

## BSW ICB Scheme of Reservations and Delegations

The BSW ICB Scheme of Reservations and Delegations (SoRD) sets out the ICB Board's delegations of decision-making powers / authorities to Board committees and / or individuals. For the avoidance of doubt, the SoRD provides an overview of decision-making powers such as approvals; it does not summarise all the responsibilities and duties that the Board's committees have i.e. does not reference committees' duties in relation to providing advice, making recommendations, or taking and providing assurance. Cf. the committees' Terms of Reference for a full description of their respective responsibilities and duties.

This SoRD was first approved by the BSW ICB Board on 1 July 2022, when the BSW ICB was formally established. Subsequent reviews and amendments, which can only be approved by the BSW ICB Board, are recorded in the below review log.

The SoRD is reviewed annually.

Date of review (the date when changes were made in the document)	Changes made	Approved by, on (who gave formal approval, when)	Notes, comments (ref the minutes of the meeting where changes were approved; any other comments)	Next review due on (a year from the date of review)
23-Feb-23	<p>Matters reserved to the Board extracted and presented separately for ease of reference</p> <p>Amendments to the delegations of authorities in light of</p> <ul style="list-style-type: none"> <li>- the ICB receiving delegated functions for the commissioning of primary dental, ophthalmological and pharmacy services;</li> <li>- the establishment of a Southwest Joint Committee (Specialised Commissioning)</li> <li>- a mid-year review of Committee Terms of Reference, and of a process update with regards to the approval of ICB policies</li> </ul>	Board,		
19-Sep-24	Amendments to the delegations of authorities in light of the ICB's governance review	Board, 19 September 2024		

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

### Matters reserved to the BSW ICB Board

The Board has delegated the day to day management of the ICB to the Chief Executive and the executive management.

This Schedule sets out the list of matters which are required to be or, in the interests of the ICB, should only be decided by the Board.

Ref	Policy Area	Decision
<b>Internal controls</b>		
1	Assurance and risk	Approve the ICB's counter fraud and security management arrangements incl. relevant policies (incl. approval of appointments and terms of anti-fraud specialists, and policy approval, see 'Policy' below cf. below)
2	Assurance and risk	Ensure that the ICB manages risk effectively by: - ensuring the ICB's risk strategy is clearly defined and aligns to ICB's purpose, values, strategy and objectives - approving the ICB's risk appetite (the extent and categories of risk which the Board regards as acceptable) - approving 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); this includes approval of risk sharing arrangements at place - approving the ICB's risk management framework
3	Assurance and risk	Approve the ICB's arrangements for business continuity, and for emergency planning, incl. the ICB's EPRR policy (see 'Policy')
4	Policy	Approve - Anti Fraud, Bribery and Corruption Policy - Emergency Preparedness, Resilience & Response (EPRR) Policy - Health & Safety Policy - Information Governance Framework - Risk Management Framework and Policies - Standards of Business Conduct Policy - Public involvement and engagement policy
<b>Board membership and other appointments</b>		
5	Appointments	Approve the appointment of all members of committees and sub-committees that exercise the ICB commissioning functions
6	Appointments	Determine the membership of the Remuneration Committee, incl. independent members or advisers to the Remuneration Committee who are not members of the Board
7	Audit (external)	Appoint, re-appoint and remove external auditors. Agree the level of remuneration and terms of engagement.
<b>Delegations of authority</b>		

8	Delegations, authority to act	Authorise arrangements under section 75 of the 2006 Act (partnership arrangements with a local authority under which the local authority exercises specified ICB functions, or the ICB exercises specified local authority functions, or the ICB and local authority establish a pooled fund). This includes approval of delegation agreements.
9	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) This includes approval of delegation agreements.
10	Delegations, authority to act	If entering arrangements under section 75 of the 2006 Act or 65Z5 of the 2006 Act, authorise for the functions in question to be exercised by a joint committee of the organisations 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
<b>Financial reporting and controls</b>		
11	Finance	Approve and publish the ICB annual report and accounts in accordance with NHSE guidance
12	Finance	Approve ICB annual budgets, incl. place-based budgets.
13	Finance	Agree to make make capital or revenue grants available (over £10m, otherwise delegated)
<b>Corporate governance matters</b>		
14	Governance framework	Approve amendments or variations to the BSW ICB Constitution prior to submission to NHS England for formal approval
15	Governance framework	Approve documents related to the Constitution, and amendments of these documents, namely: - Scheme of Reservation and Delegation (SoRD) - Functions and Decisions Map - Standing Financial Instructions - Governance Handbook
16	Governance framework	Approve Board Committee Terms of Reference, incl. membership and Chairs of such Board Committees.
17	Board	Undertake Board and committee effectiveness reviews, and agree and implement actions in light of findings and recommendations
<b>Strategy and management</b>		
18	Oversight	Oversight of the ICB's operations ensuring: • competent and prudent management of activities and resources • sound planning, and performance monitoring • effective internal control and risk management processes • adequate accounting and other records • compliance with statutory and regulatory obligations
19	Strategy, plans	Approve the ICB's corporate strategy and objectives, taking account of and endorsing place strategies for the development and delivery of health and care services.  Associated supporting or complementary strategies will be approved by Board Committees or system groups, with assurances given to the Board that such associated or complementary strategies will contribute to and support the delivery of the ICB's corporate strategy and objectives.
20	Strategy, plans	Approve the joint ICB and partner NHS trusts and NHS foundation trusts plan setting out their planned capital resource use (the joint capital plan)
21	Strategy, plans	Approve and publish the joint ICB and partner NHS trusts and NHS foundation trusts 5-year forward plan (the joint forward plan), and its annual renewal
22	Strategy, plans	Approve the ICB annual operating plan (and any material changes to it), including place plans and commissioning plans.

