



**Lothian & Borders Community Justice Authority**

**SCHEME OF DELEGATION  
(IN RESPECT OF THE CHIEF OFFICER)**

## **INTRODUCTION**

The powers/functions detailed within this document are those delegated by Lothian & Borders Community Justice Authority (the Authority) to the Chief Officer 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 exercise all duties as Accountable Officer under the Public Finance & Accountability Act (2000).
- (3) To deploy resources as he/she thinks fit for the best execution of functions under his/her management.
- (4) To ensure, so far as reasonably practicable, the health, safety and welfare at work of Authority employees and others affected by the Scottish Borders Council's health and safety policy and health and safety plan.
- (5) To maintain proper security for staff, buildings, stocks, stores, furniture, equipment, non-physical assets such as data and similar items under his control.
- (6) to ensure that all activities undertaken are within the legal powers of the Authority.
- (7) Where he 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.

(8) To approve the attendance of officers at conferences or meetings within the United Kingdom where he 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.

(9) To authorise the attendance of employees on full-time or part-time courses of study and the payment of appropriate fees.

(10) 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 Scottish Borders Council.

(11) 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 Scottish Borders Council's financial regulations.

(12) 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.

(13) To appoint all staff below the level of Chief Officer.

(14) To apply the Scottish Borders Council's conditions of service as affecting members of staff.

(15) To approve the acceleration of increments within existing salary scales to members of staff following consultation with the Scottish Borders Council's Head of Personnel Services.

(16) In consultation with the Scottish Borders Council's Head of Personnel Services, to amend post designations where they do not affect the grade of the posts.

(17) To exercise all powers given in the Conditions of Service so far as discipline and efficiency of the Authority is concerned.

(18) 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 Scottish Borders Council or any sub-committee arranged for this purpose.

- (19) To determine appeals relating to statutory grievances.
- (20) 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 Scottish Borders Council.
- (21) In consultation with the Scottish Borders Council'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.
- (22) To take all necessary action of a routine nature in terms of his 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 adequate provision has been made in the estimates.
- (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 Authority.
- (24) To advise the Authority about any extraordinary departmental financial obligation which will affect the Authority.
- (25) To advise the Authority about any extraordinary risk which will affect the insurances held on behalf of the Authority.
- (26) To permit any member of his 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 Scottish Borders Council'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.
- (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 Scottish Borders Council's Head of Personnel Services has been sought and obtained.

(29) 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.

(30) 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.

(31) In consultation with the Scottish Borders Council'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.

(32) To set fees for the sale of documents and services where the level of such fees is not prescribed by statute.

(33) 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.

(34) Make decisions regarding complaints made under the Authority's complaints procedure.

(35) To submit responses to consultation documents which concern operational issues.

(36) 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 Scottish Borders Council's special leave policy.

(37) 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.

(38) The Chief Officer within his role as Chief Officer and Accountable Officer for finance and where the interests of the CJA are threatened; shall determine, where it may be necessary, to involve a police force in any matter where it is suspected that illegal behaviour may be occurring.

(39) To authorise the acceptability of gifts on behalf of the Authority and acknowledge the acceptance of these gifts.

(40) To determine requests under the Freedom of Information (Scotland) Act 2002 for the release of information held by the Authority

(41) To determine requests under the Data Protection Act 1998 for the release of personal data held by the Authority.