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**Reservation of Powers to the Board**

**and**

**Delegation of Powers**

# September 2024

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| --- | --- |
| Name and title of author/reviewer: | Matthew Bancroft – Head of Financial ControlJon Sargeant – Chief Financial Officer |
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**Reservation of Powers to the Board and Delegation of Powers**

**Amendment Form**

Please record brief details of the changes made alongside the next version number.

If the procedural document has been reviewed **without change**, this information will still need to be recorded although the version number will remain the same.

|  |  |  |  |
| --- | --- | --- | --- |
| **Version** | **Date** | **Brief Summary of Changes** | **Author** |
| Version 13 | September 2024 | * Updated minor typographical and formatting errors
* Included reference to Grip and Control meetings
* Updated Procurement terminology from EU to UK law
* Clarity on losses and compensation decisions and above delegated limits
* Replacing gender referenced language
 | Matthew BancroftRichard SomersetRebecca Allen |
| Version 12 | July 2023 | * Resetting Director of Finance and Deputy Chief Executive limits to pre-interim arrangements in 2022
* Updated job titles
* Updated Procurement tendering limits in line with guidance from regional ICB
 | Alex CrickmarFiona DunnRichard Somerset |
| Version 11 | July 2022 | * Introduction of the Deputy Chief Executive role within the delegation limits
* Updated job titles
* Removed reference to NHS Improvement
* Updated Procurement tendering limits in line with guidance from regional ICB
 | Matthew Bancroft |
| Version 10 | July 2021 | * Replaced DoN with Chief Nurse
* Updated references to NHS Improvement/NHS England
* Reference to e-signing of contracts
* Ensure Directors sign-off levels are consistent
 | Matthew Bancroft |
| Version 9 | July 2020 | Renaming names of structures/meetings | Matthew Bancroft |
| Version 8 | November 2018 | Renaming names of structures/meetings | Jon Sargeant |
| Version 7 | September 2017 | Various | Jon Sargeant and Matthew Kane |
| Version 6 | September 2016 | * Update to ensure consistency with the SFIs
* Update for consistency with new committee structure
* Various changes
 | Maria Dixon / Andrew Thomas |
| Version 5 | March 2015 | * Updated to reflect changes to Standing Orders relating to e-tendering and Working Together Group thresholds
 | Andrea Smith |
| Version 4 | November 2013 | * References throughout to Director of Finance, Information and Procurement / DoFIP amended to Director of Finance and Infrastructure / DoFI;
* References throughout to Director of Human Resources amended to Director of People and Organisational Development;
* Updated references and amendments for consistency to revised Standing Orders section 11 and tendering annex;
* Clarification added to the posts included in role of ‘Senior Officer’.
 | Robert Paskell |

**CONTENTS**

 **INTRODUCTION 5**

 **1. RESERVATION OF POWERS TO THE BOARD 7**

 **2. DELEGATION OF POWERS 10**

 **3. SCHEME OF AUTHORISATION TO OFFICERS 10**

 **4. SCHEME OF DELEGATION IMPLIED BY**

 **• STANDING ORDERS 12**

 **AND**

 **• STANDING FINANCIAL INSTRUCTIONS 13**

 **5. DETAILED SCHEME OF DELEGATION 14**

 **6. ROLES AND RESPONSIBILITIES OF GOVERNORS 27**

 **Appendix 1 – Equality Impact Assessment Form 26**

**Introduction**

SO 6.1 of the Standing Orders provides that "subject to such directions as may be given by NHS England, the Trust may make arrangements for the exercise, on behalf of the Trust, of any of its functions by a committee or sub-committee of directors or by an executive director of the Trust, in each case subject to such restrictions and conditions as the Board thinks fit." The Code of Accountability also requires that there should be a formal schedule of matters specifically reserved to the Trust.

The purpose of this document is to provide details of those powers reserved to the Board - generally matters for which it is held accountable to NHS England, while at the same time delegating to the appropriate level the detailed application of Trust policies and procedures. However, the Board remains accountable for all of its functions; even those delegated and would therefore expect to receive information about the exercise of delegated functions to enable it to maintain a monitoring role.

**A. Role of the Chief Executive**

 All powers of the Trust which have not been retained as reserved by the Board or delegated to an executive committee or sub-committee shall be exercised on behalf of the Board by the Chief Executive. The Chief Executive shall prepare a Scheme of Delegation identifying which functions they shall perform personally and which functions have been delegated.

 All powers delegated by the Chief Executive can be re-assumed by them should the need arise. As Accounting Officer the Chief Executive is accountable to NHS England for the funds entrusted to the Trust.

**B. Caution over the Use of Delegated Powers**

 Powers are delegated to directors on the understanding that they would not exercise delegated powers in a matter which in their judgement was likely to be a cause for public concern.

**C. Directors' Ability to Delegate their own Delegated Powers**

 The Scheme of Delegation shows only the "top level" of delegation within the Trust. The Scheme is to be used in conjunction with the system of budgetary control and other established procedures within the Trust.

**D. Absence of Directors or Officer to Whom Powers have been Delegated**

 In the absence of a director to whom powers have been delegated those powers shall be exercised by that director's superior unless alternative arrangements have been approved by the Board. If the Chief Executive is absent, powers delegated to them may be exercised by the Deputy Chief Executive after taking appropriate advice from the Chief Finance Officer.