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1	Audit (internal, external)	Approve the arrangements, proposed by the CFO, for the provision of the internal audit service, the costs involved, and any questions of resignation by or dismissal of the Head of Internal Audit		x, Audit Committee			CFO proposes arrangements
2	Audit (internal, external)	Review and approve the annual internal audit plan and detailed programme of work		x, Audit Committee			
3	Audit (internal, external)	Approve the annual external audit plan (having agreed 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			
4	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			
5	Audit (internal, external)	Assess annually the independence and objectivity of the external auditor.		x, Audit Committee			
6	Audit (internal, external)	Review and approve counter fraud work plans, counter-annual report and counter-fraud self-review assessment.		x, Audit Committee			
7	Audit (internal, external)	Delegate responsibility for ensuring there is appropriate internal audit provision in the ICB.					CEO delegates to CFO
8	Appointments	Approve the appointment of the ordinary members of the ICB Board					x, Chair approves appointment (R) Panel convened by CEO appoints
9	Appointments	Approve the appointment of all members of committees and sub-committees that exercise the ICB commissioning functions					x, Chair approves appointment (R)
10	Appointments	Appoint the statutory ICB member of the Integrated Care Partnership					x, Chair
11	Appointments	Appoint any other Integrated Care Partnership members (who are not the statutory ICB member or the statutory local authority member/s)			x (R), appointment of members other than the statutory member appointed by the ICP		
12	Board	Undertake appraisals of Board members and implement recommendations arising from these appraisals / reviews.					x, Chair, leads individuals' appraisals; SID leads Chair's appraisal
13	Commissioning (system, at scale; for 'place' and primary care see below)	Approve the ICB's BSW commissioning plan		x Commissioning Committee			

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14	Commissioning (system, at scale; for 'place' and primary care see below)	In line with ICB Delegated Financial Limits, approve or recommend commissioning proposals incl. at scale and strategic that are within agreed annual budgets.	x, over £10m total contract value	x Commissioning Committee (between £2.5m and £10m total contract value)			ICB Executive Director (up to £250k total contract value) CEO and CFO (up to £1m total contract value) ICB Executive Group (up to £2.5m total contract value)
15	Commissioning (system, at scale; for 'place' and primary care see below)	In line with ICB Delegated Financial Limits, approve or recommend contract award decisions following a procurement	x, over £10m total contract value	x Commissioning Committee (between £2.5m and £10m contract value)			ICB Executive Director (up to £250k contract value) CEO and CFO (up to £1m contract value) ICB Executive Group (up to £2.5m contract value)
16	Commissioning (Place)	Oversee the development of a 'place' health and healthcare commissioning strategy and plan		(Commissioning Committee includes local strategy and plans in commissioning plan for the NHS in BSW)		x Local Commissioning Group	
17	Commissioning (Place)	Manage the ICBs section 75 agreements with councils, incl. - Making commissioning decisions per agreed service and financial schedules, and in line with ICB Delegated Financial decisions; - Within the parameters set by the BSW ICB and the Council, develop and agree annual business, financial and operational plans.				x Local Commissioning Group	
18	Commissioning (Place)	Manage pooled funds, including: - agree to the viring of funds between Pooled Funds; - approve Individual Services under 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 ICB approval processes.				x Local Commissioning Group	
19	Commissioning (ambulance services)	Set the direction of strategic plans for the provision/delivery of a modern, high performing, financially viable Emergency Ambulance Service.		x Ambulance Partnership Board			
20	Commissioning (ambulance services)	Commissioning of emergency ambulance services as an integral part of the urgent and emergency care system according to national requirements and standards		x Ambulance Partnership Board			
21	Commissioning (ambulance services)	Agree a shared vision of emergency ambulance commissioning, ensuring that the vision supports alignment and integration of services		x Ambulance Partnership Board			
22	Commissioning (ambulance services)	Agree a contract that delivers national performance, clinical and quality standards, incorporating any known challenges and improvement plans into the contract		x Ambulance Partnership Board			

