

**RESERVATION OF POWERS**

**TO THE BOARD**

**AND**

**DELEGATION OF POWER**

**Version Control**

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| Policy Lead/Author & Position: | Martin Davies, Head of Financial Control |
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This version of the Trust’s Reservation of Powers to the Board and Delegation of Powers incorporates amendments approved at the following meetings.

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| --- | --- | --- | --- |
| Version | Date | Author | Meeting |
| 2010 |  |  | Audit Committee |
| 2011 | 04.10.11 | Alex Manu | Audit Committee |
| 2012 | 16.10.12 | Alex Manu | Audit Committee |
| 2013 | 14.01.14 | Martin Davies | Audit Committee |
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| 2014 | 29.09.14 | Martin Davies | Trust Board |
| 2015 | 03.11.15 | Martin Davies | Audit Committee |
| 2015 | 16.11.15 | Martin Davies / Barry Ray | Trust Board |

The Trust’s Reservation of Powers to the Board and Delegation of Powers are maintained by the Head of Financial Control on behalf of the Trust Board. Enquiries regarding the interpretation of these Reservation of Powers to the Board and Delegation of Powers should be directed to the Head of Financial Control in the first instance.

Table of Contents Page

[**1. INTRODUCTION 4**](#_Toc438030608)

[**2. RESERVATION OF POWERS TO THE BOARD 4**](#_Toc438030609)

[**3. DELEGATION OF POWERS 8**](#_Toc438030610)

[**3.1 Delegation to Committees 8**](#_Toc438030611)

[**3.2 Delegation to Officers 8**](#_Toc438030612)

[**4. DERIVED SCHEMES OF DELEGATION 10**](#_Toc438030613)

[**5. SCHEME OF DELEGATION IMPLIED 11**](#_Toc438030614)

[**5.1 Scheme of Delegation Implied by Standing Orders 11**](#_Toc438030615)

[**5.2. Scheme of Delegation Implied by Standing Financial Instructions 13**](#_Toc438030616)

[**6. DETAILED SCHEME OF DELEGATION 18**](#_Toc438030617)

**SECTION C**

## 1. INTRODUCTION

1.1 NHS Trusts are required to demonstrate the existence of comprehensive governance arrangements which may be delegated in accordance with Section 15 of Schedule 7 of the National Health Service Act 2006.

1.2 This document is the Reservation of Powers to the Board and Delegation of Powers for Barnet, Enfield and Haringey Mental Health Trust, which sets out those decisions which are reserved for the Trust Board and those which may be delegated to a committee, sub-committee, or a Director or Officer of the Trust.

1.3 The arrangements are to be read in conjunction with and subject to the Standing Orders and Standing Financial Instructions adopted by the Trust. Details of the Delegation of Duties implied from Standing Orders and Standing Financial Instructions are given in Section 5 of this document.

1.4 It should be noted that the Trust Board remains accountable for all of its functions, even those delegated to the Chairman, individual Directors or Officers and would therefore expect to receive information about the exercise of delegated functions to enable it to maintain a monitoring role.

## 2. RESERVATION OF POWERS TO THE BOARD

2.1 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 below:

