

Schedule 1

MODEL SCHEME OF RESERVATION AND DELEGATION OF POWERS

**his Schedule forms part of, and shall have effect as if incorporated in the
University Health Board Standing Orders**

MODEL SCHEME OF RESERVATION AND DELEGATION OF POWERS

Introduction

As set out in Standing Order 2, the Board - subject to any directions that may be made by the Welsh Ministers - shall make appropriate arrangements for certain functions to be carried out on its behalf so that the day to day business of the LHB may be carried out effectively, and in a manner that secures the achievement of the organisation's aims and objectives. The Board may delegate functions to:

- i) A Committee, e.g., Quality and Safety Committee;
- ii) A sub-Committee, e.g., a locality based Quality and Safety Committee taking forward matters within a defined area. Any such delegation would, subject to the Board's authority, usually be via a main Committee of the Board;
- iii) A joint-Committee or joint sub-Committee, e.g., with other LHBs established to take forward matters relating to specialist services; and
- iv) Officers of the LHB (who may, subject to the Board's authority, delegate further to other officers and, where appropriate, other third parties, e.g. shared/support services, through a formal scheme of delegation)

and in doing so, must set out clearly the terms and conditions upon which any delegation is being made. These terms and conditions must include a requirement that the Board is notified of any matters that may affect the operation and/or reputation of the LHB.

The Board's determination of those matters that it will retain, and those that will be delegated to others are set out in the following:

- Schedule of matters reserved to the Board;
- Scheme of delegation to Committees and others; and
- Scheme of delegation to officers.

all of which form part of the LHB's SOs.

PRINCIPLES

IN AND WHAT TO DELEGATE: GUIDING

The Board will take full account of the following principles when determining those matters that it reserves, and those which it will delegate to others to carry out on its behalf:

- Everything is retained by the Board unless it is specifically delegated in accordance with the requirements set out in SOs or SFIs
- The Board must retain that which it is required to retain (whether by statute or as determined by the Welsh Ministers) as well as that which it considers is essential to enable it to fulfil its role in setting the organisation's direction, equipping the organisation to deliver and ensuring achievement of its aims and objectives through effective performance management
- Any decision made by the Board to delegate functions must be based upon an assessment of the capacity and capability of those to whom it is delegating responsibility
- The Board must ensure that those to whom it has delegated powers (whether a Committee, partnership or individuals) remain equipped to deliver on those responsibilities through an ongoing programme of personal, professional and organisational development
- The Board must take appropriate action to assure itself that all matters delegated are effectively carried out
- The framework of delegation will be kept under active review and, where appropriate, will be revised to take account of organisational developments, review findings or other changes
- Except where explicitly set out, the Board retains the right to decide upon any matter for which it has statutory responsibility, even if that matter has been delegated to others
- The Board may delegate authority to act, but retains overall responsibility and accountability
- When delegating powers, the Board will determine whether (and the extent to which) those to whom it is delegating will, in turn, have powers to further delegate those functions to others.

HANDLING ARRANGEMENTS FOR THE RESERVATION AND DELEGATION OF POWERS: WHO DOES WHAT

The Board

The Board will formally agree, review and, where appropriate revise schedules of reservation and delegation of powers in accordance with the guiding principles set out earlier.

The Chief Executive

The Chief Executive will propose a Scheme of Delegation to Officers, setting out the functions they will perform personally and which functions will be delegated to other officers. The Board must formally agree this scheme.

In preparing the scheme of delegation to officers, the Chief Executive will take account of:

- The guiding principles set out earlier (including any specific statutory responsibilities designated to individual roles);
- Their personal responsibility and accountability to the Chief Executive, NHS Wales in relation to their role as designated Accountable Officer; and
- Associated arrangements for the delegation of financial authority to equip officers to deliver on their delegated responsibilities (and set out in SFIs).

The Chief Executive may re-assume any of the powers they have delegated to others at any time.

The Board Secretary

The Board Secretary will support the Board in its handling of reservations and delegations by ensuring that:

- A proposed schedule of matters reserved for decision by the Board is presented to the Board for its formal agreement;
- Effective arrangements are in place for the delegation of LHB functions within the organisation and to others, as appropriate; and
- Arrangements for reservation and delegation are kept under review and presented to the Board for revision, as appropriate.

The Audit and Risk Committee

The Audit and Risk Committee will provide assurance to the Board of the effectiveness of its arrangements for handling reservations and delegations.

Individuals to who powers have been delegated

Individuals will be personally responsible for:

- Equipping themselves to deliver on any matter delegated to them, through the conduct of appropriate training and development activity; and
- Exercising any powers delegated to them in a manner that accords with the LHB's values and standards of behaviour.

Where an individual does not feel that they are equipped to deliver on a matter delegated to them, they must notify the Board Secretary of their concern as soon as possible in so that an appropriate and timely decision may be made on the matter.

