



South Eastern Health  
and Social Care Trust

# RESERVATION AND DELEGATION of POWERS

**January 2016**

June 2017

## SECTION C – SCHEME OF RESERVATION AND DELEGATION

### Powers Reserved To The Board

<b>Area</b>	<b>Approval Level</b>	<b>Basis of Authority</b>
General Enabling Provision	Trust Board	Code of Conduct & Accountability
Standing Orders	Trust Board	Code of Conduct & Accountability
Establishment of Board Sub Committees, Terms of Reference and Reporting Arrangements	Trust Board	Code of Conduct & Accountability
Standing Financial Instructions	Trust Board	Code of Conduct & Accountability
Strategy, Plans ,and Budgets	Trust Board	Code of Conduct & Accountability
Performance	Trust Board	Code of Conduct & Accountability
Approval of Annual Accounts and Annual report	Trust Board	Code of Conduct & Accountability
Approval of Trust Banking Arrangements	Trust Board	Code of Conduct & Accountability

## Appendix 1 – Powers reserved to the Board

REF	RESERVED TO / DELEGATED TO	SCHEME OF RESERVATION AND DELEGATION OF POWERS
NA	The Board	<p><b>General Enabling Provision</b></p> <p>The Board may determine any matter, for which it has delegated or statutory authority, in full session within its statutory powers.</p>
NA	The Board	<p><b>Standing Orders</b></p> <ol style="list-style-type: none"> <li>1. Approve Standing Orders (SOs), a schedule of matters reserved to the Board and Standing Financial Instructions for the regulation of its proceedings and business.</li> <li>2. Suspend Standing Orders.</li> <li>3. Vary or amend the Standing Orders.</li> <li>4. Ratify any urgent decisions taken by the Chairman and Chief Executive in public session in accordance with SO 5.2</li> <li>5. Approve a scheme of delegation of powers from the Board to committees.</li> <li>6. 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.</li> <li>7. Require and receive the declaration of officers' interests that may conflict with those of the Trust.</li> <li>8. Approve arrangements for dealing with complaints.</li> <li>9. Adopt the organisation structures, processes and procedures to facilitate the discharge of business by the Trust.</li> </ol> <p><b>Board Sub Committees</b></p> <ol style="list-style-type: none"> <li>1. Receive reports from committees including those that the Trust is required by the Minister for Health or other 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.</li> <li>2. Approve arrangements relating to the discharge of the Trust's responsibilities as a corporate trustee for funds held on trust.</li> <li>3. Establish terms of reference and reporting arrangements of all committees and sub-committees that are established by the Board.</li> <li>4. Approve arrangements relating to the discharge of the Trust's responsibilities as an appointee for patients' and clients' property.</li> <li>5. Authorise use of the seal.</li> <li>6. Discipline members of the Board who are in breach of statutory requirements or SOs.</li> </ol>

REF	RESERVED TO / DELEGATED TO	SCHEME OF RESERVATION AND DELEGATION OF POWERS
NA	The Board	<p><b>Strategy, Plans and Budgets</b></p> <ol style="list-style-type: none"> <li>1. Define the strategic aims and objectives of the Trust.</li> <li>2. Approve proposals for ensuring quality and developing clinical and social care governance in services provided by the Trust, having regard to any guidance issued by the Minister for Health.</li> <li>3. Approve the Trust's policies and procedures for the management of risk.</li> <li><del>4. Approve Outline and Final Business Cases for Capital Investment.</del></li> <li><del>5.4.</del> Approve budgets.</li> <li><del>6.5.</del> Approve annually Trust's proposed organisational development proposals.</li> <li><del>7.6.</del> Ratify proposals for acquisition, disposal or change of use of land and/or buildings.</li> <li><del>8.7.</del> Approve PFI proposals.</li> <li><del>9.8.</del> Approve the opening of bank accounts and Trust banking arrangements.</li> </ol>
	The Board	<p><b>Monitoring of Performance</b></p> <ol style="list-style-type: none"> <li>1. Receipt of such reports as are required by statute or DHSS&amp;PS regulation and other such reports as the Board sees fit from committees in respect of their exercise of powers delegated.</li> <li>2. Continuous appraisal of the affairs of the Trust by means of the provision of such reports to the Board as the Board may require from directors, committees, and officers of the Trust. All monitoring returns required by the DHSS&amp;PS shall be reported, at least in summary, to the Board.</li> <li>3. Receive reports from the Director of Finance on financial performance against budget and Trust Delivery Plan.</li> </ol>
NA	The Board	<p><b>Annual Reports and Accounts</b></p> <ol style="list-style-type: none"> <li>1. Receipt and approval of the Trust's Annual Report and Annual Accounts.</li> <li>2. Receipt and approval of the Accounts for funds held on trust.</li> <li>3. Receipt and approval of the Accounts for patients' property.</li> </ol>