| **DECISIONS RESERVED TO THE TRUST BOARD** |
| --- |
| **General Enabling Provisions**   * The Board may determine any matter it wishes in full session within its statutory powers. |
| **Regulation and Control**   * Approve Standing Orders (SOs), a schedule of matters reserved to the Board and Standing Financial Instructions for the regulation of its proceedings and business   **Suspend Standing Orders**   * Vary or amend the Standing Orders. * Ratify any urgent decisions taken by the Chairman and Chief Executive in public/private session in accordance with Standing Orders. * Approve a scheme of delegation of powers from the Board to committees * Require and receive the declaration of Board members’ interests that may conflict with those of the Trust and determining the extent to which that member may remain involved with the matter under consideration. * Approve arrangements for dealing with complaints * Adopt the organisation structures, processes and procedures to facilitate the discharge of business by the Trust and to agree modifications thereto. * Receive reports from committees including those that the Trust is required by regulation to establish and to take appropriate action on. * Confirm the recommendations of the Trust’s committees where the committees do not have executive powers. * Approve arrangements relating to the discharge of the Trust’s responsibilities as a corporate trustee for funds held on trust. * Establish terms of reference and reporting arrangements of all committees and sub-committees that are established by the Board. * Approve arrangements relating to the discharge of the Trust’s responsibilities as a bailee for patients’ property. * Authorise use of the seal * Ratify or otherwise instances of failure to comply with Standing Orders brought to the Chief Executive’s attention * Discipline members of the Board or employees who are in breach of statutory requirements or SOs.   **Appointments/ Dismissals**   * Ratify the appointment of the Deputy Chairman * Appoint and dismiss committees (and individual members) that are directly accountable to the Board. * Appoint, appraise, discipline and dismiss Executive Directors (subject to SO 3.11.3). * Confirm appointment of members of any committee of the Trust as representatives on outside bodies. * Approve proposals of the Remuneration Committee regarding directors and senior employees and those of the Chief Executive for staff not covered by the Remuneration & Terms of Service Committee. |
| **Strategy, Plans, Budgets and Direct Operational Decisions**   * Define the strategic aims and objectives of the Trust. * To approve such business plans, budgeted and capital programmes submitted by the Chief Executive on at least an annual basis, including the approval of Cost Improvement Programmes. * Approve proposals for ensuring quality and developing clinical governance in services provided by the Trust, having regard to any guidance issued by the Secretary of State. * Approve the Trust’s policies and procedures for the management of risk. * Approve Outline and Final Business Cases for Capital Investment in excess of £1m. * Approve budgets. * Approve annually Trust’s proposed organisational development proposals. * Ratify proposals for acquisition, disposal or change of use of land and/or buildings through the approval of the annual capital programme. Transactions of more than £1 million within the programme or any transaction not included within the annual approved programme must be ratified individually. * Approve PFI proposals. * Approve the appointment of bankers (including the opening of bank accounts) and insurance brokers. * Approve proposals for action on litigation against or on behalf of the Trust. * Decide upon the use of NHSLA risk pooling schemes /insurance/self insurance to cover insurable risk. * To review proposals on service policies and priorities as negotiated with Commissioners. * To consider advice from any such Professional Advisory Committees as the Board may establish or recognise. * Where urgent action is required the Chief Executive should act on behalf of the Trust and consult with the Chairman, or Vice- Chairman in his/her absence, and report action taken at the next meeting of the Board. * To approve business cases requiring additional revenue resources. * The introduction or discontinuance of any significant activity or operation. This decision can be made through the acceptance of a business plan/budget for a period where the introduction or discontinuance is clearly described. 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 £1m. |
| **Audit**   * Review of the annual management letter received from the external auditor and agreement of proposed action, taking account of the advice, where appropriate, of the Audit Committee * To consider external auditor’s reports on the affairs and accounts of the Trust. |
| **Annual Report and Accounts**   * Receipt and approval of the Trust’s Annual Report and Annual Accounts.   **Monitoring**   * Receipt of such reports as the Board sees fit from committees in respect of their exercise of powers delegated. * Board may require reports from directors, committees, and officers of the Trust as set out in management policy statements. * Receive reports from Chief Finance and Investment Officer on financial performance against budget and business plans. * Receive reports from Chief Finance and Investment Officer on actual and forecast income from service contracts. * To receive reports from the Chief Executive and Chief Finance and Investment Officer upon the implementation of, and variances from, agreed business plans, service level agreements, budgets and capital programmes, and where appropriate take necessary action. * To receive reports of external and internal issues affecting the services within the Trust from the Chief Executive and the other Directors and take action where necessary. |
| **Buildings, Land and Equipment**   * To ensure that the capital programme is within the terms of the Prudential Borrowing Code. * To approve all material asset disposals and transfers. * To determine matters relating to land and property transactions other than those covered by any delegation to the Chief Executive and to approve any transactions being subject to procedures set by the Secretary of State. * To approve capital programmes and determine guidelines within which the Chief Executive and/or Capital Review Group may approve variations to the programme. |
| **General**   * To establish and maintain relationships with other relevant external bodies. * To consider any other matters not falling within the established policies and practice of the trust of which officers think desirable or expenditure to be considered by the Trust Board. * To establish management arrangements as appropriate and to consider specific management of other aspects of the Trust’s responsibilities. * To appoint Directors and Officers to represent the Trust on other bodies. * To receive Mental Health Act Appeal Panel decisions via Committee. * To approve the appointment of professional advisors where such approval is required in accordance with Standing Orders. * To approve significant Trust policies as required. * To approve any changes to the Trust’s Corporate Governance Framework. * Establishment and agreement of terms of reference and constitution of Committees and sub committees of the Board. |
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## 3. DELEGATION OF POWERS

### 3.1 **Delegation to Committees**

The Trust Board may determine that certain of its powers shall be exercised by Standing Committees. The composition and terms of reference of such committees shall be that determined by the Trust Board from time to time taking into account where necessary the requirements of the Secretary of State (including the need to appoint an Audit Committee and Remuneration and Terms of Service Committee and a Risk Committee). The Trust Board shall determine the reporting requirements in respect of these committees. In accordance with SO 5.5.1 committees may not delegate executive powers to sub committees unless expressly authorised by the Trust Board.

### 3.2 **Delegation to Officers**

Standing Orders and Standing Financial Instructions set out in some detail the financial responsibilities of the Chief Executive, the Chief Finance and Investment Officer and other directors. Certain matters needing to be covered in the scheme of delegation are not covered in SFIs or SOs or they do not specify the responsible officer. These are:

Area of responsibility Overall Responsibility

* **Data Protection Act -** Chief Executive has overall accountability, however day to day responsibility is delegated to the Medical Director.
* **Health & Safety Arrangements -** Chief Executive has overall accountability, however lead responsibility is delegated to the Executive Director of Nursing, Quality and Governancewith operational responsibility devolved to all Directorates.