In the absence of an officer to whom powers have been delegated, those powers will be exercised by the individual to whom that officer reports, unless the Board has set out alternative arrangements.

If the Chief Executive is absent their nominated Deputy may exercise those powers delegated to the Chief Executive on their behalf. However, the guiding principles governing delegations will still apply, and so the Board may determine that it will reassume certain powers delegated to the Chief Executive or reallocate powers, e.g. to a Committee or another officer.

SCOPE OF THESE ARRANGEMENTS FOR THE RESERVATION AND DELEGATION OF POWERS

The Scheme of Delegation to officers referred to on the following pages shows only the "top level" of delegation within the CTMUHB. The Scheme is to be used in conjunction with the system of control and other established procedures within the CTMUHB.

SCHEDULE OF MATTERS RESERVED TO THE BOARD¹

THE BOARD		AREA	DECISIONS RESERVED TO THE BOARD
1.	FULL	GENERAL	The Board may determine any matter for which it has statutory or delegated authority, in accordance with SOs ²
2.	FULL	OPERATING ARRANGEMENTS	Adopt the standards of governance and performance (including the quality and safety of healthcare, and the patient experience) to be met by the CTMUHB, including standards/requirements determined by professional bodies/others, e.g. Royal Colleges
3.	FULL	OPERATING ARRANGEMENTS	Approve, vary and amend: <ul style="list-style-type: none"> • Standing Orders; • Schedule of matters reserved to the CTMUHB; • Scheme of delegation to Committees and others; and • Scheme of delegation to Officers. In accordance with any directions set by the Welsh Ministers.
4.	FULL	OPERATING ARRANGEMENTS	Approve the CTMUHB's framework for performance management, risk and assurance
5.	FULL	OPERATING ARRANGEMENTS	Approve the CTMUHB's Values and Standards of Behaviour Framework – Standards of Behaviour Policy
6.	FULL	OPERATING ARRANGEMENTS	Approve the introduction or discontinuance of any significant activity or operation. Any activity or operation shall be regarded as significant if the Board determines it so based upon its contribution/impact on the achievement of the CTMUHB's aims, objectives and priorities
7.	FULL	OPERATING ARRANGEMENTS	Ratify any urgent decisions taken by the Chair and the Chief Executive in accordance with Standing Order requirements

¹ Any decision to reserve a matter, and the manner in which that retained responsibility is carried out will be in accordance with any regulatory and/or Welsh Government requirements.

² Except for those decisions delegated to the Welsh Health Specialised Services Committee (WHSSC).

THE BOARD		AREA	DECISIONS RESERVED TO THE BOARD
8.	FULL	OPERATING ARRANGEMENTS	Ratify in public session any instances of failure to comply with Standing Orders
9.	FULL	OPERATING ARRANGEMENTS	Approve policies for dealing with complaints, claims legal claims and incidents
10.	FULL	OPERATING ARRANGEMENTS	Approve individual compensation payments in line with the Standing Financial Instructions in relation to compensation payments.
11.	FULL	OPERATING ARRANGEMENTS	Authorise use of the CTMUHB's official seal
12.	FULL	ORGANISATION STRUCTURE & STAFFING	Approve the appointment and dismissal of the Chief Executive
13.	REMUNERATION AND TERMS OF SERVICE COMMITTEE	ORGANISATION STRUCTURE & STAFFING	Ratify and manage the appraisal and discipline of the Chief Executive. Approve the appointment, remuneration, appraisal, discipline and dismissal of Executive Directors and any other Board level appointments, e.g. the Director of Corporate Governance / Board Secretary
14.	FULL	ORGANISATION STRUCTURE & STAFFING	Require, receive and determine action in response to the declaration of Board members' interests, in accordance with advice received, e.g. from Audit & Risk Committee
15.	FULL	ORGANISATION STRUCTURE & STAFFING	Approve, [arrange the] review, and revise the CTMUHB's top level organisation structure and corporate policies (as outlined in the "Policy on Policies" e.g. Standards of Behaviour Policy)
16.	FULL	ORGANISATION STRUCTURE & STAFFING	Appoint, [arrange the] review, revise and dismiss Board Committees, including any joint-Committees directly accountable to the Board
17.	FULL	ORGANISATION STRUCTURE & STAFFING	Appoint, equip, review and (where appropriate) dismiss the Chair and members of any Committee, joint-Committee or Group set up by the Board
18.	FULL	ORGANISATION	Appoint, equip, review and (where appropriate) dismiss individuals appointed to

