**Operational Scheme of Delegation**

**December 2023**

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| --- | --- |
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**POLICY AMENDMENTS**

Amendments to the Policy will be issued from time to time. A new amendment history will be issued with each change.

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# 1.0 Purpose

This **Operational** Scheme of Delegation (OSoD) is derived from the Scheme of Reservation and Delegation (SoRD) incorporated within the Constitution and the Standing Financial Instructions. It sets out who has ‘day to day’ operational decision making defining delegated limits and routes of escalation for sign off where appropriate.

The OSoD is a key control document across the Integrated Care Board (ICB) incorporating decisions made for the ICB (equally across the full breadth of the ICB) and those delegated to Place. Where there are specific Place based variations, these are stipulated within the relevant sections.

As per the ICB Constitution and associated overarching SoRD some functions are Delegated to Place. These functions will be delegated through the officers of the ICB (centrally or in Place) unless they are explicitly delegated to a committee.

# 2.0 Other Key Documents

* + - ICB Constitution (incorporating Standing Orders and Scheme of Reservation and Delegation)
    - ICB Standing Financial Instructions
    - ICB Losses and Special Payments Policy
    - Budgetary Control Framework
    - Procurement Policy
    - Managing Public Money (with annexes)
    - Government Accounting manual (GAM)

# 3.0 Framework

* + - All financial limits in this schedule of matters delegated to officers are subject to sufficient budget being available.
    - Any decision which results in a change in strategic direction will be referred to the ICB for approval.
    - Where it is necessary for expenditure to be approved that is outside of an approved budget either in value or in terms of what the budget was originally intended for, this will need to be escalated to the Executive Director of Finance & Investment (EDoF&I) or Place Director of Finance where this is delegated to Place. Delegation is intended to be commensurate with the organisational hierarchy and autonomy to make operational decisions effectively. Within the constraints listed above Places (via the Place Lead delegations) will have delegated authority below £1.5m per annum. Decisions with a financial impact of £1.5m per annum or above will need approval in line with the ICB OSoD.
    - In most circumstances the ICB’s or place based equivalent Budget Holders are the Executive Directors or NHS Place Directors. Budgets are held by a single accountable person (a named Budget Holder as detailed in the Budgetary Control Framework) who is responsible for delivering services or specific objectives and is accountable for the associated expenditure. Budget holders are permitted to delegate responsibilities to other individuals (Budget Managers and Budget Supervisors) who can carry out daily tasks on behalf of the Budget Holder and have authority to make decisions based on these onward delegations including contract awards and approval of invoice payments. All onward delegations must be documented in writing and clearly describe the parameters of the delegations including financial limits and any restrictions for particular types of expenditure and the Budget Holder will always retain accountability for the budget. These approval limits may vary between teams and team members.
    - The Constitution (specifically the Standing Orders) outlines the process for emergency/urgent decision in exceptional circumstances.

# 4.0 Budgetary Management & Control

| **Issue** | **Authority Delegated to** | **Ref. Docs / Other Info** |
| --- | --- | --- |
| **Budgetary Control** | | |
| **Responsibility for keeping expenditure within budget:**  At individual budget level (pay, non-pay and income) | Budget Holder / Budget Manager | *Budgetary Control Framework* |
| **Responsibility for keeping expenditure within budget:**  Totality of the service area I department | Budget Holder |  |
| Approval of new Budget Holders or of change to existing budget holders | Executive Director of Finance and Investment  or  Place Director of Finance (within Place delegated budgets) |  |
| Budget transfer (virement) within pay and non-pay budgets **between** Place | Executive Director of Finance and Investment  or  Place Director of Finance (within Place delegated budgets)  Transfers **between** pay and  non-pay budgets are by exception | *A budget virement form must be completed in all cases* |
| Budget transfer (virement) within pay and non-pay budgets **within** Place | Executive Director of Finance and Investment  or  Place Director of Finance (within Place delegated budgets)  Transfers **between** pay and | A budget virement form must be completed in all cases |
|  | non-pay budgets are by  exception |  |

# 5.0 Procurement

Before contracts are agreed or orders placed for goods and services budgetary provision must be confirmed as being available and the following processes followed.

**5.1 Procurement of health care services – the Provider Selection Regime**

With effect from 1 January 2024, the procurement of health care services is defined in The Provider Selection Regime 2023 statutory instrument and statutory guidance. There are very specific definitions of what services fall within scope of the Provider Selection Regime.