3.2.1 **Role of the Chief Executive**

All powers of the Trust which have not been retained as reserved by the Board of Directors or delegated to an executive committee or sub-committee shall be exercised on behalf of the Trust Board by the Chief Executive. A detailed Scheme of Delegation identifying which functions the Chief Executive shall perform personally and which functions have been delegated to other Directors and Officers, is shown in Section 4.

The Chief Executive will establish appropriate management arrangements to ensure that senior Officers pursue the Trust’s policies in a corporate manner.

All powers delegated by the Chief Executive can be re-assumed by him/her should the need arise. The Chief Executive is the Accountable Officer of the Trust (Paragraph 16(1) of Schedule 7 to the 2006 Act).

3.2.2 **Directors' Ability to Delegate their own Delegated Powers**

A detailed Scheme of Delegation is shown in Section 4, and includes delegated procedures for the approval of the expenditure. It should be used in conjunction with the system of budgetary control and other established procedures within the Trust.

3.2.3 **Management Team**

Decisions taken on the basis of this document should also have regard to the relevant Trust policies and procedures. The Chief Executive will establish appropriate management arrangements to ensure that senior Officers pursue the Trust’s policies in a corporate manner.

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

In the absence of a director or officer to whom powers have been delegated those powers shall be exercised by the person acting on behalf of that officer in his/her absence and to whom authority has been delegated.

3.2.5 **Financial Delegation**

Managers will exercise financial delegation and virement arrangements in accordance with the Trust’s Budgetary Rules.

Where more than one Officer has delegated authority to commit expenditure from a fund, those Officers have an obligation to consult with each other to ensure that the total committed does not exceed the approved Budget for the year, or the balance in the fund at any time as appropriate.

3.3 **Mental Health Act Scheme of Delegation**

Details of the particular groups or members of staff to whom the Board has delegated its various powers and responsibilities under the Mental Health Act are set out in the Mental Health Act Scheme of Delegation, which is available from the mental Health Law Manager.

## 4. DERIVED SCHEMES OF DELEGATION

4.1 The Schemes of Delegation outlined in Section 3 cover those duties delegated to Committees, Directors, or Officers from the following documents

* The codes of Conduct and Accountability
* Standing Orders
* Standing Financial Instructions

## 5. SCHEME OF DELEGATION IMPLIED

## 5.1 Scheme of Delegation Implied by Standing Orders

| SO REF | DELEGATED TO | DUTIES DELEGATED |
| --- | --- | --- |
|  |  |  |
| 1.1 | Chairman | Final authority in interpretation of SOs. |
| 3.1 | Chairman | Calling meetings. |
| 3.9 | Chairman | Chair all board meetings and associated responsibilities. |
| 3.13 | Audit Committee | Audit Committee to review every decision to suspend Standing Orders (power to suspend Standing Orders is reserved to the Board of Directors). |
| 5.2 | Chairman & Chief Executive | The powers which the Board of Directors has retained to itself within these Standing Orders may in  emergency be exercised by the Chair and Chief Executive after having consulted at least two Non-Executive Directors. |
| 5.3 | Board of Directors | Formal delegation of powers to sub committees or joint committees and approval of their constitution and terms of reference. |
| 5.4.2 | Chief Executive | The Chief Executive shall prepare a Scheme of Delegation (within the Reservation of Powers document) identifying his/her proposals which shall be considered and approved by the Board of Directors , subject to any amendments agreed during the discussion. |
| 5.4 | Chief Executive | Designate an officer responsible for receipt and custody of tenders before opening. |
| 5.4 | Two Senior officers | Open tenders. |
| 5.4 | Chief Executive or nominated officer | Decide whether any late tenders should be considered. |
| 7.2 | Chief Executive | Register of interests. |
| 8.1  8.3 | Chief Executive | Keep seal in safe place and maintain a register of sealing. |
| 8.4 | Chief Executive /Chief Finance and Investment Officer or nominated officers | Approve and sign deed and lease documents relating to buildings, property and land. |
| 8.4 | Chief Executive or nominated officers | Approve and sign all documents which will be necessary in legal proceedings |
| 8.4 | Chief Executive or nominated officers | Sign on behalf of the Trust any agreement or document not requested to be executed as a deed. |
|  |  |  |

