

**APPENDIX VIII:**

**SCHEME OF DELEGATION**

	<b>DESCRIPTION</b>	<b>ROLE OF TRUST BOARD</b>	<b>DELEGATION OF AUTHORITY</b>	
			<b>Chairman</b>	<b>Chief Executive</b>
1.	STANDING ORDERS & STANDING FINANCIAL INSTRUCTIONS	<p>Approves Standing Orders and Standing Financial Instructions</p> <p><u>Approves suspension of Standing Orders.</u></p> <p><u>Audit Committee to monitor compliance with Standing Orders and Standing Financial Instructions.</u></p> <p><u>Audit Committee to review every decision to suspend Standing Orders.</u></p>	<p><u>Final authority in the interpretation of Standing Orders</u></p> <p><u>The powers which the Board has retained in itself within these Standing Orders may in emergency be exercised by the Chairman and Chief Executive having consulted at least two NEDs.</u></p>	<p>Responsible for the creation/submission of Standing Orders and necessary changes</p>
2.	AUDIT ARRANGEMENTS	<p>Approves Audit arrangements through the Audit Committee</p> <p>Decides on action in response to the external auditors' management letter</p> <p>Receives the minutes of the Audit Committee</p> <p><u>Audit Committee to advise the Board on Internal and External Audit Services.</u></p>		<p>Submits the External Auditors management letter to the Trust Board.</p> <p><u>To follow though the implementation of all recommendations affecting good practice as set out in reports from such bodies as the Audit Commission and the National Audit Office.</u></p>
3.	APPOINTMENTS	<p>Appointment of the Chief Executive and the Executive Trust Board Directors</p> <p><u>Approval of the financial resources for overall establishment within the Service Plan</u></p>	<p><u>The Chairman shall liaise with the NHS Appointments Commission over the appointment of NEDs and once appointed shall take responsibility, either directly or indirectly, for their induction, their portfolios of interest and assignment and performance.</u></p>	<p>Appointment of all other Directors</p>

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			Chairman	Chief Executive
			<del>Recommendation of appointment of non-executive directors to the NHSE Regional Office.</del>	
4.	DISMISSALS	<p>Approve the arrangements for the discipline and dismissal of staff</p> <p>Nomination of a panel to hear appeals against dismissal brought by the Chief Executive or Executive Trust Board Directors</p>	<p>Dismissal of the Chief Executive and Executive Trust Board Directors</p> <p>Nomination of a panel to hear appeals against dismissal brought by Directors who are not members of the Board.</p>	<p>Dismissal of any non Trust Board Director</p> <p>Nomination of a panel of Directors to hear appeals against dismissal by staff below Director level</p>
5.	<b>REMUNERATION AND TERMS OF SERVICE FOR THE CHIEF EXECUTIVE, DIRECTORS AND OTHER SENIOR OFFICERS</b>	<p>Decides the Directors' remuneration and terms of service on the recommendation of the Remuneration <del>and Terms of Service</del> Committee.</p> <p>Decides performance related payments to the Chief Executive.</p> <p><u>The Remuneration Committee shall report in writing to the Board the basis of its recommendations.</u></p>	Recommends performance related payments for the Chief Executive	Decides performance related pay awards for Directors and all staff on performance related pay
6.	HUMAN RESOURCES POLICY, DISPUTES/ ARBITRATION/ DISCIPLINARY MATTERS	<p>Approves all Human Resources policies</p> <p>Approves premature retirement for the Chief Executive and all Directors</p>	Initiates action on disciplinary matters relating to the Chief Executive and/or Directors	<p>Determines submissions to the Trust Board</p> <p>Approves premature retirement for staff up to Director level</p> <p>Settle disputes in line with the agreed disputes procedure</p>
7.	SERVICE PLAN, BUDGET, ANNUAL REPORT AND ACCOUNTS	<p>Receives and decides on reports submitted by the Chief Executive and/or Director of Finance <del>and Business Planning</del></p> <p><u>Approve Service Plan and budget before commencement of financial year</u></p> <p><u>Approve annual report and</u></p>		<p>Compiles and submits an annual service plan to the Trust Board.</p> <p>Approves financial reports for submission to the Trust Board.</p> <p>Compiles and submits an annual report for the Trust</p>

