

BSW ICB Scheme of Reservations and Delegations (SoRD)



Bath and North East Somerset,
Swindon and Wiltshire
Integrated Care Board

This document should be read alongside the ICB's Standing Financial Instructions, and committees' Terms of Reference.

Ref	Policy Area	Decision	ICB Board	Committee or Sub-Committee	Integrated Care Partnership	Specified Individual	Reference
1	Assurance and risk	Approve the ICB's counter fraud and security management arrangements.	x	Audit Committee reviews and recommends			
2	Assurance and risk	Approve the ICB's risk management arrangements.	x	Audit Committee reviews and recommends			
3	Assurance and risk	Approve arrangements for risk sharing and/or risk pooling with other organisations (for example arrangements for pooled funds with other ICBs or pooled budget arrangements under section 75 of the NHS Act 2006).	x				
4	Assurance and risk	Approve proposals for action on litigation against or on behalf of the ICB.	x	Audit Committee makes recommendations			
5	Assurance and risk	Approve the ICB's arrangements for business continuity, and for emergency planning.	x				C5.4.1
6	Audit (internal, external)	Approve all internal audit services provided under arrangements proposed by the CFO		x, Audit Committee		CFO proposes arrangements	SFI 9.2 AC ToR 3.7a
7	Audit (internal, external)	Review and approve the annual internal audit plan and more detailed programme of work	Endorse	x, Audit Committee		CEO endorses	AC ToR 3.7b
8	Audit (internal, external)	Approve the annual external audit plan (following agreement with the external auditors, before the audit commences, the nature and scope of the audit as set out in the annual audit plan		x, Audit Committee			AC ToR 3.8c
9	Audit (internal, external)	Appoint, re-appoint and remove external auditors; Agree the level of remuneration and terms of engagement.	x	Audit Committee makes recommendations		CFO ensures EA is appointed	AC ToR 3.8a SFIs 9.3
10	Audit (internal, external)	Assess annually the independence and objectivity of the external auditor		x, Audit Committee			AC ToR 3.8g
11	Audit (internal, external)	Approve a policy for the engagement of external auditors to supply non-audit services, and advise the ICB Board and Chief Executive on the contents of such a policy.		x, Audit Committee			AC ToR 3.8h
12	Audit (internal, external)	Delegate responsibility for ensuring there is appropriate internal audit provision in the ICB.				CEO delegates to CFO	SFIs 9.2

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13	Appointments	Approve the appointment of the ordinary members of the ICB Board				x, Chair approves appointment (R) Panel convened by CEO appoints	C2.2.4
14	Appointments	Approve the appointment of all members of committees and sub-committees that exercise the ICB commissioning functions	Board appoints			x, Chair approves appointment (R)	C3.6.6
15	Appointments	Determine the membership of the Remuneration Committee, incl. independent members or advisers to the Remuneration Committee who are not members of the Board	x (R)				C7.1.3
16	Appointments	Appoint committee chairs (ICB committees)				x, Chair	
17	Appointments	Nominate the ICB founder member of the ICP	x (R)				
18	Appointments	Appoint ICP members			x (R)		
19	Board	Undertake Board and committee effectiveness reviews, and agree actions in light of findings and recommendations	x	RemCom advises on mechanisms for reviews			RemCom ToR 3.2.7
20	Board	Implement recommendations arising from appraisals and effectiveness reviews of Board members.				x, Chair, leads individuals' appraisals; SID leads Chair's	RemCom ToR 3.2.4
21	Commissioning	Consider and approve commissioning and procurement proposals incl. at scale and strategic up to a value of £250K that are not funded / not within annual budget		x, Commissioning Assurance Committee			CAC ToR 3.1g
22	Commissioning	Approve at scale, strategic, and / or system-level commissioning and procurement proposals over £250K that are not funded / not within annual budget	x	Commissioning Assurance Committee recommends			CAC ToR 3.1h
23	Commissioning	In line with the ICB Delegated Financial Limits, receive, consider and approve or recommend to the Board, as appropriate, commissioning and procurement proposals incl. at scale and strategic that are within agreed annual budgets	x	x, Commissioning Committee (up to values set in DFLs)			CAC ToR 3.1g
24	Commissioning	Approve a BSW commissioning plan	x	Commissioning Committee recommends plan			CAC ToR 3.1e
25	Commissioning	Consider system-level commissioning and procurement proposals, and make decisions within agreed annual budgets.		x, Commissioning Committee			CC ToR 3.1g
26	Commissioning (primary care)	Design local incentive schemes as an alternative to the Quality Outcomes Framework (QOF)		x, PCCC			PCCC ToR 3.4.3
27	Commissioning (primary care)	Make decisions on whether to establish new GP practices in the BSW area		x, PCCC			PCCC ToR 3.4.4
28	Commissioning (primary care)	Approve practice mergers in the area		x, PCCC			PCCC ToR 3.4.5