## 5.2. Scheme of Delegation Implied by Standing Financial Instructions

| SFI REF | DELEGATED TO | DUTIES DELEGATED | | |
| --- | --- | --- | --- | --- |
|  |  |  | | |
| 1.2.4 | Chief Executive | To ensure all employees and directors, present and future, are notified of and understand Standing Financial Instructions. | | |
| 1.2.5 | Chief Finance and Investment Officer | Responsible for implementing the Trust's financial policies and coordinating corrective action and ensuring detailed financial procedures and systems are prepared and documented. | | |
| 1.2.6 | All directors and employees | Responsible for security of the Trust's property, avoiding loss, exercising economy and efficiency in using resources and conforming to Standing Orders, Standing Financial Instructions and financial procedures. | | |
| 1.2.8 | Chief Finance and Investment Officer | Form and adequacy of financial records of all departments. | | |
| 2.1.1 | Audit Committee | Provide independent and objective view on internal control and probity. | | |
| 2.2.1 | Chief Finance and Investment Officer | Investigate any suspected cases of fraud or other irregularity. | | |
| 2.3 | Head of Internal Audit | Review, appraise and report in accordance with NHS Internal Audit Manual and best practice. | | |
| 2.4 | Audit Committee | Ensure cost-effective external audit. | | |
| 3.1.2 | Chief Finance and Investment Officer | Submit budgets. | | |
| 3.1.3 | Chief Finance and Investment Officer | Monitor performance against budget, submit to Board financial estimates and forecasts. | | |
| 3.2 | Chief Executive | Delegate budgets to budget holders and submit monitoring returns. | | |
| 4 | Chief Finance and Investment Officer | Devise and maintain systems of budgetary control. | | |
| 5 | Chief Finance and Investment Officer | Annual accounts and reports. | | |
| 6 | Chief Finance and Investment Officer | Banking arrangements. | | |
| 7 | Chief Finance and Investment Officer | Income systems. | | |
| 8.12 | Chief Executive | Nominate an officer to oversee and manage the contract on behalf of the Trust. | |
| 8.13 | Chief Executive | Nominate officers to enter into contracts of employment, regrading staff, agency staff or consultancy service contracts. |
| 8.16 | Chief Executive | Best value for money is demonstrated for all services provided under contract or in-house.  Nominate an officer to oversee and manage the contract on behalf of the Trust | |
| 9 | Chief Executive | Negotiating contracts for provision of patient services. | | |
| 10 | Board  Chief Executive  Chief Executive  Remuneration Committee | Remuneration & Terms of Service Committee  Variation to funded establishment of any department.  Staff, including agency staff, appointments.  Report in writing to the Board its advice and its bases about remuneration and terms of service of directors and senior employees. | | |
| 10.4 | Chief Finance and Investment Officer  Executive Director of Workforce | Payroll – payment procedures  Payroll – determination of amounts, timetables and maintenance of records | | |
| 11.1 | Chief Executive | Determine, and set out, level of delegation of non-pay expenditure to budget managers. | | |
| 11.2.3 | Chief Finance and Investment Officer | Prompt payment of accounts. | | |
| 11.2.5 | Chief Executive | Authorise who may use and be issued with official orders. | | |
| 11.2.7 | Chief Executive | Ensure that Standing Orders are compatible with NHS Executive requirements re building and engineering contracts. | | |
| 11.3 | Chief Finance and Investment Officer  Chief Executive | Grants to local authorities and voluntary bodies up to £100,000 for provision of patient services.  Grants to local authorities and voluntary bodies up to £500,000 for provision of patient services. | | |
| 12 | Chief Finance and Investment Officer | Advise Board on borrowing and investment needs and prepare procedural instructions. | | |
| 14 | Chief Executive | Capital investment programme | | |
| 14.1.5 | Chief Finance and Investment Officer | Monitoring the capital programme. | | |
| 14.2 | Chief Finance and Investment Officer | Demonstrate that the use of private finance represents best value for money and transfers risk to the private sector. | | |
| 14.3 | Chief Finance and Investment Officer | Maintenance of asset registers | |
| 14.4 | Chief Executive | Overall responsibility for fixed assets. | | |
| 14.4 | All staff | Responsibility for security of Trust assets including notifying discrepancies to Chief Finance and Investment Officer, and reporting losses and damages in accordance with Trust procedure. | | |
| 15 | Chief Finance and Investment Officer | Responsible for systems of control over stores and receipt of goods. | | |
| 15.2 | Chief Executive | Identify persons authorised to requisition and accept goods from Supplies Trust stores. | | |
| 16.2 | Chief Finance and Investment Officer | Prepare procedures for recording and accounting for losses and special payments and informing NHS Executive of all frauds and informing police in cases of suspected arson or theft. | | |
| 17 | Chief Executive | Responsible for accuracy and security of computerised financial data. | | |
| 18.2 | Chief Executive | Responsible for ensuring patients and guardians are informed about patients' money and property procedures on admission. | | |
| 19 | Chief Finance and Investment Officer | Shall ensure each fund held on trust is managed appropriately (subject to the discretion and approval of the Trust and Charitable Funds Committee). | | |
| 21 | Chief Executive | Retention of document procedures | | |
| 22 | Chief Executive | Risk management programme | | |
| 22.4 | Chief Finance and Investment Officer | Insurance arrangements | | |