 The Chief Executive, following consultation with the Chair, may authorise any person to act on their behalf and exercise such delegated powers across the full range of duties carried out by the Chief Executive.

**1. RESERVATION OF POWERS TO THE BOARD**

1.1 The Code of Accountability which has been adopted by the Trust requires the Board to determine those matters on which decisions are reserved unto itself. These reserved matters are set out in paragraphs 1.2 to 1.9 below:

1.2 **General Enabling Provision**

 The Board may determine any matter it wishes in full session within its statutory powers.

1.3 **Regulation and Control**

 1.3.1 Approval of Standing Orders (SOs), a schedule of matters reserved to the Board and Standing Financial Instructions for the regulation of its proceedings and business.

 1.3.2 Approval of a scheme of delegation of powers from the Board to officers.

 1.3.3 Suspension of Standing Orders.

* + 1. Variation or amendment of Standing Orders.
		2. Requiring and receiving the declaration of directors' interests which may conflict with those of the Trust and determining the extent to which that director may remain involved with the matter under consideration.

 1.3.6 Requiring and receiving the declaration of interests from officers which may conflict with those of the Trust.

 1.3.7 Disciplining directors who are in breach of statutory requirements or SOs.

 1.3.8 Approval of the disciplinary procedure for officers of the Trust.

 1.3.9 Approval of arrangements for dealing with complaints.

 1.3.10 Adoption of the organisational structures, processes and procedures to facilitate the discharge of business by the Trust and to agree modifications there to.

 1.3.11 To receive reports from committees including those which the Trust is required to establish and to take appropriate action thereon.

 1.3.12 To confirm the recommendations of the Trust's committees where the committees do not have executive powers. To establish terms of reference and reporting arrangements of all board committees (and other committees if required).

 1.3.13 Ratification of any urgent decisions taken in accordance with SO 6.2.

 1.3.14 Approval of arrangements relating to the discharge of the Trust's responsibilities as a corporate trustee for funds held on trust.

 1.3.15 Approval of arrangements relating to the discharge of the Trust's responsibilities as a bailee for patients' property.

1.4 **Appointments**

 1.4.1 The appointment and disestablishment of committees.

 1.4.2 The appointment and dismissal of executive directors (subject to SO 3.4).

 1.4.3 The appointment of members of any committee of the Trust.

1.5 **Policy Determination**

 1.5.1 To approve management policies including personnel policies incorporating the arrangements for the appointment, removal and remuneration of staff. Policies so received shall be listed.

1.6 **Strategy and Business Plans and Budgets**

 1.6.1 Definition of the strategic aims and objectives of the Trust, including approval of underpinning strategies that support its delivery.

 1.6.2 Approval annually of plans, including the NHS England’s annual plan in respect of:-

 • Service delivery strategy.

 • The application of available financial resources.

 1.6.3 Overall approval of programmes of investment to guide the letting of contracts for the supply of clinical services.

 1.6.4 Approval and monitoring of the Trust's policies and procedures for the management of risk, through the Audit and Risk Committee.

1.7 **Direct Operational Decisions**

 1.7.1 Acquisition, disposal or change of use of land and/or buildings.

 1.7.2 The introduction or discontinuance of any significant activity or operation. An activity or operation shall be regarded as significant if it has a gross annual income or expenditure (that is before any set off) in excess of £250,000.

 1.7.3 Approval of individual contracts (other than NHS contracts) of a capital or revenue nature amounting to, or likely to amount to over £500,000 over a 2 year period or the period of the contract if longer.

 1.7.4 Approval of individual compensation payments over £100,000.

 1.7.5 To agree action on litigation against or on behalf of the Trust.

1.8 **Financial and Performance Reporting Arrangements**

 1.8.1 Continuous appraisal of the affairs of the Trust by means of the receipt of reports as it sees fit from directors, committees, associate directors and officers of the Trust as set out in management policy statements. All monitoring returns required by NHS England and the Charity Commission shall be reported, at least in summary, to the Board of Directors.

 1.8.2 Approval of the opening or closing of any bank or investment accounts.

 1.8.3 Receipt and approval of a schedule of NHS contracts signed in accordance with arrangements approved by the Chief Executive.

 1.8.4 Consideration and approval of the Trust's Annual Report including the annual accounts.

 1.8.5 Receipt and approval of the Annual Report(s) for funds held on trust.

1.9 **Audit Arrangements**

 1.9.1 To approve audit arrangements (including arrangements for the separate audit of funds held on trust) and to receive reports of the Audit and Risk Committee meetings and take appropriate action.

 1.9.2 The receipt of the annual management letter received from the external auditor and agreement of action on the recommendation where appropriate of the Audit and Risk Committee.

 1.9.3 The receipt of the annual report received from the internal auditor and the agreement of action on the recommendation where appropriate of the Audit and Risk Committee.

**2. DELEGATION OF POWERS**

2.1 **Delegation to Committees**

 The Board maydetermine that certain of its powers shall be exercised by committees. The composition and terms of reference of such committees shall be that determined by the Board from time to time taking into account where necessary the requirements of NHS England and or the Charity Commissioners (including the need to appoint an Audit Committee and a Remuneration and Terms of Service Committee). The Board shall determine the reporting requirements in respect of these committees. In accordance with SO 7.5 committees may not delegate executive powers to sub-committees unless expressly authorised by the Board.

