

BOARD MEETING**26 May 2016**

Paper Title:	Use of Trust Seal
Section:	Governance
Paper Author:	Andrew Morris, Deputy Director of Estates & Facilities
Agenda Item:	16

KEY ISSUES AND REQUIREMENTS OF THIS REPORT:

Section-8 of the Trust's Standing Orders (SOs) states that the Board shall review the use of the Trust Seal annually. The attached table details the use of the Trust Seal during 2015-16: a single use of Trust Seal relating to the lease of part of the second floor at No. 16 Piccadilly in Bradford.

The paper also updates that a review of Procurement and Facilities contract approval processes will be carried out during Q1 2016-17 to ensure all contracts above the £100k threshold required by SOs, other than those relating to a National procurement framework, are presented for use of Trust Seal going forward. Three construction contracts and one service contract of value greater than the £100k threshold were implemented during 2015-16 without use of Trust seal.

LINKS TO STRATEGIC OBJECTIVES

Patient Experience	Quality	Value for Money	Relationships
-	-	The Board's SOs provide the Trust with a governance framework to be followed.	-

RELATED RISK(S):

Three construction contracts and one service contract of value greater than the £100k threshold were implemented without use of Trust seal:

- Lynfield Mount Hospital anti-climb precautions: value £128k
- Assessment & Treatment Unit (A&TU) refurbishment: value £311k
- Moorlands View refurbishment: value £556k
- Grounds maintenance including gritting and snow clearance: value £220k

However, the risk presented is negligible for the following reasons:

- The contracts were consistent with the VFM requirements of approved business cases, Capital Planning & Investment Group processes, and competitive tendering requirements, as appropriate.

- The contracts were executed by signature of the appropriate Deputy Director or Manager to an NHS or Joint Contracts Tribunal form, as appropriate, containing model dispute resolution, arbitration, and reconciliation controls.
- The anti-climb and A&TU refurbishments are successfully completed and the Moorlands View refurbishment will soon successfully complete (30th June-16).

Notwithstanding this, all contracts of value greater than £100k shall be presented for Trust Seal going forward unless they are excluded from this requirement by SOs, e.g. SO 17.5.3 (m) permits the Head of Procurement to let contracts directly where these form part of a Nationally recognised procurement framework which has demonstrated best value and which has been let through open competition in accordance with National procurement legislation.

FINANCIAL IMPLICATION:

There are no financial implications as a result of this paper.

Revenue Capital

LEGAL IMPLICATIONS:

The Trust Seal is used by the Board of Directors to executive legal documents (such as formal contracts and lease agreements) agreed on behalf of the Trust. Under the Board’s SOs, a register shall be kept to record the sealing of these documents.

PREVIOUS MEETINGS/COMMITTEES:

Highlight whether the paper has been discussed at any of the following meetings:

Audit Committee	<input type="checkbox"/>	Quality & Safety Committee	<input type="checkbox"/>	Remuneration Committee	<input type="checkbox"/>	Finance, Business and Investment Committee	<input type="checkbox"/>
Executive Management team	<input type="checkbox"/>	Directors Meeting	<input type="checkbox"/>	Chair of Committee’s Meeting	<input type="checkbox"/>	MH Legislation Committee	<input type="checkbox"/>

RECOMMENDATION:

That the Board:

- Notes the register of sealings and records its receipt in the minutes of this Board meeting.
- Notes that a Procurement and Facilities use of seal review will take place during Q1 2016-17 to ensure all contracts of value greater than £100k, other than those relating to a National procurement framework (reference SO 17.5.3 (m)), are presented for use of Trust seal in future.

Andrew Morris
Deputy Director of Estates & Facilities

Annual Report on the use of the Trust Seal

1. The use of Trust Seal in 2015/16 has been recorded as follows:

Date	Application of Trust Seal	Signatories
02.09.15	Implementation of lease relating to 16 Piccadilly in Bradford (Homeless and New Arrivals Service)	Chief Executive and Deputy Chief Executive/Director of Nursing

RECOMMENDATION:

2. That the Board:

- Notes the register of sealings and records its receipt in the minutes of this Board meeting.
- Notes that a Procurement and Facilities use of seal review will take place during Q1 2016-17 to ensure all contracts of value greater than £100k, other than those relating to a National procurement framework (reference SO 17.5.3 (m)), are presented for use of Trust seal in future.

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