# 6. DETAILED SCHEME OF DELEGATION

The Scheme of Delegation shows only the “top level” of delegation within the Trust and indicates ultimate Board member responsibility. The Scheme is to be used in conjunction with the system of budgetary control and other established procedures within the Trust.

| **Delegated Matter** | **Authority Delegated To** | **Reference Documents** | |
| --- | --- | --- | --- |
|  |  |  | |
| 1. **Management of Budgets**   Responsibility for keeping expenditure within budgets  a) At individual budget level (Pay and Non Pay)    b) At Directorate level  c) For the totality of services covered by Clinical Service Manager, Admin and Clerical Service Manager or equivalent  d) For all other areas: | Designated budget manager  Responsible Director  Executive Directors  Chief Finance and Investment Officer or designated Executive Director | SFIs Section 4 | |
| 1. **SLAs and contracts**    1. Signing of contracts or SLAs for Services provided by the Trust for an amount of below £100,000 per annum    2. Signing of contracts or SLAs for Services provided by the Trust for an amount of less than £500,000 per annum    3. Signing of contracts for SLAs or services provided by the Trust for an amount of below £1,000,000 per annum    4. Signing of contracts for SLAs for services provided by the Trust for an amount of above £1,000,000 per annum    5. Ensuring that there is an SLA contract covering services provided by the Trust | Any Executive Director  Chief Finance and Investment Officer  Chief Executive  Chief Executive and Chief Finance and Investment Officer  Clinical Director | SFIs Section 9.1 | |
| 1. **Partnership Arrangements**   a) Signing of contracts and agreements for Partnership arrangements other than those described in section (2) above | Executive Director of Patient Services and Chief Executive |  | |
| 1. **Maintenance / Operation of Bank Accounts** | Chief Finance and Investment Officer | SFIs Section 6 | |
| **5. Non Pay Revenue and Capital Expenditure**  a) Approving aRequisition   1. All requisitions up to £999 2. All requisitions up to £4,999 3. All requisitions up to £9,999 4. all requisitions up to £24,999 5. all requisitions up to £99,999 6. all requisitions up to £249,999 7. all requisitions up to £499,999 8. all requisitions over £500,000 9. Pharmacy orders up to £99,999 10. Pharmacy orders over £100,000     b) Authorising an Invoice for Payment for Goods & Services acquired without purchase order or prior agreement of charges in writing in accordance with limits above.   1. up to £999 2. £1,000 to £4,999 3. £5,000 to £9,999 4. £10,000 to £24,999 5. £25,000 to £99,999 6. £100,000 to £249,999 7. £250,000 to £499,999 8. over £500,000 9. Pharmacy invoices up to £99,999 10. Pharmacy invoices over £100,000   With the exception of the Chief Finance and Investment Officer and the Chief Executive no one individual can approve a requisition and approve the same purchase order  c) Approving expenditure in excess of tender price up-to 10% or £15k whichever is the higher  d) Approving expenditure in excess of tender price > 10% or more that £15k.  e) Letters of intent  Up to £50,000  £50,000 – £100,000  £100,000 - £150,000  Over £150,000 | Ward Manager or equivalent  Designated budget manager  The responsible Associate Director  The responsible Clinical Director or equivalent  Any Executive Director  Chief Finance and Investment Officer and responsible director  Chief Finance and Investment Officer and any other Executive Director  Chief Executive and Chief Finance and Investment Officer  Trust Head of Pharmacy  Medical Director and Chief Finance and Investment Officer or Chief Executive  Ward Manager or equivalent  Designated budget manager  The responsible Associate Director  The responsible Clinical Director or equivalent  Any Executive Director  Chief Finance and Investment Officer and responsible Director  Chief Finance and Investment Officer and any other Executive Director  Chief Executive and Chief Finance and Investment Officer  Trust Head of Pharmacy  Medical Director and Chief Finance and Investment Officer or Chief Executive  Chief Finance and Investment Officer or Designated Executive Director  Chief Executive  Responsible Director  Responsible Director and Executive Director  Chief Finance and Investment Officer  Chief Executive | SFIs Section 8 | |
| **6. Capital Schemes**  Approval of Capital Schemes up to £250,000  Approval of capital schemes up to £1,000,000, previously approved in the Trust’s annual capital programme  Approval of virements to capital scheme budgets  within approved capital programme;   1. Up to £50,000 2. Over £50,000 3. Appointment of architects, quantity surveyors, consultant engineer and other professional advisors within EU regulations: 4. up to £25,000 5. over £25,000 6. Financial monitoring and reporting on all capital scheme expenditure ;   To the Trust Board  To the Executive Group / Senior Management Team   1. Granting and Termination of leases with annual rent <£100k 2. Granting and termination of leases of >£100k 3. Capital works orders after appropriate tendering / quotation: 4. Up to £99,999 5. £100,000 to £249,999 6. £250,000 to £999,999 7. £1,000,000 and over | Capital Review Group  Executive Board  Director of Estates & Facilities  Chief Finance and Investment Officer  Executive Director or Director of Estates & Facilities.  Chief Executive or Chief Finance and Investment Officer  Chief Finance and Investment Officer / nominated Deputy  Director of Estates and Facilities  Chief Finance and Investment Officer  Chief Executive and Chief Finance and Investment Officer  Director of Estates and Facilities  Chief Finance and Investment Officer & Director of Estates and Facilities  Chief Executive and Chief Finance and Investment Officer  Trust Board | SFIs Section 14 | |
