



Council
29 January 2014
Review of scheme of delegation

Classification	Public
Purpose	For discussion
Issue	The annual review of the Council's scheme of delegation
Recommendation	To consider any revisions that are required to the current scheme of delegation.
Financial and resourcing implications	None
Equality and diversity implications	None
Communications implications	None
Annex	Extracts from the Governance Handbook
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Background

1. The description of the Role of Council agreed by Council in October 2012, following the governance review, provides that Council 'agrees a scheme of delegation.'
2. The current scheme of delegation can be found at the annex to this paper. The annex also includes role descriptions for Council and the Chief Executive and Registrar. Apart from minor drafting amendments (for example relating to the abolition of the post of Treasurer) it was not considered in detail as part of the governance review.

Discussion

3. It is good practice for there to be a periodic review of the scheme of delegation which it is suggested should take place annually.
4. The current scheme of delegation is framed mostly around the statutory duties of Council and those of the Chief Executive and Registrar. The legal duties relate to very precise functions (the 'what') while the role descriptions are much more focused on 'the how' of the GOsC's operations.
5. The Act provides for Council to delegate any of its functions (other than the making of rules) to its committees, it also provides for Council to direct the functions of the Registrar.
6. There is also an established doctrine in law that on matters of administration, for example the General Council's duty to publish the register, there is not a requirement for the Council members themselves to undertake this task.
7. In considering the respective roles of Council, Committees and others within the scheme of delegation it is helpful to consider the following questions:
 - a. Is sufficient clarity and precision in the roles and responsibilities described?
 - b. Are there any activities that are not captured within the scheme of delegation?
 - c. Is the balance of duties between appropriate for the effective governance and scrutiny?
8. Council may also wish to consider to what extent it is helpful to make any significant changes at a time when the entire legal framework for professional regulation is under review.

Recommendation: to consider any revisions that are required to the current scheme of delegation.

Extract from the Governance Handbook – scheme of delegation

6 Scheme of delegation

1. The scheme of delegation details all the GOsC’s responsibilities under the Act. It specifies where responsibility for ensuring the achievement of the GOsC’s statutory responsibilities lies. Some responsibilities, such as the making of rules, are reserved to Council. Delegation might be to the Chief Executive, in his capacity as Registrar or as head of staff, or to a Committee or to an ad hoc working group. The scheme also sets out the authority delegated to committees by Council, outside of that provided for in the Act.
2. Other than where functions are specifically delegated to committees, Council regards the Chief Executive as its main point of delegation and holds the post-holder accountable for implementing the strategic objectives set by Council. The Chief Executive may delegate functions to other staff but will be held accountable by Council for the discharge of all functions delegated under the scheme.
3. The scheme sets out:
 - a. matters reserved to Council
 - b. matters delegated to the Chair of Council
 - c. matters reserved to the Education and Registration Standards Committee
 - d. matters delegated to committees and ad hoc working groups
 - e. matters delegated to the Chief Executive which may also be carried out by persons nominated by the Chief Executive.

6.1 Withdrawal of delegated power

The Scheme remains in force unless it is amended or revoked by Council.

6.2 Exercise of delegated power

Where power is delegated under this Scheme, the power must be exercised in a manner which is consistent with the GOsC’s statutory objective, other relevant legislation and the current corporate plan.

6.3 Matters reserved to Council

1. The Act provides for Council to:
 - a. Develop and regulate the profession of osteopathy.
 - b. Establish committees and to regulate their procedure.

- c. Appoint the Registrar.
 - d. Make rules as provided for under the Act in order to discharge its functions.
 - e. Publish the register.
 - f. Consider reports of investigations in relation to fraud or error in relation to registration.
 - g. Consult the Education Committee on matters relating to education, training, examinations or tests of competence.
 - h. Determine the standard of proficiency.
 - i. Recognise qualifications (and withdraw recognition).
 - j. Prepare and publish and keep under review a Code of Practice.
 - k. Appoint Legal Assessors, Medical Assessors and members of the statutory committees (including the approval of co-options).
 - l. Consider appeals against decisions of the Registrar.
 - m. Appoint auditors.
 - n. Keep and publish accounts and publish an annual report and strategic plan.
 - o. Delegate to any of its committees any functions other than any power to make rules.
2. The role of Council is set out in Section 1 of this annex (see below).

6.4 Matters delegated to the Chair of Council

The Chair will:

- a. Authorise action on minor, non-contentious matters falling within the responsibilities of Council.
- b. Have authority for urgent decisions necessitating a decision outside a Council meeting. In such cases the Chair will consult with the Chief Executive and, where relevant, the chair of the committee concerned with the issue.
- c. Have responsibility for conducting regular appraisals of Council members and other individuals as specified in the scheme of appraisal
- d. Have responsibility for conducting the annual appraisal and mid-year review of the performance of the Chief Executive

6.5 Matters reserved to the Education and Registration Standards Committee¹

1. The Act provides for the Education and Registration Standards Committee to:
 - a. Advise Council on the recognition of qualifications in accordance with section 14(6) of the Act.
 - b. Appoint and manage the performance of visitors to conduct the evaluation of courses under section 12 of the Act.
 - c. Advise Council on matters relating to the withdrawal of recognition of a qualification in accordance with sections 16(1) and 18(5) of the Act.
 - d. Exercise powers to require information from osteopathic educational institutions in connection with its statutory functions in accordance with Section 18 of the Act.
2. The terms of reference of the Education and registration Standards Committee are set out in Section 2 of this document.