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23	Commissioning (ambulance services)	Decision-making in relation to planned investments by the ambulance service (where appropriate)		x Ambulance Partnership Board			
24	Commissioning (ambulance services)	Exercise commissioning functions as needed in order to lawfully complete the procurement and contracting process for emergency ambulance services and for managing the services in accordance with the terms of the contract.		x Ambulance Partnership Board			
27	Commissioning (ambulance services)	All decision-making in respect of financial adjustments or sanctions resulting from provider breach of the contract		x Ambulance Partnership Board			
#REF!	Commissioning (ambulance services)	Respond to informal or formal legal challenges brought in connection with the commissioned services		x Ambulance Partnership Board			
#REF!	Commissioning (joint specialised services)	Make joint decisions in relation to the planning and commissioning of Specialised Services, and any associated commissioning or statutory functions, for the South West population. This includes approval of commissioning strategies and plans.		x, South West Joint Working Committee (Specialised Commissioning)			
28	Commissioning (joint specialised services)	Develop and agree the approach to intervention with Specialised Services Providers where there are quality or contractual issues. (By implication, take decisions re the management of providers providing inadequate standards of patient care; and the management of poorly performing services providers)		x, South West Joint Working Committee (Specialised Commissioning)			
29	Commissioning (primary care)	Approve the establishing and maintenance of pooled funds for the purposes of exercising the Delegated Functions [for the commissioning of primary care], and in respect of any part of the Delegated Funds [for the commissioning of primary care] with: - NHS England in accordance with sections 13V or 65Z6 of the NHS Act; - one or more ICBs in accordance with section 65Z6 of the NHS Act as part of a Further Arrangement; or - NHS England and one or more ICBs in accordance with section 13V of the NHS Act; and - NHS England and one or more ICBs in accordance with section 65Z6 of the NHS Act	x	(x Primary Care Exec Group (PCEG) recommends)			
30	Commissioning (primary medical services)	Sign-off the completed annual ICB primary care commissioning assurance framework, and submission to NHSE		x PCEG			
31	Commissioning (primary medical services)	Take decisions regarding the commissioning of any Enhanced Services, including re-commissioning these services annually where appropriate		x PCEG			
32	Commissioning (primary medical services)	Design, develop and offer Local Incentive Schemes for Primary Medical Services Providers, sensitive to the differing needs of their particular communities		x PCEG			

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33	Commissioning (primary medical services)	Take decisions in relation to, any discretionary payments or discretionary support to be made to Primary Medical Services Providers		x PCEG			
34	Commissioning (primary medical services)	Take decisions regarding the commissioning of urgent care services (including home visits as required) for its patients registered out of area (including re-commissioning these services annually where appropriate)		x PCEG			
35	Commissioning (primary medical services)	Take decisions in relation to the management of Primary Medical Services Providers that are poorly performing and/or provide inadequate standards of patient care		x Primary Care Operational Group (PCOG) [escalate to PCEG any contentious, high-profile or high-risk cases]  x PCEG [for contentious, high-profile or high-risk cases escalated from PCOG]			
36	Commissioning (primary medical services)	Take decisions regarding the closure, and mergers, of practices and branch surgeries		x PCEG (PCOG makes recommendation)			
37	Commissioning (primary medical services)	Take decisions regarding the dispersing of the patient lists of Primary Medical Services Providers		x PCEG (PCOG makes recommendation)			
38	Commissioning (primary medical services)	Take decisions regarding appeals of variations to the boundaries of Primary Medical Services Providers		x PCEG			
39	Commissioning (primary medical services)	Take decisions regarding variations to the boundaries of Primary Medical Services Providers		x PCOG  x PCEG [for contentious, high-profile or high-risk cases escalated from PCOG]			
40	Commissioning (primary medical services)	Take decisions in relation to the design and commissioning of the Network Directed Enhance Services		x PCEG (PCOG makes recommendation)			
41	Commissioning (primary medical services)	Take decisions in relation to the planning and management of the Primary Care Networks		x PCEG			
42	Commissioning (primary medical services)	Take decisions in relation to the Premises Costs Directions Functions.		x PCEG			
43	Commissioning (primary medical services)	Take decisions regarding the procurement of primary care services		x PCEG (between £0 and £10m) (PCOG makes recommendations)			
44	Commissioning (primary medical services)	Vary or award of GMS/PMS/APMS and NHS Standard Contract		x PCEG (between £0 and £10m)			
45	Commissioning (primary medical services)	Terminate a GMS/PMS contract		x PCEG			