|  |  |  | |
| **7. Approval of Business cases**   * + 1. **Capital Investment, equipment and estates expenditure**      * + - * Investment less than £50,000, (business case for capital expenditure format)       * Investment greater than £50,000 but less than £500,000 (business case in the capital format)       * Investment greater than £500,000 but less than £1m (prepare a business case in the capital format).       * Above £1m   **b)** **Limits of Authorisation for bids for new business**   * Less than £50,000 * Between £50,000 and £500,000 * Between £500,000 and £1.5m * Above £1.5m   **c) Other Service developments (use service development template)**   * less than £50,000 * between £50,000 and £500,000 * between £500,000 and £1m * Above £1m but below the Trust Delegated Limit. * All cases with investment greater than delegated limit – Follow 5 Case format and require TDA approval require SOC, OBC and FBC | Chief Finance and Investment Officer if within plan/budget  Trust Executive Team  Finance and Investment Committee  Trust Board  Responsible Director  Trust Executive Team  Finance and Investment Committee  Trust Board  Responsible Director if within plan/budget  Trust Executive Team  Finance and Investment Committee  Trust Board  Trust Board and TDA |  | |
| **8. Quotation, Tendering & Contract Procedures**  Authority to award after proper procedures :   1. Obtaining **2 minimum verbal quotations** for goods/services over £1,000 and up to £4,999 2. Obtaining **3 written quotations** for goods/services from £5,000 to £9,999 3. Obtaining **4 written quotations** for goods/services from £10,000 to £74,999   d) Obtaining **4 written competitive tenders** for goods/services from £75,000 to £249,999   1. Obtaining competitive tenders for goods/services over £250,000 2. Waiving of quotations & tenders subject to SFIs 3. Opening Tenders and Quotations  * Up to £100,000 * Over £100,000  1. Signing of contracts for Expenditure 2. Up to £24,999 3. £25,000 to £99,999 4. £100,000 to £249,999 5. £250,000 to £499,999 6. £500,000 to £999,999 7. Over £1,000,000 | Designated Budget manager  Designated budget manager and responsible  Director  Responsible Director and Head of Procurement  Director and Chief Finance and Investment Officer  Chief Executive and Chief Finance and Investment Officer  Two Executive Directors  Two senior Officers/managers  Executive Director + 1 senior Officer/manager  All Directors, and nominated deputies  Any Executive Director  Chief Finance and Investment Officer  Chief Executive  Chief Executive and Chief Finance and Investment Officer  Chief Executive and Chairman | SFIs Sections 8;  Reservation of Powers to the Board  1.7.3 | |
| **9. Setting of Fees and Charges**  a) Private Patients, Overseas Visitors, Income Generation and other patient related services.  b) Price of NHS Contracts  Charges for all NHS Contracts, be they block, cost per case, cost and volume, spare capacity, | Chief Finance and Investment Officer or nominated deputy  Chief Finance and Investment Officer and appropriate Director of service | SFIs Section 7  SFIs Section 7 | |
| **10. Engagement of Staff Not On the Establishment**  a) Non Medical Consultancy Staff  Where aggregate commitment in any one year (or total commitment) is less than £4,999    b) Where aggregate commitment in any one year is more than £5,000 and less than £24,999   1. Where aggregate commitment in any one year is more than £25,000   d) Engagement of Trust's Solicitors  e) Booking of Bank or Agency Staff | Budget Holder  Director of service or Executive Director  Chief Executive or Chief Finance and Investment Officer  Chief Executive or responsible Executive Director  Director of service or nominated deputy | SFIs Section 10 | |
| **11 Expenditure from Charitable and Endowment Funds**   Annual expenditure plans  Specific Expenditures | Trust and Charitable Funds Committee  Trust and Charitable Funds Committee  . | SFIs Section 19 | |
| **12. Property Agreements/Licenses**  a) Preparation and signature of all tenancy agreements/licenses for all staff subject to Trust Policy on accommodation for staff  b) Extensions to existing leases  c) Letting of premises to outside organisations  d) Approval of rent based on professional assessment | Director of service  Chief Finance and Investment Officer  Chief Finance and Investment Officer and Executive Director  Director of Estates and Facilities |  | |