**3. SCHEME OF AUTHORISATION TO OFFICERS**

3.1 Standing Orders and model Standing Financial Instructions set out in some detail the financial responsibilities of the Chief Executive (CE), the Chief Finance Office (DoF) and other directors. These responsibilities are summarised below.

 [**NOTE** It should be noted that the SFIs generally specify officers responsible for various matters whereas SOs only do this occasionally].

 Certain matters needing to be covered in the scheme of delegation are not covered by SFIs or SOs or they do not specify the responsible officer. These are:

|  |  |
| --- | --- |
| **Area of responsibility** | **Overall responsibility** |
|  |  |
| Data Protection Act Requirements | Chief Finance Officer – with operational responsibility delegated to the Chief Information Officer  |
| Health and Safety Arrangements | Chief Finance Officer – with operational responsibility delegated to the Director of Estates & Facilities  |
|  |  |

 This scheme of delegation covers only matters delegated by the Board to directors and certain other specific matters referred to in SFIs. Each director is responsible for the delegation within his area of responsibility. S/he should produce a scheme of authorisation for matters. In particular the scheme of authorisation should include how budget management and procedures for approval of expenditure are delegated.

 A more detailed scheme of delegation including financial limits is given in Section 5.

As part of the scheme of delegation, senior officers are accountable back to the Board of Directors. To enable the Directors to assist with this delegation, Grip and Control meetings have been put in place at a Divisional level. This helps Directors have oversight on the day to day powers that are delegated to senior offices, but also allows for both challenge and support, to help senior officers make decisions that are consistent across the Trust, but also help the Trust to function in a manner that is as efficient as possible.

**section 4 – scheme of delegation implied by standing orders**

| **Scheme of Delegation Implied by Standing Orders** |
| --- |
|  |  |  |
| **SO REF** | **DELEGATED TO** | **DUTIES DELEGATED** |
| 2.1 | Chair | Final authority in interpretation of SOs. |
| 4.1 | Chair | Chair all board meetings and associated responsibilities. |
| 5.6 | Chair | Calling meetings. |
| 8.8 | CE  | Register(s) of interests. |
| 11.18 | CE | Demonstrate that the use of private finance represents best value for money and transfers risk to the private sector. |
|  11.20 | CE | Best value for money is demonstrated for all services provided under contract or in-house. |
| 11.20 | CE | Nominate an officer to oversee and manage the contract on behalf of the Trust. |
| 11.21 | CE | Nominate officers to enter into contracts of employment, regrading staff, agency staff or consultancy service contracts. |
| 11.23 | CE | Nominate officers with power to negotiate commissioning contracts with providers of healthcare and other authorities. |
| 12.1(a) | CE or Nominated Officer | Determining any items to be sold by sale or negotiation. |
| 14.1 | CE | Keep seal in safe place and maintain a register of sealing. |
| 14.4 | CE/DoF or nominated officers | Approve and sign all building, engineering, property or capital documents. |
| 15.1 | CE | Approve and sign all documents which will be necessary in legal proceedings |
| 15.2 | CE or nominated officers | Sign on behalf of the Trust any agreement or document not requested to be executed as a deed. |
| 16.1 | Chair | Existing Directors, Governors and employees and all new appointees are notified of and understand their responsibilities within Standing Orders and SFIs. |
| Annex s2 | CE | Designate an officer responsible for receipt and custody of tenders before opening. |
| Annex s3 | Senior officers | Open tenders. |
| Annex s4 | DoF | Decide whether any late tenders should be considered. |
| Annex s5 | CE or DoF | Keep lists of approved firms for tenders. |
|  |  |  |

