for new groups of people who will need to be registered
- Approve how new areas of work will be funded

How the Board will check and review the work of Social Care Wales

- Approve Social Care Wales's annual financial report – the statutory annual accounts.
- Approve Social Care Wales's annual report. This should be published no later than the 30 November after the end of each financial year.
- Review and check how Social Care Wales is working through its quarterly performance reports against the Business Plan.

The Board can appoint

- a Deputy Chair of Social Care Wales Board
- the Chief Executive, with the prior approval of the Minister for Social Services and Public Health

Responsibilities and powers of the Board

- Approve the Committees needed by Social Care Wales. This includes setting them up, any changes to their work and disbanding them
- Approve what the Committees do, who is on the Committees and what they do. This is set out in the Committees terms of reference
- Changes to the Chief Executive's powers.

How the Board works and behaves

- Agree how the Social Care Wales Board works through the standing orders.
- Agree how Board Members behave through the Code of Conduct for Members.

What Social Care Wales is doing under the Regulation and Inspection of Social Care (Wales) Act 2016

- Approve the Rules for Registration and Fitness to Practise (Parts 4 to 8)
- Approve the codes of practice (Section 112) that set out the standards of behaviour and practice of social care workers, as well as social care employers or those looking to work as social care workers
- Agree the Rules for the approval of courses (Section 114):

- for people who are social workers or who wish to be registered social workers with Social Care Wales
 - in the work of people registered with Social Care Wales or who want to be registered
 - in the work of people who are or want to be social care workers that is not listed under section 80(1)
- Approve the rules for the inspections of certain courses (Section 115)
 - Approve the rules requiring registered persons to undertake further training (Section 113)
 - Approve the Social Care Wales element of the national market stability report (Section 63)
 - Approve studies into the economy, efficiency and effectiveness in the provision of a care and support service (Section 70)
 - Approve how Social Care Wales involves people and social care workers in its work (Section 71)
 - Approve how Social Care Wales will bring criminal proceedings (Section 72)
 - Approve the rules for the payment of fees (Section 73) to Social Care Wales in carrying out its work. Social Care Wales may make rules for the payment of fees for:
 - the provision of advice or other assistance under section 69;
 - registration in the register (see Part 4);
 - the approval of courses under section 114 (approval of courses for persons who
 - are or wish to become social care workers);
 - the provision of training under section 116 (training provided or secured by SCW);
 - the provision of copies of codes of practice or copies of, or extracts from, the register.

Other matters

The Social Care Wales Board may make decisions the Board and the Executive Management Team think are so important and significant as to need their agreement.

This list will be updated every three years or when needed.