The Provider Selection Regime describes five processes for procuring health care services:

| **Process** | **Description** | **Ref. Docs / Other Info** |
| --- | --- | --- |
| Direct Award Process A | The existing provider is the only capable provider | *Procurement Policy* |
| Direct Award Process B | People have a choice of providers and the number of providers is not restricted | *Procurement Policy* |
| Direct Award Process C | The existing provider is satisfying the existing contract and will likely satisfy the new contract, and the contract is not changing considerably | *Procurement Policy* |
| The Most Suitable Provider Process | Allows the relevant authority to make a judgement on which provider is most suitable based on consideration of the key criteria. Award without competitive tender | *Procurement Policy* |
| Competitive Process | Where the relevant authority cannot use any of the other processes or wishes to run a competitive exercise | *Procurement Policy* |

**5.2 Procurement of services outside of the scope of the Provider Selection Regime**

|  |  |  |
| --- | --- | --- |
| **Total lifetime contract value including VAT** | **Procurement Route** | **Ref. Docs / Other Info** |
| < £1,000 | Minimum of one written quotation | *Procurement Policy* |
| > £1,000 < £10,000 | Minimum of two written quotations |
| > £10,000 < £213,477 | Minimum of three written quotations | *Budgetary Control Framework* |
| > £213,377 | Competitive tendering |

In all instances a full tender process can be undertaken if deemed to be preferable.

**5.3 Framework Agreements**

Framework agreements can be accessed as an alternative for health care services in scope of the Provider Selection Regime as well as for goods and services outside of the scope of the Provider Selection Regime.

**5.4 Approval of expenditure greater than the tender price**

|  |  |
| --- | --- |
| **Value above tender price (£)** | **Delegated to** |
| ≥ £50,000 | Executive Director of Finance and Investment |
| < £50,000 | Place Director of Finance |

# 6.0 Contracts

**Non-Pay Expenditure – Contract Award, Signature and Modifications**

**6.1 Contract Award – Health Care contracts in scope of the Provider Selection Regime**

|  |  |  |
| --- | --- | --- |
| **Process** | **Delegation for Contract Award** | **Ref. Docs / Other Info** |
| Direct Award Process A | HNYICB Finance, Performance and Delivery Committee | *Procurement Policy* |

|  |  |  |
| --- | --- | --- |
| **Process** | **Delegation for Contract Award** | **Ref. Docs / Other Info** |
| Direct Award Process B | Any two of:  Executive Director of Finance and Investment  Deputy Chief Executive / Chief Operating Officer  Chief Executive Officer | *Procurement Policy* |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Process** | **Delegation for Contract Award** | | | **Ref. Docs / Other Info** |
|  | **Single Place Budget with formal delegation** | **Single Place Budget (not delegated)** | **Multi Place Budget** |
| Direct Award Process C  Or  The Most Suitable Provider Process  Or  Competitive Process | **Contract value (total) ≥£5.0 million per annum**  HNYICB Finance, Performance and Delivery Committee | **Contract value (total) ≥£5.0 million per annum**  HNYICB Finance, Performance and Delivery Committee | **Contract value (total) ≥£5.0 million per annum**  HNYICB Finance, Performance and Delivery Committee | *Procurement Policy*  *Budgetary Control Framework* |
| **Contract value (total) <£5.0 million per annum**  Place Health and Care Partnership Committee | **Contract value (total) <£5.0 million per annum**  NHS Place Director and Place Director of Finance | **Contract value (total) <£5.0 million per annum**  NHS Place Director and Place Director of Finance from each Place (or lead Place where agreed) |

**6.2 Contract Signature – Health Care contracts in scope of the Provider Selection Regime**

|  |  |  |
| --- | --- | --- |
| **Process** | **Delegation for Contract Signature** | **Ref. Docs / Other Info** |
| Direct Award Process A | Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | *Procurement Policy* |

|  |  |  |
| --- | --- | --- |
| **Process** | **Delegation for Contract Signature** | **Ref. Docs / Other Info** |
| Direct Award Process B | Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | *Procurement Policy* |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Process** | **Delegation for Contract Signature** | | | **Ref. Docs / Other Info** |
|  | **Single Place Budget with formal delegation** | **Single Place Budget (not delegated)** | **Multi Place Budget** |
| Direct Award Process C  Or  The Most Suitable Provider Process  Or  Competitive Process | **Contract value (total) ≥£5.0 million per annum**  Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | **Contract value (total) ≥£5.0 million per annum**  Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | **Contract value (total) ≥£5.0 million per annum**  Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | *Procurement Policy*  *Budgetary Control Framework* |
| **Contract value (total) <£5.0 million per annum**  NHS Place Director or Place Director of Finance | **Contract value (total) <£5.0 million per annum**  NHS Place Director or Place Director of Finance | **Contract value (total) <£5.0 million per annum**  NHS Place Director or Place Director of Finance from nominated lead Place |
| **Contract value (total) >£50,000 <£5.0 million per annum**  Budget holder | **Contract value (total) >£50,000 <£5.0 million per annum**  Budget holder | **Contract value (total) >£50,000 <£5.0 million per annum**  Budget holder from nominated lead Place |