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29	Commissioning (primary care)	Vary or renew existing contracts for primary care provision or award new ones, depending on local circumstances		x, PCCC			PCCC ToR 3.5.13
30	Commissioning (ambulance services)	All commissioning functions associated with the commissioning of ambulance services as an integral part of the urgent and emergency care system according to national requirements and standards		x, Ambulance Joint Commissioning Committee			AJCC ToR 2.1
31	Commissioning (ambulance services)	Negotiate and agree a contract that delivers national performance, clinical and quality standards, incorporating any known challenges and improvement plans into the contract		x, Ambulance Joint Commissioning Committee			AJCC ToR 2.3
32	Commissioning (ambulance services)	Award and enter into of contracts for the provision of emergency ambulance services		x, Ambulance Joint Commissioning Committee			AJCC ToR 2.4
33	Commissioning (ambulance services)	All decision-making in respect of variations to the contract in accordance with national policy, service user needs and clinical developments		x, Ambulance Joint Commissioning Committee			AJCC ToR 2.6
34	Commissioning (ambulance services)	All decision-making in respect of financial adjustments or sanctions resulting from provider breach of the contract		x, Ambulance Joint Commissioning Committee			AJCC ToR 2.7
35	Commissioning (ambulance services)	All decision making relating to the termination of the contract, or any part of it, in accordance with the terms of that contract		x, Ambulance Joint Commissioning Committee			AJCC ToR 2.12
36	Commissioning (ambulance services)	Respond to informal or formal legal challenges brought in connection with the commissioned services		x, Ambulance Joint Commissioning Committee			AJCC ToR 2.13
37	Compliance	Agree system workforce submissions to external bodies		x, People Committee			PC ToR 3.1e
38	Compliance	Sign-off on regular compliance submissions to NHSE (conflicts of interest)				x, Chair of AC and CEO	
41	Delegations, authority to act	Authorise arrangements under section 65Z5 of the 2006 Act (partnership arrangements with another ICB, an NHS trust, NHS foundation trust, NHS England, a local authority, combined authority or any other body prescribed in Regulations, for the ICB's functions to be exercised by or jointly with that other body or for the functions of that other body to be exercised by or jointly with the ICB) Approve delegation arrangements under section 65Z5 of the 2006 Act	x (R)	Commissioning Committee provides assurance re compliance with delegation arrangements (incl. holding recipients of delegations to account for compliance with delegation agreements)			C3.3.2 C3.7.3
42	Delegations, authority to act	If entering arrangements under section 65Z5 of the 2006 Act, authorise for the functions in question to be exercised by a joint committee of theirs and / or for the establishment of a pooled fund to fund those functions (section 65Z6) - i.e. agree arrangements, approve ToRs of joint committee created for the purpose, and approve pooled budget / allocations to such pooled budget	x (R)	Commissioning Committee provides assurance re compliance with delegation arrangements Finance Committee oversees / provides assurance re use of pooled budgets / allocations			C3.3.2