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			Chairman	Chief Executive
		<u>accounts.</u>  <u>Audit Committee to review the annual financial statement prior to submission to the Board.</u>		to the Trust Board.  <u>Approves budget for submission.</u>
8.	<b>Making Ex-Gratia Payments in respect of liability claims where legal advice has indicated a case can be made for LAS liability which would need to be contested in court or tribunal.</b>	Notes delegated action taken.  Approves all payments in excess of £500,000.	Approves all payments above £250,000 and up to £500,000, subject to a report from the Chief Executive.	<b>Chief Executive to approve all payments up to £250,000.</b>
	a. Payment in respect of Clinical Negligence claim.	As above	As above	Approves payments above £10,000 and up to £250,000, subject to a report from the Director of Finance.
	<b>b. Payment resulting from tribunal.</b>	As above	As above	Approves payments above £50,000 and up to £250,000, subject to a report from the Directors of Finance and Human Resources.

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	<b>c. Payment Resulting from Claims relating to the Property Expenses Scheme.</b>	As above	As above	
	d. All other Public and Employer Liability Claims including personal Injury	As above	As above	Approves payments above £50,000 and up to £250,000, subject to a report from the Director of Finance ( <u>for claims not admitted to the NHSLA Indemnity Scheme</u> ).
	e. Making Ex-Gratia Payments in circumstances other than those above (including where legal advice has not been obtained).	Approves Delegated action taken. Approves all payments in excess of £500,000.	Approves all payments above £250,000 and up to £500,000, subject to a report from the Chief Executive.	Approves ex-gratia payments up to DoH Limit (Currently £50,000) where no legal advice is available.  Approves payments up to £250,000 where legal advice is available, subject to a report from the Finance Director.
9.	INSURANCE ARRANGEMENTS	Approves insurance arrangements.		Reports to Board on potential insurable risks and associated costs

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			Chairman	Chief Executive
10.	<b>MANAGEMENT OF LAND AND BUILDINGS</b>	<p>Approves the general policy in respect of acquisition, sale, exchange or reservation of land and buildings</p> <p>Authorises the sale and purchase of land within delegated limits by the Secretary of State</p> <p><u>Approves acquisition or disposal of land or the granting or taking of a lease with payments over the life of the lease over £1m</u></p>	<p>Approves arrangements in conjunction with the Chief Executive, for granting/taking a lease of property <u>up to £1m per annum over the period of the lease.</u></p>	<p>Approves arrangements in conjunction with the Chairman, for granting/taking a lease of property <u>up to in excess £100,000 up to £250,000 over the period of the lease</u></p> <p><u>Ensures that there is adequate appraisal and approval process for determining capital expenditure priorities and the effect that each has on plans</u></p> <p><u>Responsible for the management of capital schemes and for ensuring that they are delivered on time and within costs. Ensure that capital investment is not undertaken without available of resources to finance all revenue consequences. Ensure that a business case is produced for each proposal.</u></p> <p><u>Maintenance of asset register (on advice from the Director of Finance)</u> <u>Overall responsibility for fixed assets.</u></p>
11	<p><b><u>CAPITAL EXPENDITURE</u></b></p> <p><u>(other than land and buildings)</u></p> <p>a Acquisitions</p>	<p>Approval of capital expenditure in excess of £1m on high risk projects or complex transactions following consideration of the</p>		<p><u>Approves expenditure, along with 1 Executive Director and the Director of Finance and Business</u></p>

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			Chairman	Chief Executive
		Outline Business Case, Full Business Case and Strategic Outline Case.		<p><del>Planning, (not being the same person), amounting to between £250,000 and £1 million following consideration of the submitted Combined Business Case.</del></p> <p>Approves arrangements, in conjunction with the Chairman, of an acquisition in excess of £100,000 up to <u>£250,000</u></p>
	b Disposals (with the exception of land and buildings)	<p>Approve of disposals with an Open Market Value (OMV) of more than £1 million following consideration of the submitted Outline Business Case (OBC) and Full Business Case (FBC).</p> <p>Approve of disposals on high risk projects or complex transactions following consideration of the OBC, FBC and Strategic Outline Case.</p>		Approves disposals, along with 1 Executive Director and the Director of Finance <del>and Business Planning</del> , (not being the same person), with an OMV of between £250,000 and £1 million, following consideration of the submitted Combined Business Case.
12.	BANKING	Approves the Banking arrangements		
13.	MANAGEMENT OF CHARITABLE	Approves the composition and terms of reference of the		