| **section 4 – scheme of delegation implied by standing financial instructions****Scheme of Delegation Implied by Standing Financial Instructions** |
| --- |
|  |  |  |
| **SFI REF** | **DELEGATED TO** | **DUTIES DELEGATED** |
| 1.3.6 | Chief Executive (CE) | To ensure all employees and directors, present and future, are notified of and understand Standing Financial Instructions. |
| 1.3.7 | chief finance officer (DoF) | Responsible for implementing the Trust's financial policies and coordinating corrective action and ensuring detailed financial procedures and systems are prepared and documented. |
| 1.3.8 | directors | Responsible for security of the Trust's property, avoiding loss, exercising economy and efficiency in using resources and conforming to Standing Orders, Financial Instructions and financial procedures. |
| 1.3.10 | DoF | Form and adequacy of financial records of all departments.  |
| 2.1.1 | Audit and Risk committee | Provide independent and objective view on internal control and probity. |
| 2.2 | DoF | Monitor and ensure compliance with directions on fraud and corruption. |
| 2.5 | Head of Internal Audit | Review, appraise and report in accordance with NHS Internal Audit Manual and best practice.  |
| 2.6 | Council of governors | Appoint external auditors. |
| 3 | DoF | Ensuring compliance with NHS England’s requirements, ensure loans drawn are for approved expenditure only at time of need, and ensuring adequate system of monitoring. |
| 4 | DoFDoFCE | Submit budgets.Monitor performance against budget; submit to Board financial estimates and forecasts. Delegate budget to budget holders and submit monitoring returns. |
| 4.3 | DoF | Devise and maintain systems of budgetary control. |
| 5 | DoF | Annual accounts and reports. |
| 6 | DoF | Banking arrangements. |
| 7 | DoF | Income systems. |
| 8 | CEDoF | Negotiating contracts for provision of patient services. Regular reports of actual and forecast contract expenditure. |
| 9.1 | Nom. & Remun. Committee | Remuneration & Terms of Service Committee |
| 9.2 | CE | Variation to funded establishment of any department. |
| 9.3 | CE | Staff, including agency staff, appointments. |
| 9.4 | Chief People Officer  | Payroll |
| 10.1 | CE / DOF | Determine, and set out, level of delegation of non-pay expenditure to budget managers. |
| 10.2.2 | DoF | Prompt payment of accounts. |
| 10.2.5 | CE | Authorise the use of official orders. |
| 10.2.7 | DoF | Ensure that arrangements for financial control and financial audit of building and engineering contracts and property transactions comply with the good practice guidance. |
| 10.3 | CE | Grants for provision of patient services. |
| 11 | DoF | Advise Board on borrowing and investment needs and prepare procedural instructions. |
| 12 | CE | Capital investment programme |
| 12.3 | CE | Maintenance of asset registers. |
| 12.3.8 | DoF | Calculate and pay capital charges in accordance with NHS England requirements. |
| 12.4.1 | CE | Overall responsibility for fixed assets. |
| 12.4.4 | directors | Responsibility for security of Trust assets including notifying discrepancies to DoF, and reporting losses in accordance with Trust procedure.  |
| 13 | DoF | Responsible for systems of control over stores and receipt of goods. |
| 13.8 | CE | Identify persons authorised to requisition and accept goods from NHS Supply Chain Warehouses. |
| 14.2 | DoF | Prepare procedures for recording and accounting for losses and special payments and informing NHS Counter Fraud Authority and the External Auditor of all frauds and informing police in cases of suspected arson or theft. |
| 15 | DoF | Responsible for accuracy and security of computerised financial data. |
| 16 | CE | Responsible for ensuring patients and guardians are informed about patients' money and property procedures on admission. |
| 17 | DoF | Shall ensure each fund held on trust is managed appropriately (subject to the discretion and approval of the Charitable Funds Committee if any). |
| 18 | CE  | Retention of document procedures |
| 19.1 | CE DoF | Risk management programmeInsurance arrangements |

 **Section 5 - Detailed Scheme of Delegation & AUTHORISATION**

Delegated matters in respect of decisions which may have a far reaching effect must be reported to the Chief Executive. The delegation and authorisation shown below is the lowest level to which authority is given. Delegation and authorisation to lower levels is only permitted with written approval of the Chief Executive who will, before authorising, consult with other Directors as appropriate. All items concerning Finance must be carried out in accordance with Standing Financial Instructions and Standing Orders.

Key: CE - Chief Executive, MD - Medical Director, CN – Chief Nurse – DoF – Chief Finance Officer,

 CPO – Chief People Officer, COO - Chief Operating Officer,

HoCM Head of Communications and Engagement

Directors for the purpose of SO/SFI and Scheme of Delegation are Executive Directors.

Senior officers are staff employed in the post of Divisional Director, General Manager, Deputy Director or Head of a department.