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46	Commissioning (primary medical services)	Take decisions regarding a practice appeal against a contract decision		x PCEG			
47	Commissioning (primary medical services)	Take decisions in relation to the procurement of ancillary support services as are required to support the ICB in the effective discharge of the Delegated Functions, in line with the ICB's Delegated Financial Limits		x PCEG (between £0 and £10m) (PCOG makes recommendations)			
48	Commissioning (dental)	Take decisions in relation to the establishment of new Dental Services Providers in the Area, and closure of practices		x PCEG [Dental Reference Group (DRG) recommends]			
49	Commissioning (dental)	Take decisions in relation to the management of Primary Dental Service Providers that are poorly performing and/or provide inadequate standards of patient care.		x DRG  (x PCEG for contentious, high-risk, high-profile cases escalated from DRG)			
50	Commissioning (dental)	Take decisions to vary, renew or award contracts for primary dental provision .		x PCEG (between £0 and £10m) (DRG makes recommendations)			
51	Commissioning (dental)	Terminate contracts due to significant breach/issues		x PCEG (between £0 and £10m) (DRG makes recommendations)			
52	Commissioning (dental)	Take decisions in relation to practice relocations, service changes incl service closures		x DRG  (x PCEG for contentious, high-risk, high-profile cases escalated from DRG)			
53	Commissioning (Ophthalmology)	Receive, consider and approve reports regarding the delegated functions		x PCEG  (Eye Care Reference Group [ECRG] scrutinises and recommends such reports which are usually received from the SW Collaborative Commissioning Hub)			
54	Commissioning (pharma)	Receive, consider and approve reports regarding the delegated functions		x PCEG  (Pharmacy Reference Group [PRG] scrutinises and recommends such reports which are usually received from the SW Collaborative Commissioning Hub)			
55	Compliance	Ensure the production of statutory / mandated regular compliance reports, scrutinise such reports, agree findings / actions / recommendations, and sign-off on submission to regulators and publication of reports as required. Report this to the Board.		x, ICB Board Committees			



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56	Finance	Delegate the budgetary control responsibilities to budget holders through a formal documented process					CFO
57	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
58	Finance	Approve the ICB's property governance and management framework					BSW ICB Executive Group
59	Finance	Approve the ICB's debt management strategy and associated policies and procedures		x, Finance Committee			CFO
60	Finance	Set the strategic financial framework for the NHS in the BSW System and monitor performance against it.		x, Finance Committee			
61	Finance	Approve joint forward plans and joint capital plans for the NHS in BSW	x	(Finance Committee recommends)			
62	Finance	Identify and allocate resources where appropriate to address finance and performance-related issues of the NHS in the BSW System		x Finance Committee			
63	Finance	Approve BSW ICB [ICB as body corporate] annual financial plans and budgets (including delegated and pooled budgets and non-recurrent in-year allocations)	x	(Finance Committee recommends)			
64	Finance	Approve the ICB's Scheme of Financial Delegations		x, Finance Committee (Board regularly reviews and endorses)			
65	Finance	Approve capital spend and agree to make capital grants available	x (over £10m)	x Finance Committee (between £2.5m and 10m)			CFO, £0 to £1m ICB Executive Group, between £1m and to £2.5m)
66	Governance framework	Determine ICP procedures and ToRs			x		
67	Information Governance	Sign off responses to FOI requests					Executive Director - complex FOIs incl. those handled by the Collaborative Commissioning Hub  IG Manager - all other FOIs
68	Information Governance	Approve the ICB's Information Governance Framework	x	(Information Governance Steering Group recommends)			
69	Information Governance	Approve the ICB's strategies, plans, policies and arrangements associated with the ICB's information Governance Framework		x Information Governance Steering Group			

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70	Information Governance	Sign off responses to complaints and Parliamentary enquiries					Executive Director - complex responses handled by the Collaborative Commissioning Hub
71	People	Approve BSW Integrated Care System (ICS) workforce strategies for the NHS in BSW and advise the ICB Board on the content of such strategies.		x Workforce and People Committee			
72	Quality	Highlight to the Board any areas of concern or unsatisfactory redress, and recommend to the ICB implementation of remedial action by the ICB Chief Nurse Officer		x, Quality and Outcomes Committee			
75	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, Remuneration and People Committee			
#REF!	Remuneration	Determine the remuneration and terms and conditions. and matters of succession planning of ICB Board members.		x, Remuneration and People Committee			
#REF!	Remuneration	Determine the ICB pay policy (including the adoption of pay frameworks such as Agenda for Change) for all ICB staff		x, Remuneration and People Committee			
76	Remuneration	Determine the arrangements for termination payments and any special payments for staff		x, Remuneration and People Committee			