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####	Finance	Approve and publish an annual report in accordance with NHSE guidance	x (R)	Audit Committee recommends ARA for approval following scrutiny;		CFO ensures ARA is produced	AC ToR 3.18 SFIs 9.1.1
####	Finance	Approve annual budgets, incl. place-based budgets	x (R)	FC scrutinises proposed budgets and recommends to Board			SFIs
44	Finance	Delegate the budgetary control responsibilities to budget holders through a formal documented process				CFO	SFIs 4.1.2
45	Finance	Losses and special payments - Approve a transaction exceeding the delegated authority, or if transactions will set a precedent, are novel, contentious or could cause repercussions elsewhere in the public sector		Audit Committee receives report on all losses and special payments (including special severance payments)		HM Treasury	SFIs 10.1.1 RemCom ToR ## AC ToRs 3.20
46	Finance	Approve the ICB's property governance and management framework		x, Finance Committee			FC ToR ## SFIs 12.1.5
####	Finance	Agree to make make capital or revenue grants available	x	Finance Committee recomends and advises			SFI 12.2.1 FC ToR ##
47	Finance	Approve investment in, or disinvestment from, people and organisational development programmes	x	People Committee recommends			PC ToRs 3.1d
48	Finance	Manage the budget for commissioning of primary medical care services in BSW.		x, PCCC			PCCC ToR 3.5.4
49	Finance	Approve financial policies and procedures underpinning the ICB's SFI.		x, Finance Committee		CFO advises and recommends	
50	Governance framework	Approve amendments or variations to this Constitution prior to submission to NHS England for formal approval	x (R)			ICB Chair and the ICB Chief Executive may periodically propose amendments or variations to the Constitution	C1.1.2
51	Governance framework	Approve documents related to the Constitution, namely: - Scheme of Reservation and Delegation (SoRD) - Functions and Decisions Map - Standing Financial Instructions - Governance handbook incl. approval of amenments to these documents	x (R)				C1.2.3a-d C3.4.2
52	Governance framework	Approve Committee Terms of Reference (committees that fulfil delegated functions of the ICB)	x (committees for which the ICB Board is the parent body)	x (sub-committees for which the committee is the parent body)			C3.6.4
53	Governance framework	Determine the membership and terms of reference of any task and finish sub-groups.	x (groups which the ICB Board establishes)	x (groups which a committee establishes)			
54	Governance framework	Invite attendees to meetings other than members				x, Committee Chair	
55	Governance framework	Agree meeting agendas				x, Committee Chair	

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56	Governance framework	Determine ICP procedures and ToRs			x		
57	Locality Commissioning (BaNES, Swindon & Wiltshire)	Approve the localities' strategies for the development and delivery of health and care services, and the localities' commissioning strategies	x	WLCG, BLCG, SLCG develop and recommend strategies			WLCG, BLCG, SLCG ToR 2.2a
58	Locality Commissioning (BaNES, Swindon & Wiltshire)	Approve the localities' financial, business and operational plans including risk sharing / risk management arrangements, as applicable	x	WLCG, BLCG, SLCG develop and recommend plans			WLCG, BLCG, SLCG ToR 2.2b
59	Locality Commissioning (BaNES, Swindon & Wiltshire)	Within the framework set by the CCG's and the locality's strategies, make commissioning decisions and sign off procurement processes and outcomes for services, or recommend commissioning decisions and procurement processes to other decision-making bodies, as appropriate		x, WLCG, BLCG, SLCG			WLCG, BLCG, SLCG ToR 2.2d
60	Locality Commissioning (BaNES, Swindon & Wiltshire)	Approve and ensure implementation of locality policies as may be required to support integrated / collaborative / joint commissioning, following consultation with the CCG's Governing Body, and ensuring alignment and compliance with BSW CCG policies		x, WLCG, BLCG, SLCG			WLCG, BLCG, SLCG ToR 2.2h
61	Locality Commissioning (BaNES, Swindon & Wiltshire)	Within agreed section 75 arrangements with the Council, make commissioning decisions for new and existing services		x, WLCG, BLCG, SLCG			BLCG ToR 2.2k, WLCG ToR 2.2i and 2.2k, SLCG ToR 2.2k
62	Locality Commissioning (BaNES, Swindon & Wiltshire)	Manage pooled funds, including: <ul style="list-style-type: none"> • agree to the viring of funds between Pooled Funds; • approve Individual Services under the Better Care Fund, ensuring compliance with the Better Care Fund Plan and the strategic direction of the Better Care Fund; • agree funding of overspends if such funding can be met from the available pooled fund and available resources, or otherwise recommend the funding request to Council and CCG approval processes. 		x, WLCG, BLCG, SLCG			WLCG, BLCG, SLCG ToR 2.2 i.v
63	People	Agree the BSW Academy's annual programme of work		x, People Committee			PC ToR 3.1f
64	People	Agree the outputs from the HR Delivery Group, commission bespoke pieces of activity determined by system and workforce challenges		x, People Committee			PC ToR 3.1g
65	Performance	Oversee and monitor ICB and system performance	x	Quality, Finance, People committees, and Place Partnership regularly scrutinise performance reports and highlight exceptions and risks			
66	Policy	Approve <ul style="list-style-type: none"> - Standards of Business Conduct Policy - Public involvement and engagement policy 	x (R)	Audit Committee and Community Negagement Committee, respectively, recommend SoBC and PEI policies			C1.2.3e