| **13. Condemning & Disposal**  a) Items (excluding IT) obsolete, obsolescent, redundant, irreparable or cannot be repaired cost effectively    i) with current/estimated purchase price <£100    ii) with current purchase new price >£100    iii) disposal of mechanical and engineering plant (subject to estimated income of less than £1,000 per sale)  iv) disposal of mechanical and engineering plant (subject to estimated income exceeding £1,000 per sale)   1. IT equipment | Designated budget manager  Director of service  Director of Estates and Facilities  Chief Finance and Investment Officer  Chief Finance and Investment Officer and Chief Information Officer | SFIs Section 16 | |
| **14. Losses, Write-off & Compensation**  a) Losses and Cash due to theft, fraud, overpayment & others  Up to £50,000    b) Fruitless Payments (including abandoned Capital Schemes)  Up to £250,000    c) Bad Debts and Claims Abandoned. Private Patients, Overseas Visitors & Other  Up to £50,000    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 | Chief Executive and Chief Finance and Investment Officer  Chief Executive and Chief Finance and Investment Officer  Chief Executive or Chief Finance and Investment Officer  Chief Executive or Chief Finance and Investment Officer | SFIs Section 16 | |
| e) Compensation payments made under legal obligation    f) Extra Contractual payments to contractors  Up to £50,000  Over £50,000  Ex-Gratia Payments  g) Patients and staff for loss of personal effects  Less than £1,000  £1,000 to £50,000    h) For clinical negligence up to £249,999 (negotiated settlements)  For clinical negligence over £250,000  i) For personal injury claims involving negligence where legal advice has been obtained and guidance applied  Up to £249,999 (including plaintiff's costs)  Over £250,000    j) Other, except cases of maladministration where there was no financial loss by claimant £50,000  k). Write off of Debtors | Chief Executive or Chief Finance and Investment Officer  Chief Executive or Chief Finance and Investment Officer  Board approval  Chief Finance and Investment Officer  Chief Executive and Chief Finance and Investment Officer  Board approval  Chief Executive and Chief Finance and Investment Officer  Chief Executive and Chief Finance and Investment Officer  Board approval  Chief Executive and Chief Finance and Investment Officer  Chief Finance and Investment Officer and reported to Audit Committee | Reservation of Powers to the Board 1.7.4 | |
| **15. Reporting of Incidents to the Police**  a) Where a criminal offence is suspected  i) criminal offence of a violent nature  ii) other  b) Where a fraud is involved | Duty Manager  Director of service  Director of service and Chief Finance and Investment Officer | SFIs Section 2 & 16 | |
| **16. Petty Cash Disbursements**  a) Expenditure up to £50 per claim  b) Expenditure in excess of £50 per claim  c) Reimbursement of patients monies up to £50  d) Reimbursement of patients monies in excess of £50 | Petty Cash Holder  Petty Cash holder and Head of Financial Control or nominated deputy  Doctor/ward manager  Doctor/ward manager and Head of Financial Control or nominated deputy | SFIs Section 6 | |
| **17. Receiving Hospitality**  Applies to both individual and collective hospitality receipt items.  In excess of £25.00 per item received | Director of service to register with Chief Executives Office. |  | |
| **18. Implementation of Internal and External Audit Recommendations**  **19. Maintenance & Update on Trust Financial Procedures**  **20. Investment of Funds (including Charitable & Endowment Funds)**  **21. Personnel & Pay**  a) Authority to fill funded post on the establishment with permanent staff.  b) Authority to appoint staff to post not on the formal establishment.  c) Variation to Pay  All requests for variations shall be dealt with in accordance with Trust procedures  d) Upgrading & Regrading  All requests for upgrading/regrading shall be dealt with in accordance with Trust Procedure  e) Establishments  i) Additional staff to the agreed establishment within specifically allocated finance.  ii) Additional staff to the agreed establishment without specifically allocated finance. | Responsible Director  Chief Finance and Investment Officer  Chief Finance and Investment Officer  All Directors  Executive Director  All Directors and Executive Director of Workforce  All Directors and Executive Director of Workforce  All Directors  Chief Executive or Chief Finance and Investment Officer | SFIs Section 2  SFIs Sections 1  SFIs Section 10 | |
| f) Pay  i) Authority to complete standing data forms effecting pay, new starters, variations and leavers  ii) Authority to complete and authorise positive reporting forms    iii) Authority to authorise overtime    iv) Authority to complete and authorise positive reporting forms  v) Authority to authorise travel & subsistence expenses  vi) Approval of Performance Related Pay Assessment | Executive Director of Workforce or nominated deputy  Director of service  Director of service  Director of service  Director of service  Remuneration Committee |  | |