**6.3 Contract Modifications – Health Care contracts in scope of the Provider Selection Regime**

|  |  |  |
| --- | --- | --- |
| **Process** | **Delegation for Contract Modification** | **Ref. Docs / Other Info** |
| Direct Award Process A | Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | *Procurement Policy* |

|  |  |  |
| --- | --- | --- |
| **Process** | **Delegation for Contract Modification** | **Ref. Docs / Other Info** |
| Direct Award Process B | Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | *Procurement Policy* |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Process** | **Delegation for Contract Modifications** | | | **Ref. Docs / Other Info** |
|  | **Single Place Budget with formal delegation** | **Single Place Budget (not delegated)** | **Multi Place Budget** |
| Direct Award Process C  Or  The Most Suitable Provider Process  Or  Competitive Process | **Contract value (total) ≥£5.0 million per annum**  Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | **Contract value (total) ≥£5.0 million per annum**  Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | **Contract value (total) ≥£5.0 million per annum**  Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | *Procurement Policy*  *Budgetary Control Framework* |
| **Contract value (total) <£5.0 million per annum**  NHS Place Director or Place Director of Finance | **Contract value (total) <£5.0 million per annum**  NHS Place Director or Place Director of Finance | **Contract value (total) <£5.0 million per annum**  NHS Place Director or Place Director of Finance from nominated lead Place |
| **Contract value (total) >£50,000 <£5.0 million per annum**  Budget holder | **Contract value (total) >£50,000 <£5.0 million per annum**  Budget holder | **Contract value (total) >£50,000 <£5.0 million per annum**  Budget holder from nominated lead Place |

**6.4 Contract Award – Contracts outside of the scope of the Provider Selection Regime**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Process** | **Delegation for Contract Award** | | | | **Ref. Docs / Other Info** |
|  | **Single Place Budget with formal delegation** | **Single Place Budget (not delegated** | **Multi Place Budget** | **Centrally held ICB wide Budget** |
| Contracts outside of the scope of the Provider Selection Regime | **Contract value (total) ≥£5.0 million per annum**  HNYICB Finance, Performance and Delivery Committee  **Contract value (total) <£5.0 million per annum**  Place Health and Care Partnership Committee | **Contract value (total) ≥£5.0 million per annum**  HNYICB Finance, Performance and Delivery Committee  **Contract value (total) <£5.0 million per annum**  NHS Place Director and Place Director of Finance | **Contract value (total) ≥£5.0 million per annum**  HNYICB Finance, Performance and Delivery Committee  **Contract value (total) <£5.0 million per annum**  NHS Place Director and Place Director of Finance from each Place (or lead Place where agreed) | **Contract value (total) ≥£5.0 million per annum**  HNYICB Finance, Performance and Delivery Committee  **Contract value (total) <£5.0 million per annum**  Relevant Executive Director and Executive Director of Finance and Investment | *Procurement Policy*  *Budgetary Control Framework* |

**6.5 Contract Signature – Contracts outside of the scope of the Provider Selection Regime**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Process** | **Delegation for Contract Signature** | | | | **Ref. Docs / Other Info** |
|  | **Single Place Budget with formal delegation** | **Single Place Budget (not delegated** | **Multi Place Budget** | **Centrally held ICB wide Budget** |
| Contracts outside of the scope of the Provider Selection Regime | **Contract value (total) ≥£5.0 million per annum**  Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | **Contract value (total) ≥£5.0 million per annum**  Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | **Contract value (total) ≥£5.0 million per annum**  Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | **Contract value (total) ≥£5.0 million per annum**  Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | *Procurement Policy*  *Budgetary Control Framework* |
| **Contract value (total) <£5.0 million per annum**  NHS Place Director or Place Director of Finance | **Contract value (total) <£5.0 million per annum**  NHS Place Director or Place Director of Finance | **Contract value (total) <£5.0 million per annum**  NHS Place Director or Place Director of Finance from nominated lead Place | **Contract value (total) <£5.0 million per annum**  Relevant Executive Director or Executive Director of Finance and Investment |
| **Contract value (total) >£50,000 <£5.0 million per annum**  Budget holder | **Contract value (total) >£50,000 <£5.0 million per annum**  Budget holder | **Contract value (total) >£50,000 <£5.0 million per annum**  Budget holder from nominated lead Place | **Contract value (total) >£50,000 <£5.0 million per annum**  Budget holder |