THE BOARD		AREA	DECISIONS RESERVED TO THE BOARD
		STRUCTURE & STAFFING	represent the Board on outside bodies and groups
19.	FULL	ORGANISATION STRUCTURE & STAFFING	Approve the terms of reference and reporting arrangements of all Committees, joint-Committees and groups established by the Board
20.	FULL	ORGANISATION STRUCTURE & STAFFING	Approve the arrangements relating to the discharge of the CTMUHB's responsibilities as a Corporate Trustee for funds held on trust
21.	FULL	STRATEGY & PLANNING	Determine the CTMUHB's strategic aims, objectives and priorities
22.	FULL	STRATEGY & PLANNING	Approve the CTMUHB's Integrated Medium Term Plan (IMTP), including the balanced Medium Term Financial Plan
23.	FULL	STRATEGY & PLANNING	Approve the CTMUHB's Risk Management Strategy and plans
24.	FULL	STRATEGY & PLANNING	Approve the CTMUHB's engagement and involvement strategy, including communication
25.	FULL	STRATEGY & PLANNING	Approve the CTMUHB's key strategies and programmes related to: <ul style="list-style-type: none"> • Population Health Needs Assessment and Commissioning Plan • The development and delivery of patient centred clinical services for their population • Improving quality and patient safety outcomes • Workforce and Organisational Development • Infrastructure, including IM&T, Estates and Capital (including major capital investment and disposal plans)
26.	FULL	STRATEGY & PLANNING	Approve the CTMUHB's budget and financial framework (including overall distribution of the financial allocation and unbudgeted expenditure)
27.	FULL	STRATEGY & PLANNING	Approve new contracts for the CTMUHB to provide, or to secure provision from providers for Personal Medical; Dental; Pharmacy; Optometry services to some or all of the CTMUHB's population services
28.	FULL	STRATEGY & PLANNING	Approve individual contracts (other than NHS contracts) above the limit delegated to the Chief Executive set out in the SFIs
29.	FULL	PERFORMANCE & ASSURANCE	Approve the CTMUHB's audit and assurance arrangements

THE BOARD		AREA	DECISIONS RESERVED TO THE BOARD
30.	FULL	PERFORMANCE & ASSURANCE	Receive reports from the CTMUHB's Executive on progress and performance in the delivery of the CTMUHB's strategic aims, objectives and priorities and approve action required, including improvement plans
31.	FULL	PERFORMANCE & ASSURANCE	Receive assurance reports from the Board's Committees, groups and other internal sources on the CTMUHB's performance and approve action required, including improvement plans
32.	FULL	PERFORMANCE & ASSURANCE	Receive reports on the CTMUHB's performance produced by external regulators and inspectors (including, e.g. WAO, HIW, etc.) that raise issue or concerns impacting on the CTMUHB's ability to achieve its aims and objectives and approve action required, including improvement plans, taking account of the advice of Board Committees (as appropriate)
33.	FULL	PERFORMANCE & ASSURANCE	Receive the annual opinion of the CTMUHB's Chief Internal Auditor and approve action required, including improvement plans
34.	FULL	PERFORMANCE & ASSURANCE	Receive the annual management letter from the CTMUHB's external auditor and approve action required, including improvement plans
35.	FULL	PERFORMANCE & ASSURANCE	Receive the annual opinion on the CTMUHB's performance against <i>Doing Well, Doing Better: Standards for Health Services in Wales (formally the Healthcare Standards)</i> , and approve action required, including improvement plans.
36.	FULL	REPORTING	Approve the CTMUHB's Reporting Arrangements, including reports on activity and performance locally, to citizens, partners and stakeholders and nationally to the Welsh Government
37.	FULL	REPORTING	Receive, approve and ensure the publication of key CTMUHB reports, including its Annual Report and annual financial accounts

ADDITIONAL AREAS OF RESPONSIBILITY DELEGATED TO CHAIR, VICE CHAIR AND INDEPENDENT MEMBERS			
1.	CHAIR		In accordance with statutory and Welsh Government requirements
2.	VICE CHAIR		In accordance with statutory and Welsh Government requirements
3.	CHAMPION / NOMINATED LEAD		In accordance with statutory and Welsh Government requirements

DELEGATION OF POWERS TO COMMITTEES AND OTHERS³

Standing Order 2 provides that the Board may delegate powers to Committees and others. In doing so, the Board has formally determined:

- the composition, terms of reference and reporting requirements in respect of any such Committees; and
- the governance arrangements, terms and conditions and reporting requirements in respect of any delegation to others.

in accordance with any regulatory requirements and any directions set by the Welsh Ministers.

The Board has delegated a range of its powers to the following Committees and others:

<https://cwmtafmorgannwg.wales/how-we-work/decision-making-2/>

The scope of the powers delegated, together with the requirements set by the Board in relation to the exercise of those powers are as set out in i) Committee terms of reference, and ii) Formal arrangements for the delegation of powers to others. Collectively, these documents form the LHB's Scheme of Delegation to Committees.