| g) Leave  i) Approval of annual leave  ii) Annual leave - approval of carry forward (up to maximum of 5 days or in the case of Ancillary & Maintenance staff as defined in their initial conditions of service).  iii) Annual leave - approval of carry over in excess of 5 days  iv) Compassionate leave up to 3 days | Immediate line manager  Immediate line manager  Director of service  Immediate line manager | Agenda for Change Conditions of Service | |
| v) Compassionate leave up to 6 days  vi) Special leave arrangements  \* carers leave - up to 1 working week per annual leave year    vii) Leave without pay  viii) Medical Staff Leave of Absence (paid and unpaid)  ix) Time off in lieu  x) Maternity Leave - paid and unpaid | All Directors  Immediate line manager  Immediate line manager  Medical Director in conjunction with Director of service  Immediate line manager  Automatic approval with guidance |  | |
| h) Sick Leave  i) Extension of sick leave on half pay up to three months    ii) Return to work part-time on full pay to assist recovery  iii) Extension of sick leave on full pay | Director in conjunction with Assistant Director of Workforce  Director in conjunction with Assistant Director of Workforce  Director in conjunction with Assistant Director of Workforce |  | |
| i) Study Leave  i) Study leave | Director of Service or nominated deputy |  | |
| j) Removal Expenses, Excess Rent and House Purchases  Authorisation of payment of removal expenses incurred by officers taking up new appointments (providing consideration was given during the appointment process and included in the formal offer of appointment being made).  i) up to £5,000  ii) over £5,000 | Director and Assistant Director of Workforce  Chief Executive |  | |
| k) Grievance Procedure  All grievances cases must be dealt with strictly in accordance  with the Grievance Procedure and the advice of a Human Resources Officer must be sought when the grievance reaches the level of Director | Assistant Director of Workforce | Trust Grievance Procedure | |
| l) Mobile Phone Users    Requests for new posts to be authorised as mobile telephone users | Director or Assistant Director |  | |
| m) Renewal of Fixed Term Contract | Director |  | |
| n) Redundancy | Assistant Director of Workforce and All Directors |  | |
| o) Premature retirement  p) Ill Health Retirement  Decision to pursue retirement on the grounds of ill-health | As per Trust Policy  As per Trust Policy |  | |
| r) Dismissal | All Directors and or dismissing officer as per Trust Policy | Disciplinary Procedures | |
| **22. Monitoring and Reporting of New Drugs**     * + - Estimated total yearly cost up to £25,000     - Estimated total yearly cost above £25,000 | Medical Director  Drugs and Therapeutic Committee and Executive Director and referred to Audit Committee for information | SFIs Section 9 | |
| **23. Authorisation of Sponsorship deals** | Directors |  | |
| **24. Authorisation of Research Projects** | Chairman of Research Committee, Director of R&D |  | |
| **25. Authorisation of Clinical Trials** | Ethics Committee and Director of R&D |  | |
| **26. Insurance Policies and Risk Management** | Chief Executive and Chief Finance and Investment Officer  Executive Director of Nursing, Quality and Governance | SFIs Section 22 | |
| **27. Patients & Relatives Complaints**  a) Overall responsibility for ensuring that all complaints are dealt with effectively  b) Responsibility for ensuring complaints relating to a directorate are investigated thoroughly.    c) Medico - Legal Complaints  Co ordination of their management. | Clinical Director  Clinical Director  Chief Executive |  | |
| **28. Relationships with Press**    Enquiries   * + Within Hours   + Outside Hours | Chief Executive or nominated officer  Officer on call or Director |  | |
| **29. Management of Infectious Diseases & Notifiable Outbreaks** | Medical Director |  |
| **30. Facilities for staff not employed by the Trust to gain practical experience**   * + Professional Recognition, Honorary Consultant Contracts, & Insurance of Medical Staff.   + Other contracts   + Work experience students | Executive Management Team  Relevant Executive Director  Assistant Director of Workforce |  |
| **31. The keeping of a Declaration of Interests Register** | Chief Executive | SOs Section 7 |
| **32. Attestation of sealings in accordance with Standing Orders** | Chairman/Chief Executive | SOs Section 8 |
| **33. The keeping of a register of Sealings** | Chief Executive | SOs Section 8 |
| **34. Retention of Records** | Chief Executive | SFIs Section 21 |
| **35. Clinical Audit** | Chief Executive | SFIs Section 22 |

**GLOSSARY OF TERMS**

In this Scheme of Delegation the following titles will apply:

|  |  |
| --- | --- |
| **Title** | **Definition** |
|  |  |
| Chairman | Chairman of the Trust |
| Chief Executive (CE) | Chief Executive of the Trust |
| Chief Finance and Investment Officer (CFIO) | Director with responsibility for the Finance department |
| Executive Director | Member of the Trust Board |
| Director | Member of the Executive Group (excluding Executive Director) |
| Director of Service | All Directors. |
| Budget manager | Officer with designated responsibility for managing a defined budget or range of budgets |
| Responsible Director | Director responsible for the function |
| Senior Officer | Assistant Director or above |