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			Chairman	Chief Executive
	FUNDS	<p>Charitable Funds Committee <u>Receipts and approves the annual report and accounts for funds held on trust.</u></p> <p><u>The Charitable Funds Committee</u> sets overall policy on investment. <u>The Charitable Funds Committee presents and receives annual progress reports on the update of the Trust's charitable funds</u></p>		
14.	MANAGEMENT AND CONTROL OF STOCKS			
15.	RECORDING AND MONITORING OF PAYMENTS UNDER THE LOSSES AND COMPENSATION REGISTER	Approves the writing off of losses within the limits delegated to it by the DoH on the recommendation of the Audit Committee		
16.	SIGNING TENDERS SUBMITTED BY THE TRUST	<p>Approves arrangements for submission of tenders</p> <p><u>Approves PTS tenders with an annual value of over £1m.</u></p>		To sign tenders with an annual value of over £500,000 in conjunction with the Director of Finance.

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			Chairman	Chief Executive
				For PTS tenders only with an annual value of <u>up to £1m</u> to be signed by the <u>CE and Finance Director.</u>
17.	TENDERING PROCEDURES  a General	<p>Agrees Standing Orders regarding tendering</p> <p>Approves exceptions to Standing Orders regarding Competitive Tendering</p> <p>May waive the requirement for competitive tendering for goods and services valued at over £200,000 <u>except where subject to EU procurement regulations.</u></p> <p><u>All waiving of the competitive tendering must be reported to the Audit Committee.</u></p>		<p>Ensures compliance with Standing Orders.</p> <p>May authorise exceptions to Standing Orders in an urgent situation following consultation with the Chairman or Vice Chairman under Standing Order 42.</p> <p>The provisions of the following paragraph apply where EU procurement regulations have been satisfied.</p> <p>May waive the requirement for competitive tendering for goods and services up to £200,000 in conjunction with the Finance Director of <del>Finance and Business Planning.</del></p> <p>May, where insufficient tenders are received, authorise the originating Directors to approach known firms with a view to procuring the goods or services required.</p>
18.	TENDERING PROCEDURES  b Limits	<p><u>Ensures that proper tendering arrangements are in place.</u></p> <p><del>Ensures that competing quotations are received for non-estates purchases between £3,000 and £25,000 and for Estates purchases between</del></p>		Ensures that competitive tenders are received for non-estate purchases above £25,000 and estate purchases over £100,000



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			Chairman	Chief Executive
		<del>£3,000 and £100,000 except where ordered through NHS Supplies. Ensures that competitive tenders are received for non-estate purchases above £25,000 and estate purchases over £100,000.</del>		
	TENDERING PROCEDURES  c Receipt on Opening			<p>Chief Executive shall nominate officers, including the Trust Secretary to open tenders.</p> <p>May accept late tenders, despatched in good time but delayed through no fault of the tenderers.</p> <p>May, in conjunction with the Director of Finance and Business Planning, accept tenders which otherwise are received other than by the due date.</p>
	TENDERING PROCEDURES  d Post Tendering			<p>May authorise post tender negotiations.</p>
	TENDERING PROCEDURES  e Approvals			<p>Decides where a tender, other than the lowest, if payment is to be made by the Trust, or other than the highest, where</p>