³ As defined in Standing Orders

SCHEME OF DELEGATION TO EXECUTIVE DIRECTORS, OTHER DIRECTORS AND OFFICERS

The CTMUHB's Standing Orders and Standing Financial Instructions specify certain key responsibilities of the Chief Executive, the Director of Finance & Procurement and other officers. The Chief Executive's Job Description, together with their Accountable Officer Memorandum sets out their specific responsibilities, and the individual job descriptions determined for Director level posts also define in detail the specific responsibilities assigned to those post holders.

These documents, together with the schedule of additional delegations below and the associated financial delegations set out in the Standing Financial Instructions form the basis of the CTMUHB's Scheme of Delegation to Officers.

DELEGATED MATTER	RESPONSIBLE OFFICER(S)	DEPUTY
Agreeing and signing the Integrated Medium Term Plan / Long Term Agreements	Chief Executive	Executive Director of Planning & Performance
Authorisation and monitoring of losses and compensations and ex gratia payments, in accordance with financial limits.	Chief Executive	Executive Director of Finance
Arrangements for the management of land, buildings, and other assets belonging to or leased by the CTMUHB / Capital Schemes	Chief Executive	Executive Director of Finance
Arranging loans.	Executive Director of Finance	Deputy Director of Finance
Achievement of the three financial targets.	Chief Executive	Executive Director of Finance
Admission to Performers Lists and similar lists	Chief Executive / Medical Director	Executive Director of Operations.

DELEGATED MATTER	RESPONSIBLE OFFICER(S)	DEPUTY
Changes to Medical Lists.	Medical Director	Executive Director of Operations.
Controls Assurance/Risk Management.	Director of Corporate Governance / Board Secretary	Assistant Director of Governance & Risk
Data Protection arrangements	Chief Executive	Medical Director/ Director of Corporate Governance / Board Secretary
Debt recovery	Executive Director of Finance	Deputy Director of Finance
Delegation of budgets and approval to spend funds.	Chief Executive	Director of Finance
Development and implementation of Procurement Policy.	Executive Director of Finance	Managing Director of NHS Wales Shared Services Partnership
GMS Cash Limited Cost Rent Schemes.	Executive Director of Finance	Deputy Director of Finance
Health and Safety Arrangements.	Chief Executive	Executive Director of Therapies and Health Sciences
Insurance Arrangements (with approval from the relevant division within NHS Wales department)	Executive Director of Finance	Deputy Director of Finance

DELEGATED MATTER	RESPONSIBLE OFFICER(S)	DEPUTY
Investigate any suspected cases of irregularity not related to fraud and corruption in accordance with government directions.	Chair/Chief Executive	Deputy Chief Executive / Director of Corporate Governance Board Secretary
Single tenders/ issuing tenders and post tender negotiations.	Chief Executive	Executive Director of Finance
Legal Advice.	Executive Nurse Director Nurse Director	Deputy Executive Nurse Director
Putting Things Right – Raising a concern about the NHS in Wales	Executive Nurse Director	Deputy Executive Nurse Director
Obstetric List.	Medical Director	Deputy Medical Director
Operation of detailed financial matters, including bank accounts, and banking procedures.	Executive Director of Finance	Deputy Director of Finance
Workforce	Executive Director of Workforce and OD	Assistant Director of Workforce (and OD)
Manage central reserves and contingencies.	Executive Director of Finance	Deputy Director of Finance
Management of non-exchequer funds.	Chief Executive	Executive Director of Finance
Management and control of stocks other than pharmacy stocks.	Chief Executive	Executive Director of Finance
Management and control of pharmacy stock.	Chief Executive	Head of Medicines Management

DELEGATED MATTER	RESPONSIBLE OFFICER(S)	DEPUTY
Management and control of computer systems and facilities.	Chief Executive	Executive Director of Planning & Performance
Monitor and achievement of management cost targets.	Chief Executive	Executive Director of Finance
Nurse Staffing Levels (Wales) Act to designate a senior registered nurse to calculate nurse staffing levels.	Executive Nurse Director	Deputy Executive Nurse Director
Recording of payments under the losses and compensations regulations.	Executive Director of Finance	Deputy Director of Finance
Special Payments	Chief Executive	Executive Director of Finance
Sealing and signing of documents.	Chair/Chief Executive	Vice Chair / Executive Director of Operations
Work relating to counter fraud and corruption in accordance with Welsh Government directions	Executive Director of Finance	Deputy Director of Finance
Authority to exclude a practitioner (doctors and dentists) in accordance with the procedure for 'Upholding Professional Standards in Wales'.	Medical Director	Deputy Medical Director

This scheme only relates to matters delegated by the Board to the Chief Executive and their Directors, together with certain other specific matters referred to in the Standing Financial Instructions.

Each Director is responsible for delegation within their department. They shall produce a scheme of delegation for matters within their department, which should also set out how departmental budget and procedures for approval of expenditure are delegated.