6.6 Matters delegated to committees and ad hoc working groups

1. Matters delegated by Council to committees are set out in their individual terms of reference in Sections 2 and 3 of this document.
2. Where any matter is to be delegated to an ad hoc working group it will be set out in the terms of reference of that working group.

6.7 Matters delegated to the Chief Executive and Registrar

The Chief Executive has responsibility for all matters provided for specifically within the Act in their role as Registrar and additional matters as set out under Role of the Chief Executive and Registrar, in section 5.2 (see below).

¹ n.b. for the purposes of the Osteopaths Act 1993, the Education and Registration Standards Committee performs the role of the statutory Education Committee.

Extract from the Governance Handbook – Role of Council

1 Council

1.1 Role of Council

The role of Council is to be satisfied that the GOsC is meeting its statutory duties under the Osteopaths Act and other legislation. To meet these duties it:

- a. Sets the corporate strategy and objectives, and determines key policies for the organisation, testing these against its statutory duties.
- b. Makes rules as provided for under the Osteopaths Act.
- c. Approves the annual Budget and Business Plan.
- d. Appoints the Chief Executive and Registrar.
- e. Holds the Chief Executive to account for the delivery of the Corporate Plan, Business Plan, Budget, risk mitigation, organisational performance, staff leadership and external perception.
- f. Ensures the quality of decision making is supported by effective stakeholder engagement and appropriate evidence.
- g. Ensures that appropriate audit, control and assurance systems are in place.
- h. Appoints members of statutory and non-statutory committees on the recommendation of the Chair of Council.
- i. Maintains high standards of corporate governance.
- j. Agrees a scheme of delegation.
- k. Ensures effective reporting to Parliament, the Professional Standards Authority, registrants and others.
- l. Undertakes those functions of Council not otherwise delegated to committees, including:
 - i. Considering reports of the Registrar relating to fraud or error in relation to registration.
 - ii. With the approval of the Privy Council, recognising qualifications or withdrawing their recognition.
 - iii. Appointing legal assessors and medical assessors.
 - iv. Hearing appeals against decisions of the registrar.
 - v. Appointing financial auditors.
 - vi. Approving the Annual Report and Accounts.

Extract from the Governance Handbook – the Chief Executive and Registrar

5.2 Chief Executive and Registrar

- a. Statutory Duties
 - i. To establish and maintain the register of osteopaths (section 2(3) of the Act and SSI 1998/1328).
 - ii. To carry out such other functions as Council may direct (section 2(4)).
 - iii. To consider whether applicants for registration are of good character and in good health (sections 3 and SI 2000/1038).
 - iv. To consider whether applicants for registration from outside the UK have reached the required standard of proficiency (section 3(6)).
 - v. To consider whether certain applicants for registration [new powers applicants] are capable of the competent and safe practice of osteopathy (section 3(6A)),
 - vi. To consider certain matters relating to Conditional Registration (section 4) – n.b. this registration category is not in use.
 - vii. To deal with temporary registration for visiting osteopaths from relevant European States (section 5A).
 - viii. To enter a note in the register of the details of every suspension of registration (section 7).
 - ix. To refer applications for restoration to the register to the Professional Conduct Committee, and to register applicants when direction by the Committee (section 8).
 - x. To investigate allegations of fraud or error in the register and report on the investigation to Council; to suspend registration during investigation if satisfied it is necessary to protect members of the public and to remove the registration on the order of Council, subject to the right of appeal (section 10).
 - xi. To suspend or remove an osteopath's name from the register where ordered to do so by the IC, PCC or HC (sections 21-25)
 - xii. To invite members of the IC, PCC and HCC to attend meetings of the committees (SI 2009/468)

- xiii. To collect entry fees, retention fees and restoration fees; to agree payment to payment by instalments; and to remove an osteopath from the register if instalments are not paid (SI 2000/1038).
 - xiv. To deal with continuing professional development requirements (including reductions or variations in requirements, issuing of final warnings, and removal from the register for failure to comply with the requirements) (SI 2006/3511).
 - xv. To deal with professional indemnity insurance requirements (SI 1998/1329).
- b. Other duties
- i. Development of a three year Corporate Plan and annual business plans to meet the GOsC's statutory objectives.
 - ii. Leading the Senior Management Team in collective management of the GOsC.
 - iii. Staff management.
 - iv. Organisational management.
 - v. Reporting to the Professional Standards Authority and Parliament.
 - vi. External relations and international affairs.
 - vii. Risk management.
 - viii. Ensuring effective governance of the GOsC.