| **Delegated Matter** | **Authority Delegated To** | **Reference Document** |
| --- | --- | --- |
| **1. Management of Budgets** |   | SFIs Section 4 |
| Responsibility of keeping expenditure within budgets |   |   |
| a) At individual budget level (Pay and Non Pay) | Budget Holder |   |
| b) At service level | Divisional Director or Executive Director |   |
| c) For the totality of services covered by Functional Director | Executive Director or CE |  |
| d) For all other areas: | DoF or Appropriate Delegated Manager |   |
|   |   |   |
| Budgetary or virement limits - and not part of agreed plan |   |   |
| a) Up to £250,000 per request | Executive Director |   |
| b) Up to £500,000 per request | DOF |   |
| c) Over £500,000 per request  | Executive Committee |   |
|  |  |  |
| Approval for the carry forward of funds into a different budgetary period, after discussion with the DoF | CE |   |
|  |  |   |
| Approval of revenue business cases and not part of agreed plan |  |  |
|  |  |  |
| 1. Cases up to £250,000
 | Corporate Investment Group |  |
| 1. Cases over £250,000
 | Board of Directors |  |
|  |  |  |
| **2. Maintenance / Operation of Bank Accounts** |   | SFIs Section 6 |
| Maintenance / Operation of Bank Accounts | DoF |   |
|  |   |   |
| **3. Quotation, Tendering & Contract Procedures** |   | SFIs Section 10 & SOs Section 11 & Annex |
| **Authority to obtain at least:** |  |  |
| 1. To obtain best value for goods/services between £10,000 and £35,000 – three informal quotes
 | Buyers & Senior Officers (Procurement and Estates) |  |
| b) 3 written quotations via e-tendering portal for goods/services from £35,000 to UK threshold (Find a Tender Service) currently £111,750), with one quote where possible from a local supplier. | Senior Officers (Procurement and Estates) |  |
| c) Competitive tenders via e-tendering portal for works goods/services for tenders above UK threshold (Find a Tender Service)  | Senior Officers (Procurement and Estates) or Executive Director |   |
| d) Single quotation approval between £10,000 to UK Threshold (Find a Tender Service) (single quotation above UK threshold (Find a Tender Service) is not permitted)  | DoF  |  |
|  |  |  |
| **4. Non Pay Expenditure/Requisitioning/Ordering/ Payment of Goods & Services** |  |  |
|  |  |  |
| Authorisation of requisitions/non pay expenditure: |  |  |
| a) Requisitions to £2,000 | Authorised Signatory for Budget\* | SFIs Section 10 |
| b) Requisitions to £25,000 | Head of Dept. General Manager or Divisional Director\* | & SOs Section 11& Annex |
| c) Requisitions to £50,000 | Executive Director\* |  |
| d) Requisitions to £500,000d) Requisitions between £500,000 to £1,000,000  | DOFCE |  |
| e) Requisitions over £250,000 | CE and DOF |  |
|   |  |  |
| Authorisation of contracts for goods & services and subsequent variations to contracts |  |  |
| a) Contracts up to £500,000 | DoF |  |
| b) Contracts over £500,000 to £1,000,000 | CE  |  |
| c) Contracts over £1,000,000 | CE and DOF after approval by the Board |  |
| (this includes electronic signing of contracts) |  |  |
| \* These figures are the maximum allowed, but can be lower for staff as agreed within the Financial system |  |  |
|  |  |  |
| **5. Capital Schemes** |  |  |
| Business Cases - not part of agreed plan |  | SFIs Section 12 |
| a) Production of case of need for every capital expenditure proposal | DoF  | & SOs Section 11 |
| b) Certification of costs and revenue consequences | DoF |  |
|  |  |  |
| c) Approval of business cases to £1,000,000 and not linked to new service development and part of agreed capital plan  | Corporate Investment Group |  |
| d) Approval of business cases over £1,000,000 or linked to new service development | Board of Directors |  |
|   |   |  |
| Capital Programme |   |  |
| a) Production of draft capital programme | DoF |  |
| b) Confirmation of capital funds available | DoF |  |
| c) Approval of capital programme | Board of Directors |  |
|   |   |  |
| Capital Expenditure |   |  |
| a) Issue authority to commit expenditure and proceed to tender up to budget approved in capital programme | DoF |  |
| b) Responsibility of keeping expenditure within scheme budget | Scheme Manager |  |
| c) Responsibility of keeping expenditure within total capital budget | DoF |  |
| d) Approval of variations to scheme budgets from plan: |   |  |
|  i) To 10% of original scheme budget, a maximum of £50,000 | DoF |  |
|  ii) To 20% of original scheme budget, a maximum of £250,000 | CE |  |
|  iii) Above £250,000 or 20% of original scheme budget | Board of Directors |  |
| e) Selection of architects, quantity surveyors, consultant engineer and other professional advisors within UK regulations | DoF |  |
| f) Financial reporting on all capital scheme expenditure | DoF  |  |
| g) Financial monitoring of all capital scheme expenditure | DoF  |  |
| h) Granting and termination of leases with annual rent <£100k | DoF |  |
| i) Granting and termination of leases of annual rent >£100k | CE |  |
|  |  |  |
| **6. Setting of Fees and Charges** |  |  |
| a) Private Patient, Overseas Visitors, Income Generation and other patient related services | DoF  | SFIs Section 7 |
| b) Price of all NHS Contracts | DoF  | SFIs Section 8 |
|  |  |  |
| **7. Engagement of Staff Not On the Establishment (Within NHS England price caps)** |  | SFIs Section 9 |
| a) Management Consultancy | DOF |  |
| b) Engagement of Trust's Solicitors | CPO, MD and DoF |  |
| c) Booking of Bank or Agency Staff |   |  |
|  i) Medical Locums | General Manager or Divisional Director |  |
|  ii) Nursing | General Manager  |  |
|  iii) Clerical | General / Department Manager or Divisional /Executive Director |  |
| Outside NHSE price caps | Executive Director |  |
| **8. Expenditure on Charitable and Endowment Funds** |  | SFIs Section 17 |
|  |  |  |
| Up to £25,000 per requestOver £25,000 per request | DoFCEO or DoF after authorisation from the Charitable Funds Committee. |  |
|  |  |  |
| **9. Agreements/Licences** |  |  |
| a) Preparation and signature of all tenancy agreements/licences for all staff subject to Trust Policy on accommodation for staff | DoF and CPO |  |
| b) Extensions to existing leases  | DoF |  |
| c) Letting of premises to outside organisations | DoF |  |