**DECISIONS/DUTIES DELEGATED BY THE BOARD TO COMMITTEES**

REF	COMMITTEE	DECISIONS/DUTIES DELEGATED BY THE BOARD TO COMMITTEES
	Audit Committee	<p>The Committee will:</p> <ol style="list-style-type: none"> <li>1. Advise the Board on internal and external audit services;</li> <li>2. The Committee shall review the establishment and maintenance of an effective system of integrated governance, risk management and internal control, across the whole of the organisation's activities (both clinical and non-clinical), that supports the achievement of the organisation's objectives;</li> <li>3. Monitor compliance with Standing Orders and Standing Financial Instructions;</li> <li>4. Review schedules of losses and compensations.</li> <li>5. Review the annual financial statements for public funds, charitable funds and patients property prior to submission to the Board</li> <li>6. Receive the annual management letter from the external auditor and agreement of proposed action,</li> <li>7. Receive an annual report from the Internal Auditor and agree action on recommendations</li> </ol>
	Remuneration and Terms of Service Committee	<p>The Committee will:</p> <ol style="list-style-type: none"> <li>1. Advise the Board about appropriate remuneration and terms of service for the Chief Executive and other Senior Executives including: <ul style="list-style-type: none"> <li>• All aspects of salary (including any performance-related elements/bonuses);</li> <li>• Provisions for other benefits;</li> <li>• Arrangements for termination of employment and other contractual terms;</li> <li>• Make recommendations to the Board on the remuneration and terms of service of executive directors and senior employees to ensure they are fairly rewarded for their individual contribution to the Trust - having proper regard to the Trust's circumstances and performance and to the provisions of any national arrangements for such staff;</li> <li>• Proper calculation and scrutiny of termination payments taking account of such national guidance as is appropriate advise on and oversee appropriate contractual arrangements for such staff;</li> </ul> </li> <li>2. The Committee shall report in writing to the Board the basis for its recommendations.</li> </ol>
	Governance Assurance Committee	<p>The Governance Assurance Committee will :</p> <ol style="list-style-type: none"> <li>1. Advise the Board on Governance Assurance issues;</li> <li>2. Review the development and maintenance of an effective system of integrated governance and internal control across the whole of the organisation's activities (both clinical and non-clinical) that supports the achievement of the organization's objectives.</li> <li>3. In particular, the Committee will:</li> </ol>