**6.6 Contract Modifications – Contracts outside of the scope of the Provider Selection Regime**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Process** | **Delegation for Contract Modifications** | | | | **Ref. Docs / Other Info** |
|  | **Single Place Budget with formal delegation** | **Single Place Budget (not delegated** | **Multi Place Budget** | **Centrally held ICB wide Budget** |
| Contracts outside of the scope of the Provider Selection Regime | **Contract value (total) ≥£5.0 million per annum**  Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | **Contract value (total) ≥£5.0 million per annum**  Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | **Contract value (total) ≥£5.0 million per annum**  Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | **Contract value (total) ≥£5.0 million per annum**  Executive Director of Finance and Investment or Deputy Chief Executive / Chief Operating Officer or Chief Executive Officer | *Procurement Policy*  *Budgetary Control Framework* |
| **Contract value (total) <£5.0 million per annum**  NHS Place Director or Place Director of Finance | **Contract value (total) <£5.0 million per annum**  NHS Place Director or Place Director of Finance | **Contract value (total) <£5.0 million per annum**  NHS Place Director or Place Director of Finance from nominated lead Place | **Contract value (total) <£5.0 million per annum**  Relevant Executive Director or Executive Director of Finance and Investment |
| **Contract value (total) >£50,000 <£5.0 million per annum**  Budget holder | **Contract value (total) >£50,000 <£5.0 million per annum**  Budget holder | **Contract value (total) >£50,000 <£5.0 million per annum**  Budget holder from nominated lead Place | **Contract value (total) >£50,000 <£5.0 million per annum**  Budget holder |

**6.7 Other Contracts and Contractual Payments**

|  |  |  |
| --- | --- | --- |
| **Contract** | **Delegation** | **Ref. Docs / Other Info** |
| Approval of research contracts including the signing of appropriate contract documentation | > £10,000 Executive Director of Finance and Investment  < £10,000 Relevant Executive Director  All contracts limited to approved funding. | *Procurement Policy*  *Budgetary Control Framework* |
| Other contractual payments  e.g. CQUIN or reconciliation adjustments | Budget holder or budget holder representative within delegated limits and in line with contract terms |

# 7.0 Other matters

# Non-Contract & Continuing Care

|  |  |  |
| --- | --- | --- |
| **Issue** | **Authority Delegated to** | **Ref. Docs / Other Info** |
| **Non-Contract & Continuing Care** | | |
| Approval of Continuing Healthcare, Mental Healthcare (s117), Transforming Care, Personal Healthcare Budgets and other miscellaneous individual care packages and incidental expenses (not including Individual Funding Requests) | CHC – Senior Nurses - <£2000 per week  Place Based CHC Lead / Budget / Portfolio holder ≥ £5,000 per week  NHS Place Director ≥ £5,000 per week | *CHC Panel Policy* |
| Retrospective Continuing Healthcare Claims | Executive Director of Finance and Investment and Executive Director of Nursing  over £1.5 million  NHS Place Director and Place Director of Finance  < £1.5 million |  |

# Medicine Management

|  |  |  |
| --- | --- | --- |
| **Issue** | **Authority Delegated to** | **Ref. Docs / Other Info** |
| **Medicine Management** | | |
| Approval of medicines commissioning and formulary  Through Area Prescribing Committees   * North Yorkshire and York * Humber | Delegated decision making up to the value of £10,000 per 100,000 population per annum per decision, ensuring consistency across Places' and for budget management within the agreed prescribing budget. |  |
|  | Decisions at both Prescribing Committees will be reported to the Humber and North Yorkshire Medicines Optimisation Board to ensure consistency across the ICB. |
|  | Decisions above this threshold will be escalated to the delegated budget holder. |