| d) Approval of rent based on professional assessment | DoF |  |
|  |  |  |
| **10. Condemning & Disposal** |  | SFIs Section 14 |
| a) Items obsolete, obsolescent, redundant, irreparable or cannot be repaired cost effectively | Divisional Director of Operations (GM)/Department Manager and Condemning Officer |  |
| b) disposal of x-ray films | Superintendent Radiographer |  |
| c) disposal of controlled drugs | Chief Pharmacist |  |
|  |  |  |
| **11. Losses, Write-off & Compensation** |  | SFIs Section 14 |
| a) Losses and Cash due to theft, fraud, overpayment & others Up to £50,000 | Two Executive Directors |  |
| b) Fruitless Payments (including abandoned Capital Schemes)  |  |  |
|  Up to £100,000 | Two Executive Directors |  |
| c) Bad Debts and Claims Abandoned. Private Patients, Overseas Visitors & Other | Cash Committee  |  |
| d) Damage to buildings, fittings, furniture and equipment and loss of equipment and property in stores and in use due to: |   |  |
|  Culpable causes (e.g. fraud, theft, arson) or other |   |  |
|  Up to £50,000 | Two Executive Directors |  |
| e) Compensation payments made under legal obligation | Two Executive Directors |  |
| f) Extra Contractual payments to contractors |   |  |
|  Up to £50,000 | Two Executive Directors |  |
|  |  |  |
| Ex-Gratia Payments |  |  |
| g) Patients and staff for loss of personal effects |  |  |
|  Up to £50,000 | Two Executive Directors |  |
| h) For clinical negligence up to £1,000,000 (negotiated settlements) |  |  |
|  i) Negotiate settlement up to £50,000 | MD |  |
| ii) £50,000 to £100,000 | CE |  |
| 1. over £100,000
 | Board of Directors |  |
|  iv) Authorise payment (up to £1,000,000) | CE or Nominated Director and DoF |  |
| i) For personal injury claims involving negligence where legal advice has been obtained and guidance applied |  |  |
|  i) Negotiate settlement up to £25,000 | CPO |  |
|  ii) £25,000 to £100,000 | CE |  |
|  iii) over £100,000 | Board of Directors |  |
|  iv) Authorise payment (up to £1,000,000) | CE or Nominated Director and DoF |  |
| j) Other, except cases of maladministration where there was no financial loss by claimant |  |  |
|  £50,000 | CE or Nominated Director and DoF |  |
|  |  |  |
| Losses, Write-Off & Compensation above delegated limits | Audit & Risk Committee |  |
| **12. Reporting of Incidents to the Police** |  | SFIs Sections 2 |
| a) Where a criminal offence is suspected (other than theft or fraud) | Director with managerial responsibility for the area | & 14 |
| b) Where a theft is involved | DoF or CPO |  |
| c) Where a fraud is involved | DoF |  |
|  |  |  |
| **13. Petty Cash Disbursements (not applicable to central Cashiers Office)** |   | SFIs Section 10 |
| a) Not permitted ordinarily, and to be processed through payroll expenses system | Budget holder |   |  |
|  |  |  |
| **14. Receiving Hospitality** |  |  |
| Applies to both individual and collective items of hospitality received **or offered and declined**, in excess of £50. | Declaration required in Trust's Hospitality Register |  |
|  |  |  |
| **15. Implementation of Internal and External Audit Recommendations** | DoF | SFIs Section 2 |
|  |   |   |
| **16. Maintenance & Update on Trust Financial Procedures** | DoF | SFIs Section 1 |
|  |   |   |
| **17. Investment of Funds (including Charitable & Endowment Funds)** | DoF | SFIs Section 17 |
|  |   |   |
| **18. Personnel & Pay** |  |  |
| a) Authority to fill funded post on the establishment with permanent staff. | Budget holder (after vacancy control approval or Management Board approval for Consultant posts) |  |
| b) Authority to appoint staff to post not on the formal establishment. | CE and DoF |  |
| c) Additional Increments |   |  |
|  The granting of additional increments to staff within budget | CPO |  |
| d) Upgrading & Regrading |   |  |
|  All requests for upgrading/regrading shall be dealt with in accordance with Trust procedure | CPO |  |
| e) Establishments |   |  |
| 1. Additional staff to the agreed establishment with specifically allocated finance
 | Budget holder (after vacancy control approval or Management Board approval for Consultant posts) |  |
|  ii) Additional staff to the agreed establishment without specifically allocated finance | CE and DoF |  |
| f) Pay |  |  |
|  i) Authority to complete standing data forms affecting pay, new starters, variations and leavers | Senior Officer or Executive Director |  |
|  ii) Authority to authorise overtime | Senior Officer or Executive Director |  |
|  iii) Authority to complete and authorise positive reporting forms | Senior Officer or Executive Director |  |
|  iv) Authority to authorise travel & subsistence expenses | Senior Officer or Executive Director |  |
|  v) Approval of Performance Related Pay Assessment | Remuneration Committee/CE |  |
| g) Leave |   |  |
|  i) Approval of annual leave | Senior Officer or Executive Director |  |
|  ii) Annual leave - approval of carry forward (up to maximum of 5 days). | Senior Officer or Executive Director |  |
|  iii) Annual leave - approval of carry over in excess of 5 days. | Executive Director |  |
|  iv) Compassionate leave up to 3 days | Senior Officer or Executive Director |  |
|  v) Compassionate leave over 3 days | Executive Director |  |
|  vi) Special leave arrangements | Executive Director |  |
|  paternity leave | Senior Officer or Executive Director |  |
|  vii) Leave without pay | Executive Director |  |
|  viii) Medical Staff Leave of Absence | MD and CE |  |
|  paid and unpaid | General Manager or Divisional Director |  |
|  ix) Time off in lieu | Automatic approval with guidance |  |
|  x) Maternity Leave - paid and unpaid | Automatic approval with guidance |  |
| h) Sick Leave |   |  |
|  i) Extension of sick leave on half pay up to three months | Executive Director in conjunction with CPO |  |
|  ii) Return to work part-time on full pay to assist recovery | Executive Director in conjunction with CPO |  |
|  iii) Extension of sick leave on full pay | CPO or CE |  |
| i) Study Leave |   |  |
|  i) Study leave outside the UK  | CPO or MD |  |
|  ii) Medical staff study leave (UK) | Divisional Director |  |
|  iii) All other study leave (UK) | Senior Officer or Executive Director |  |
| j) Removal Expenses, Excess Rent and House Purchases |   |  |