REF	COMMITTEE	DECISIONS/DUTIES DELEGATED BY THE BOARD TO COMMITTEES
		<ul style="list-style-type: none"> <li>a. Review the adequacy of underlying assurance processes, and the Board Assurance Framework;</li> <li>b. Review the adequacy of all governance and risk management and control related disclosures statements</li> <li>c. Review the adequacy of the policies for ensuring compliance with the relevant regulatory, legal and code of conduct requirements, including Standing Orders</li> <li>d. Review the adequacy of the strategies for integrated governance; and</li> <li>e. The annual work plans of the Corporate Control and Safety &amp; Quality Committees</li> </ul>
	Charitable Funds Committee	<p>The Charitable Trust Funds will:</p> <ul style="list-style-type: none"> <li>1. oversee the administration, including banking arrangements of Charitable Funds, their investment and disbursement.</li> <li>2. ensure funds are applied in accordance with legislation, policies and procedures relevant to charitable funds in accordance with Standing Financial Instructions and other associated regulations.</li> </ul>
	Finance Committee	<p>The Finance Committee will:</p> <ul style="list-style-type: none"> <li>1. review in detail the annual revenue and capital budget, so as to be able to confirm to the Trust Board the basis of acceptance.</li> <li>2. review the financial monitoring information in sufficient detail to advise the Trust Board, with confidence, concerning the financial performance of the Trust.</li> <li>3. keep Directors up to date regarding the financial outlook for the Trust, and to review the key financial assumptions used in estimating the projected position.</li> <li>4. review other performance monitoring information relevant to financial performance.</li> <li>5. review achievement of cost improvements and income generation activities in line with the Trust Delivery Plan.</li> <li>6. review and approve relevant fees and charges on an annual basis.</li> <li>7. review financial reporting (ongoing on a regular basis).</li> <li>8. receive regular updates on actions taken by the Director of Finance &amp; Estates to ensure the provision of effective and sound financial management and information.</li> <li>9. ensure the Director of Finance &amp; Estates provides assurance that adequate training is delivered on an on-going basis to budget holders to enable them to manage their responsibilities.</li> <li>10. <u>Review and approve Capital Business Cases over £0.5m (£0.25m ICT)</u></li> <li>10.11. <u>Oversee the Trust's capital programme.</u></li> </ul>

## SCHEME OF DELEGATION DERIVED FROM THE ACCOUNTABLE OFFICER MEMORANDUM

REF	DELEGATED TO	DUTIES TO BE DELEGATED / RESERVED
7	Chief Executive	Accountable through HPSS Accounting Officer to Parliament / NI Assembly for stewardship of Trust resources
9	Chief Executive	Ensure the accounts of the Trust are prepared under principles and in a format directed by the DHSS&PS. Accounts must disclose a true and fair view of the Trust's income and expenditure and its state of affairs. Sign the accounts on behalf of the Board.
10	Chief Executive	Sign a statement in the accounts outlining responsibilities as the Accountable Officer. Sign a statement in the accounts outlining responsibilities in respect of Internal Control.
12 & 13	Chief Executive	Ensure effective management systems that safeguard public funds and assist the Trust Chairman to implement requirements of corporate governance including ensuring managers: <ul style="list-style-type: none"> <li>• "have a clear view of their objectives and the means to assess achievements in relation to those objectives</li> <li>• be assigned well defined responsibilities for making best use of resources</li> <li>• have the information, training and access to the expert advice they need to exercise their responsibilities effectively."</li> </ul>
12	Chief Executive	Implement requirements of corporate governance.
13	Chief Executive	Achieve value for money from the resources available to the Trust and avoid waste and extravagance in the organisation's activities. Follow through the implementation of any recommendations affecting good practice as set out on reports from the Northern Ireland Audit Office (NIAO).
15	Chief Executive	Operational responsibility for effective and sound financial management and information.
15	Chief Executive	Primary duty to see that DoF discharges the function of providing effective and sound financial management and information.
16	Chief Executive	Ensuring that expenditure by the Trust complies with Parliamentary / NI Assembly requirements.
18	Chief Executive	to ensure appropriate advice is given to the Board on all matters of probity, regularity, prudent and economical administration, efficiency and effectiveness.
19	Chief Executive	If the Chief Executive considers that the Board or Chairman is doing something that might infringe probity or regularity, he/she should set this out in writing to the Chairman and the Board. If the matter is unresolved, he/she should ask the Audit Committee to inquire and if necessary the DHSS&PS.
21	Chief Executive	If the Board is contemplating a course of action that raises an issue not of formal propriety or regularity but affects the Chief Executive's responsibility for value for money, the Chief Executive should draw the relevant factors to the attention of the Board. If the outcome is that you are overruled it is normally sufficient to ensure that your advice and the overruling of it are clearly apparent from the papers. Exceptionally, the Chief Executive should inform the DHSS&PS. In such cases, the Chief Executive should as a member of the Board vote against the course of action rather than merely abstain from voting.