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			Chairman	Chief Executive
				<p>payment is to be received by the Trust, shall be accepted.</p> <p>Approves all non-competitive tenders subject to report to the Board.</p>
19.	<b>APPOINTMENT OF MANAGEMENT CONSULTANTS</b>	Approves appointment of consultants contracts in excess of <del>£30,000</del> <u>£100,000</u>	Approves appointments to contracts <del>above £500,000 up to £1m</del> <u>£75,000-100,000</u> and all cases where competition is considered inappropriate	Approves appointments to contracts between <del>£10,000 and £30,000</del> <u>£50,000-75,000</u> and all cases where competition is considered inappropriate.
20.	COMPLAINTS AGAINST THE TRUST	<p>Approves the Trust's Complaints Procedure.</p> <p>Receive reports regarding complaints about any aspect of service.</p>		Is responsible for the management of complaints within the Trust and personally signs responses to all written complaints.
21.	PAYMENT UNDER LEGAL OBLIGATIONS	Considers action in respect of claims and legal proceedings where the cost exceeds £100,000.		<p>Determines action in respect of claims and legal proceedings where the cost is less than £100,000.</p> <p>Approves compensation payments made under legal obligation subject to consultation with the Finance <del>and Business Planning</del> Director</p>
22.	OPERATION OF ALL DETAILED FINANCIAL MATTERS INCLUDING BANK ACCOUNTS AND BANKING PROCEDURES	Sets overall policy and strategy for the financial performance of the Trust within the requirements of the Secretary of State.		<p>Overall responsibility for the performance of the Trust, subject to accountability to the Trust Board.</p> <p>Delegation of responsibility for Budgets to Executive Directors and agreement to virement.</p>

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			Chairman	Chief Executive
23.	RAISING ORDERS & <u>PURCHASING BY OTHER MEANS.</u>	Defines policy on the raising of orders for goods, supplies and services		
24.	<b>DELEGATION OF BUDGETS</b>	<p>Agrees financial plans and approves budget <u>before</u> at the start of the financial year.</p> <p>Approves requests from the Chief Executive for virement in excess of £1 million.</p> <p><u>Approves all revenue contracts over £1million</u></p>	Approves requests from the Chief Executive for virement up to £1m	<p>Can authorise virement from non-pay to pay budgets.</p> <p>Can authorise virement between headings up to £500,000</p> <p><u>No permanent employees are to be appointed without the approval of the Chief Executive other than those provided for within available resources and manpower establishment.</u></p>
26.	SEALING AND	Trust Board receives a report of	Seal to be affixed by	Seal to be affixed by the

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	SIGNING OF DOCUMENTS	all sealings.	the Chairman and the Chief Executive or another Executive Director in accordance with standing orders.  <u>Chairman, Chief Executive and an Executive Director to approve and sign all documents which will be used in legal procedures.</u>	Chief Executive in accordance with standing orders.  <u>Chief Executive and an Executive Director to approve and sign all documents which will be used in legal procedures.</u>
27.	MANAGEMENT AND CONTROL OF COMPUTER SYSTEMS AND FACILITIES	Approves the overall corporate IT Policy on procurement and control of systems and facilities on the recommendation of the Director of <u>Information Management &amp; Technology</u> .		

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			Chairman	Chief Executive
28.	HEALTH AND SAFETY ARRANGEMENTS	Approves overall policy on Health and Safety at work.		Responsible for an effective overall Health and Safety system within the Trust and compliance with legislative requirements.
29.	EDUCATION AND TRAINING	Approves the policy on education and training		Submits policy to the Trust Board
30.	NON-EXECUTIVE, EXECUTIVE DIRECTORS ISSUES (VISITS, HOSPITALITY, ETC)	Approves overall policy on hospitality and visits.	<u><a href="#">The Chairman to advise the Appointments Commission-Secretary of State on the performance of Non-Executive board members</a></u>	Brings guidelines to the attention of all Directors.

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			Chairman	Chief Executive
31.	DATA PROTECTION	Approves policy on Data Protection		
32.	<u>FREEDOM OF INFORMATION</u>	<u>Approves Freedom of Information Policy.</u>  <u>Receives an annual report on the implementation of the policy.</u>		
33.	<u>FRAUD</u>			
34.	<u>RISK MANAGEMENT</u>	<u>Approve and monitor risk management programme</u>  <u>The Audit Committee shall review the establishment and</u>		

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		<p><u>maintenance of an effective system of integrated governance, risk management and internal control across the whole of the organisation's activity both clinical and non-clinical that support the achievement of the organisation's objectives.</u></p> <p><u>Decide whether the Trust will use risk pooling scheme administered by the NHS Litigation Authority or self insure for some or all of the risks (where discretion is allowed). Decisions to self-insure should be reviewed annually.</u></p>		