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67	Policy	Approve the ICB's Freedom to Speak Up policy	x	Audit Committee reviews and recommends the policy			AC ToR 3.22
68	Policy	Approve the ICB's policies and procedures relating to counter-fraud and anti-corruption activities	x	Audit Committee reviews and recommends the policies			AC ToR 3.9c
69	Policy	Approve the ICB's policies and procedures relating to standards of business conduct, including the management of conflicts of interest	x	Audit Committee reviews and recommends the policies			AC ToR 3.9d
70	Policy	Approve the ICB's debt management strategy and associated policies and procedures		x, Finance Committee		CFO leads development	FC ToR ## SFI 5.3.1
71	Policy	Approve the ICB's cash management policies and procedures		x, Finance Committee		CFO leads development	FC ToR ## SFI 5.2.2
72	Policy	Approve the ICB's procurement policy		x, Finance Committee			FC ToR ## SFI 7.1.4
73	Policy	Approve the ICB's policies and procedures re the engagement of solicitors / legal advisors; approval and signing of documents which will be necessary in legal proceedings; and who can commit or spend ICB revenue resources in relation to settling legal matters		x, Finance Committee			FC ToR ##
74	Policy	Approve the ICB public engagement and involvement strategy and policy	x	Community Engagement Committee (CEC) recommends			CEC ToR 3.1a
75	Policy	Approve ICB workforce policies and procedures		x, People Committee			PC ToR 3.1p
76	Quality	Scrutinise the structures that are in place to support quality planning, control and improvement, in order to be assured that these structures operate effectively, and that timely action is taken to address areas of concern; if the committee is not assured of the structures' effectiveness, it will highlight this to the Board, and may recommend, and / or instruct the ICB Director of Nursing to implement remedial action;		x, Quality Committee			QC ToR 3.2b
77	Quality	Approve recommendations regarding clinical protocols, service reviews and pathway redesign		x, Quality Committee			
78	Quality	Oversee and scrutinise the ICB's response to all relevant (as applicable to quality) directives, regulations, national standard, policies, reports, reviews and best practice as issued by the Department of Health and Social Care, NHS England and other regulatory bodies / external agencies		x, Quality Committee			QC ToR 3.2i
79	Quality	Approve ICB clinical policies		x, Quality Committee			
80	Quality	Agree ICB quality improvement programmes, based on a holistic view of the interrelations of quality, finance, workforce and performance		x, Quality Committee			QC ToR 3.2f
81	Remuneration	Determine all aspects of remuneration and conditions of service of the Chief Executive, Executive Directors and other Very Senior Managers of the ICB		x, Rem Com			Rem Com ToR 3.2.1
82	Remuneration	Determine the remuneration, terms and conditions, and matters of succession planning of ICB Board members.		x, Rem Com			Rem Com ToR 3.2.3

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83	Remuneration	Determine the ICB pay policy (including the adoption of pay frameworks such as Agenda for Change) for all ICB staff		x, Rem Com			Rem Com ToR 3.2.4i
84	Remuneration	Determine the arrangements for termination payments and any special payments for staff		x, Rem Com			Rem Com ToR 3.2.4iii
85	Strategy, plans	Approve the joint ICB and partner NHS trusts and NHS foundation trusts plan setting out their planned capital resource use	x (R)	Finance Committee recommends			
86	Strategy, plans	Approve the joint ICB and partner NHS trusts and NHS foundation trusts 5-year forward plan (including annual approval)	x (R)				
87	Strategy, plans	Approve the ICB annual operating plan	x (R)				
88	Strategy, plans	Approve the BSW commissioning plan	x (R)	Commissioning Assurance Committee recommends			CAC ToR 3.1e
89	Strategy, plans	Approve the BSW Integrated Care System (ICS) people strategy	x	People Committee recommends			PC ToR 3.1a
90	Strategy, plans	Approve people and organisational development strategies for the ICB	x	People Committee recommends			PC ToR 3.1i