# Income

|  |  |  |
| --- | --- | --- |
| **Issue** | **Authority Delegated to** | **Ref. Docs / Other Info** |
| **Sales, Income & Debtors** | | |
| Approval of sales invoices | Executive Director of Finance and Investment or Deputy Chief Executive/Chief Operating Officer  over £1.5 million  NHS Place Director or Place Director of Finance  < £1.5 million  Deputy Place Director of Finance  < £250,000 |  |
| Approval of sales credit notes/cancellation of invoices  (note – excludes correcting credit notes e.g. invoice raised in error) | Executive Director of Finance and Investment or Deputy Chief Executive/Chief Operating Officer  over £1.5 million  NHS Place Director & Place Director of Finance  < £1.5 million |  |
| Setting of Fees & Charges | Executive Director of Finance and Investment or Deputy Chief Executive/Chief Operating Officer |  |
| Prescribing Rebate Schemes | Delegated to the Prescribing Budget holder subject to completion of the “ICB Primary Care Rebate Scheme: Assessment and Decision Form” (within their delegated limits) |  |

# Business Cases

|  |  |  |
| --- | --- | --- |
| **Issue** | **Authority Delegated to** | **Ref. Docs / Other Info** |
| **Business Cases - Investment and Disinvestment** | | |
| Approval of business cases for investment & disinvestment decisions  This includes capital schemes. | ICB Board  over £1.5 million  NHS Place Director  < £1.5 million |  |

# Other Staff Benefits

|  |  |  |
| --- | --- | --- |
| **Issue** | **Authority Delegated to** | **Ref. Docs / Other Info** |
| **Other Staff Benefits** | | |
| Lease cars | Budget Holder in line with operational process | *Lease Car Policy* |
| Salary sacrifice schemes (new schemes) | Remuneration Committee |  |

# Engagement of bank / agency staff

|  |  |  |  |
| --- | --- | --- | --- |
| **Issue** | **Authority Delegated to** | | **Ref. Docs / Other Info** |
| **Engagement of bank / agency staff** | | | |
| Booking of Bank or Agency Staff | | Budget Holder in line with organisational  establishment / engagement control framework, all extant NHS England Agency Workers guidance and in line with IR35 rules and regulations. |  |

# Agreements and licences

|  |  |  |
| --- | --- | --- |
| **Agreements / Licences** | | |
| Preparation and signature of all tenancy agreements/ licences for all staff subject to ICB Policy on accommodation for staff/operating leases/indemnity agreements/joint venture documents and service level agreements | Executive Director of Finance and Investment  or  Deputy Chief Executive/Chief Operating Officer |  |
| Extensions to existing leases | Executive Director of Finance and Investment  or  Deputy Chief Executive/Chief Operating Officer |  |
| Letting of premises to outside organisations | Executive Director of Finance and Investment  or  Deputy Chief Executive/Chief Operating Officer |  |
| Approval of corporate rent based on professional assessment | Executive Director of Finance and Investment  or  Deputy Chief Executive/Chief Operating Officer |  |

# Condemning and disposal of assets

|  |  |  |
| --- | --- | --- |
| **Condemning & Disposal of Assets** | | |
| Items obsolete, obsolescent, redundant, irreparable or cannot be repaired cost effectively. | ICB Board  over £1.5 million  Executive Director of Finance and Investment  < £1.5 million  Budget Holder  < £500 | To be reported to Audit Committee |
| IT Equipment |  |

# Losses and special payments

|  |  |  |
| --- | --- | --- |
| **Losses, Write-offs & Compensation** | | |
| Losses & Special Payments (Refer to Losses and Special Payments Policy) | Executive Director of Finance and Investment | *To be reported to Audit Committee* |
| Bad debts write-off (NHS & Non-NHS)  (Refer to Losses and Special | Executive Director of Finance and Investment | *To be reported to*  *Audit Committee* |
| Payments Policy) |  |
| Maintenance & Update of ICB Financial Procedures | Executive Director of Finance and Investment |  |

# Bank accounts

|  |  |  |
| --- | --- | --- |
| **Bank Accounts – Maintenance & Operation** | | |
| Approval of banking arrangements, including opening and closing of bank accounts and credit facilities. | Executive Director of Finance and Investment |  |
| Approval of credit card arrangements, including opening and closing of credit card accounts and credit facilities. | Executive Director of Finance and Investment |  |
| Day to day operation of organisational bank accounts | Associate Director of Finance  or  Head of Financial Services  in conjunction with Shared Business Services representative |  |
| Authorisation for cash drawdown | Associate Director of Finance  or  Head of Financial Services |  |
| Authorisation for cheque requests | Executive Director of Finance and Investment  over £200,000  Associate Director of Finance  or  Head of Financial Services <£200,000 |  |