|  Authorisation of payment of removal expenses incurred by Directors taking up new appointments (providing consideration was promised at interview) | CPO |  |
| k) Grievance Procedure | CPO |  |
|  All grievances cases must be dealt with strictly in accordance with the Grievance Procedure and the advice of a the Director of People and Organisational Development must be sought when the grievance reaches the level of Associate/Dept. Manager |  |  |
| l) Authorised Car & Mobile Phone Users |   |  |
|  Requests for new posts to be authorised as car users | CPO |  |
|  Requests for new posts to be authorised as mobile telephone users | CPO |  |
| m) Renewal of Fixed Term Contract | Senior Officer or Executive Director |  |
| n) Redundancy | CPO |  |
| o) Ill Health Retirement |   |  |
|  Decision to pursue retirement on the grounds of ill-health | CPO |  |
| p) Dismissal | Appointing Officers |  |
| q) Development of personnel, industrial relations & training strategies and procedures | Executive Directors |  |
| r) Authorisation of expenditure on recruitment advertising | CPO |  |
| s) Day to day management of Consultants' contracts | MD Divisional Directors |  |  |
| t) Excellence Awards to Medical staff. | CE |  |  |
|  |  |  |
| **19. Authorisation of New Drugs** |  | SFIs Section 10 |
|  Estimated total yearly cost up to £25,000 | Medicines Management Group |   |
|  Estimated total yearly cost above £25,000 | CE (Subject to consultation with the above) |  |
|  |  |  |
| **20. Authorisation of Sponsorship deals**  | CE |   |
|  |   |   |
| **21. Authorisation of Research Projects** | CE or MD or Chief Nurse |   |
|   |   |   |
| **22. Authorisation of Clinical Trials** | CE and MD |   |
|  |   |   |
| **23. Insurance Policies and Risk Management**  | DoF | SFIs Section 19 |
|   |   |  |
| **24. Patients & Relatives Complaints** |  |  |
| a) Overall responsibility for ensuring that all complaints are dealt with effectively under regulations. | CE |  |
| b) Responsibility for ensuring complaints relating to a directorate are investigated thoroughly | Senior Officer and PALS Rep. |  |
| c) Medico - Legal Complaints |   |  |
|  Co-ordination of their management.  | MD |  |
|  |  |  |
| **25. Relationships with Press** |  |  |
| a) Non-Urgent General Enquiries |  |  |
|  Within Hours | HoCM |  |
|  Outside Hours  | Executive Director on call |  |
| b) Urgent |  |  |
|  Within Hours | HoCM |  |
|  Outside Hours | Executive Director on call |  |
|  |  |  |
| **26. Infectious Diseases & Notifiable Outbreaks** | MD or Consultant Microbiologist or Control of Infection Nurse |  |
|  |  |  |
| **27. Extended Role Activities** |   |  |
|  Approval of any professions to undertake duties / procedures which can properly be described as beyond the normal scope of practice. | Clinical Governance Committee |  |
|  |  |  |
| **28. Patient Services** |  |  |
|  a) Variation of operating and clinic sessions within existing numbers | COO with General Manager or Divisional Director |  |
|  Outpatients | COO with General Manager or Divisional Director |  |
|  Theatres | COO with General Manager or Divisional Director |  |
|  Other | COO with General Manager or Divisional Director |  |
|  b) All proposed changes in bed allocation and use (excluding critical care) |  |  |
|  **Temporary Change** | In hours COO with Head of Patient Flow advice. Out of hours Executive on call with Clinical Site Manager advice |  |
|  **Permanent Change**  | CE with advice from COO & Chief Nurse |  |
|  Contract monitoring & reporting | DoF |  |
|  c) Critical Care | CE or Executive Director on call |  |
|  |  |  |
| **29. Facilities for staff not employed by the Trust to gain practical experience** |   |  |
|  Professional Recognition, Honorary Contracts, & Insurance of Medical Staff, Work experience students | CPO |  |
|  |  |  |
| **30. Review of fire precautions** | CE |  |
|  |   |  |
| **31. Review of all statutory compliance legislation and Health and Safety requirements including control of Substances Hazardous to Health Regulations** | CE |  |
|   |   |  |
| **32. Review of Medicines Inspectorate Regulations** | Chief Pharmacist |  |
|   |   |  |
| **33. Review of compliance with environmental regulations, for example those relating to clean air and waste disposal** |  CE |  |
|  |  |  |
| **34. Review of Trust's compliance with the Data Protection Act, including GDPR** | CE |  |
|  |  |  |
| **35. Monitor proposals for contractual arrangements between the Trust and** |  |  |
| **outside bodies** |  |  |
| a) Monitor proposals for contractual arrangements between the Trust and other healthcare bodies | DoF |  |
| b) Monitor proposals for contractual arrangements between the Trust and non-healthcare bodies | DoF |  |
|  |  |  |
| **36. Review the Trust's compliance with the Access to Records Act** | MD |  |
|  |   |  |
| **37. Review of the Trust's compliance code of Practice for handling confidential information in the contracting environment and the compliance with "safe haven" per EL 92/60** | MD |  |
|   |   |  |
| **38. The keeping of a Declaration of Interests Register** | Company Secretary  |  |
|   |   |  |
| **39. Attestation of sealings in accordance with Standing Orders** | CE and DoF |  |
|   |   |  |
| **40. The keeping of a register of Sealings** | CE |  |
|   |   |  |
| **41. The keeping of the Hospitality Register** | DoF |  |
|   |   |  |
| **42. Retention of Records** | COO |  |
|   |   |  |
| **43. Clinical Audit** | MD |  |
|   |   |  |
| **44. Nominated Fire Director** |   |  |
|  Within Hours | CE |  |
|  Outside Hours | Executive Director on call |  |
|  |  |  |
| **45. Agreement of Policies**a) To recommend the adoption of new policies to the Board of Directorsb) To approve policies where authorised to do so by the Board of Directors  | The appropriate sub-committee of the Board e.g. Finance and Performance for finance related policies |  |
| **46. Working Together Partnership Committee in Common** |  |  |
| All functions agreed to be delegated by the Board and listed in the DBTH Committee in Common terms of reference. | Committee in common consisting of CEO and Chair or nominated deputies | DTH CiC TORs |
| **47. Intellectual Property**The disposal of intellectual property rights | Executive Committee |  |

