



GLASGOW COMMUNITY JUSTICE AUTHORITY

SCHEME OF DELEGATION IN RESPECT OF THE CHIEF OFFICER

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INTRODUCTION

The powers/functions detailed within this document are those delegated by Glasgow Community Justice Authority (the CJA) to the Chief Officer, or in appropriate cases powers/functions recognised by the CJA 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 CJA are subject to:

- (1) appropriate provisions for financial outlays having been made in the estimates for the current year; and
- (2) the Council's Standing Orders Relating to Contracts, the Council's Financial Regulations and the Council's Conditions of Service.

POWERS/FUNCTIONS DELEGATED OR RECOGNISED

The Chief Officer is empowered or is recognised by the CJA as having 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 he/she thinks fit for the best execution of functions under his/her management.
- (3) to ensure, so far as reasonably practicable, the health, safety and welfare at work of CJA employees and others affected by the Council'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 his/her control. Where special arrangements are considered necessary he/she shall consult with the Convener to the CJA.
- (5) to ensure that all activities undertaken are within the legal powers of the CJA and in the event of doubt to consult with the Legal Adviser to the CJA.
- (6) where he/she thinks it is in the interests of the CJA 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 and CJA members at conferences or meetings within the United Kingdom where he/she considers it to be in the interests of the CJA 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 and CJA members to travel within and outwith the CJA 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 Council.
- (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 Council's financial regulations.
- (11) to authorise the payment of accounts due by the CJA 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 Council'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 Council's Head of Corporate HR.
- (15) in consultation with Corporate HR, to amend post designations where they do not affect the grade of the posts.
- (16) to exercise all powers given in the Council's Conditions of Service so far as discipline and efficiency of the CJA 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 CJA 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 Council.
- (20) in consultation with the Council 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 his/her appointment to implement policies, practices and procedures previously agreed by the CJA 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 CJA 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 Convener of the CJA.
- (24) to advise the CJA about any extraordinary financial obligation which will affect the CJA.
- (25) to advise the CJA about any extraordinary risk which will affect the insurances held on behalf of the CJA.
- (26) to permit any member of his/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 Council's adopted special leave scheme provided that these do not interfere with the efficient discharge of the functions of the CJA.
- (27) to terminate, vary or amend on behalf of the CJA any contract or part of any contract which the CJA is entitled to terminate, amend or vary under the appropriate conditions of contract after consultation with the Legal Adviser to the CJA if satisfied that it is in the interests of the CJA.
- (28) 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 CJA following statutory Council elections.

- (29) 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.
- (30) to set fees for the sale of documents and services where the level of such fees is not prescribed by statute.
- (31) to take such measures as may be required in emergency situations on any matter for which the CJA's approval would normally be necessary subject to advising the Convener or Deputy Convener of the CJA where possible and reporting to the CJA as soon as practicable thereafter.
- (32) to make decisions regarding complaints made under the CJA's complaints procedure.
- (33) to submit responses to consultation documents which concern operational issues.
- (34) 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 Council's special leave policy.
- (35) 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.
- (36) 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.
- (37) to authorise the acceptability of gifts on behalf of the CJA and acknowledge the acceptance of these gifts.
- (38) to determine requests under the Freedom of Information (Scotland) Act 2002 for the release of information held by the CJA
- (39) to determine requests under the Data Protection Act 1998 for the release of personal data held by the CJA.
- (40) 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.
- (41) to provide to the Local Government Adjudicator for Scotland on behalf of the CJA 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.
- (42) to vary this scheme but only in the following circumstances:

- (a) to reflect changes in job titles, reorganisations within the CJA 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.
- (43) 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 Chief Officer, within timescales specified within the guidance to local authorities in dealing with formal investigations involving the Scottish Public Services Ombudsman.
- (44) authorise ex gratia payments up to a maximum of £1,000 relative to recommendations by the Scottish Public Services Ombudsman.
- (45) to exercise delegations in terms of the Council's standing orders relating to contracts.
- (46) to exercise delegations in terms of the lead CJA's financial regulations.
- (47) 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.
- (48) In respect of insurance:
- (i) to make arrangements with insurance companies concerning the settlement of claims;
 - (ii) in consultation with the Convener of the CJA, to settle without reference to the CJA, claims against the CJA not otherwise covered by the CJA's insurance arrangements up to a maximum of £10,000 per claim.
- (49) to make the necessary arrangements concerning the collection of debts owed to the CJA and the terms and commissions payable for services rendered to the CJA by other authorities and agents with regard to the collection of debts.
- (50) to determine the beneficiary of any payments to be made in terms of the Council's Group Life Assurance Scheme.
- (51) to enter lease/licence arrangements for office requirements and procure all necessary facilities management and professional services.