**6. ROLES AND RESPONSIBILITIES OF GOVERNORS**

The Constitution states that at general meetings, the Council of Governors shall discharge the following responsibilities:

* 1. The appointment or removal of the Chair and the other Non-Executive Directors (section 26).
	2. Approve an appointment (made by the Non-Executive Directors) of the Chief Executive (section 26).
	3. The appointment or removal of the Trust’s auditors (section 35).
	4. Decide the remuneration and allowances, and the other terms and conditions of office, of the Chair and the other Non-Executive Directors (section 31).
	5. Approve any significant transaction, as defined in the constitution (section 42).
	6. Approve any merger, acquisition, separation or dissolution proposed (section 42).

**APPENDIX 1 - Equality Impact assessment part 1 initial screening**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Service/Function/Policy/Project/ Strategy** | **CSU/Executive Directorate and Department** | **Assessor (s)** | **New or Existing Service or Policy?** | **Date of Assessment** |
| Reservation of Powers to the Board and Delegation of Powers **–** CORP/FIN 1 (C) v.9 | CE/Finance | Matthew Bancroft | Existing Policy | September 2024 |
| 1. **Who is responsible for this policy?** Name of CSU/Directorate – Finance Department/Secretariat
 |
| 1. **Describe the purpose of the service / function / policy / project/ strategy?** Who is it intended to benefit? What are the intended outcomes? To provide standing orders for the Board and a framework for the delegation of powers from the Board.
 |
| 1. **Are there any associated objectives?** Legislation, targets national expectation, standards No
 |
| 1. **What factors contribute or detract from achieving intended outcomes?** – Compliance with the policy
 |
| 1. **Does the policy have an impact in terms of age, race, disability, gender, gender reassignment, sexual orientation, marriage/civil partnership, maternity/pregnancy and religion/belief?** Details: [see Equality Impact Assessment Guidance] - No
 |
| * **If yes, please describe current or planned activities to address the impact** [e.g. Monitoring, consultation] – N/A
 |
| 1. **Is there any scope for new** **measures which would promote equality?** [any actions to be taken] N/A
 |
| 1. **Are any of the following groups adversely affected by the policy? No**

|  |  |  |
| --- | --- | --- |
| **Protected Characteristics** | **Affected?** | **Impact** |
| 1. Age
 | No |   |
| 1. Disability
 | No |   |
| 1. Gender
 | No |   |
| 1. Gender Reassignment
 | No |   |
| 1. Marriage/Civil Partnership
 | No |   |
| 1. Maternity/Pregnancy
 | No |   |
| 1. Race
 | No |   |
| 1. Religion/Belief
 | No |   |
| 1. Sexual Orientation
 | No |   |

1. **Provide the Equality Rating of the service / function /policy / project / strategy – tick (🗸) outcome box**

|  |  |  |  |
| --- | --- | --- | --- |
| **Outcome 1✓** | **Outcome 2** | **Outcome 3** | **Outcome 4** |

*\*If you have rated the policy as having an outcome of 2, 3 or 4, it is necessary to carry out a detailed assessment and complete a* **Detailed Equality Analysis form in Appendix 4** |
| **Date for next review: September 2024** |
| **Checked by: Matthew Bancroft Date: September 2024** |