

PROPOSED AMENDMENTS TO SFI's

SFI SECTION	EXISTING NARRATIVE WITHIN THE SFI's	PROPOSED NARRATIVE FOR APPROVAL WITHIN THE SFI's
AMENDMENTS IN RELATION TO THE NAME CHANGE OF DEPARTMENT OF HEALTH TO THE DEPARTMENT OF HEALTH AND SOCIAL CARE		
Contents page - 17 tendering and contracting procedure	Capital Investment and other Department of Health Guidance	Capital Investment and other Department of Health and Social Care Guidance
6.2.1 Fees and Charges	The Trust shall, where applicable, follow the Department of Health advice in the Payment by Result (PbR) guidelines and any other applicable guidance in setting prices for contracts with NHS Commissioners for all services falling within PbR from time to time.	The Trust shall, where applicable, follow the Department of Health and Social Care advice in the Payment by Result (PbR) guidelines and any other applicable guidance in setting prices for contracts with NHS Commissioners for all services falling within PbR from time to time.
6.2.2 Fees and Charges	The Director of Finance, Contracting and Facilities is responsible for approving and regularly reviewing the level of all fees and charges other than those determined by the Department of Health or by Statute. Independent professional advice on matters of valuation shall be taken as necessary. Where sponsorship income (including items in kind such as subsidised goods or loans of equipment) is being considered the guidance in the Department of Health's Commercial Sponsorship – Ethical Standards in the NHS shall be followed.	The Director of Finance, Contracting and Facilities is responsible for approving and regularly reviewing the level of all fees and charges other than those determined by the Department of Health and Social Care or by Statute. Independent professional advice on matters of valuation shall be taken as necessary. Where sponsorship income (including items in kind such as subsidised goods or loans of equipment) is being considered in line with the latest guidance from the Department of Health and Social Care .
10.1.3 Public Dividend Capital	Draw down of public dividend capital should be authorised in accordance with the mandate held by the Department of Health cash funding team, and is subject to approval by the Secretary of State.	Draw down of public dividend capital should be authorised in accordance with the mandate held by the Department of Health and Social Care capital and cash funding team, and is subject to approval by the Secretary of State.
10.1.4 Public Dividend Capital	The Trust shall be required to pay annually to the Department of Health a dividend on its public dividend capital at a rate to be determined from time to time, by the Secretary of State.	The Trust shall be required to pay annually to the Department of Health and Social Care a dividend on its public dividend capital at a rate to be determined from time to time, by the Secretary of State.
13.2.4 Losses and Special Payments	Within limits delegated to it by the Department of Health , the Board shall approve the writing-off of losses	Within limits delegated to it by the Department of Health and Social Care , the Board shall approve the writing-off of losses
15.4 Patients Property	Where Department of Health instructions require the opening of separate accounts for patients' monies, these shall be opened and operated under arrangements agreed by the Director of Finance, Contracting and Facilities	Where Department of Health and Social Care instructions require the opening of separate accounts for patients' monies, these shall be opened and operated under arrangements agreed by the Director of Finance, Contracting and Facilities.
17.4 Tendering, Capital Investment and other Department of Health Guidance	Capital Investment and other Department of Health Guidance	Capital Investment and other Department of Health & Social Care Guidance
17.5.3(m) Tendering, exceptions and instances where formal tendering need not be applied	Where allowed and provided for within current Department of Health capital investment guidance	Where allowed and provided for within current Department of Health and Social Care capital investment guidance
19.1 Retention of Records	The Chief Executive shall be responsible for maintaining archives for all records required to be retained in accordance with Department of Health guidelines.	The Chief Executive shall be responsible for maintaining archives for all records required to be retained in accordance with Department of Health and Social Care guidelines.
20.1 Programme Risk Management	The Chief Executive shall ensure that the Trust has a programme of risk management, operated through the risk management strategy, in accordance with current Department of Health assurance framework requirements, which must be approved and monitored by the Board	The Chief Executive shall ensure that the Trust has a programme of risk management, operated through the risk management strategy, in accordance with current Department of Health and Social Care assurance framework requirements, which must be approved and monitored by the Board.
20.1 Programme Risk Management	The existence, integration and evaluation of the above elements will assist in providing a basis to make a Statement on the effectiveness of the system of Internal Control within the Annual Report and Accounts as required by current Department of Health guidance.	The existence, integration and evaluation of the above elements will assist in providing a basis to make a Statement on the effectiveness of the system of Internal Control within the Annual Report and Accounts as required by current Department of Health and Social Care guidance
AMENDMENTS IN RELATION TO THE NAME CHANGE OF NHSLA TO NHS RESOLUTION		
Contents page - 20 Risk Management and Insurance	Insurance: Risk Pooling Schemes administered by NHSLA	Insurance: Risk Pooling Schemes administered by NHS Resolution (formerly NHSLA)
NARRATIVE AMENDMENTS IN RELATION TO THE CHANGES IN OFFICIAL ACTS, REGULATORS AND FRAMEWORKS		
1.1.6 General	Officers of the Trust should note that the SFI's, SOs and Scheme of Decisions and Scheme of Delegation do not contain every legal obligation applicable to the Trust. The Trust and each officer of the Trust must comply with all requirements of legislation (which shall mean any statute, subordinate or secondary legislation, any enforceable community right within the meaning of section 2(1) European Communities Act 1972 and any applicable judgment of a relevant court of law which is a binding precedent in England) and all guidance and directions binding on the Trust. Legislation, guidance and directions will impose requirements additional to the SOs, SFI's and Scheme of Decisions and Scheme of Delegation	Officers of the Trust should note that the SFI's, SOs and Scheme of Decisions and Scheme of Delegation do not contain every legal obligation applicable to the Trust. The Trust and each officer of the Trust must comply with all requirements of legislation (which shall mean any statute, subordinate or secondary legislation, any enforceable community right within the meaning of section 2(1) European Communities Act 1972 and any applicable judgment of a relevant court of law which is a binding precedent in England) and all guidance and directions binding on the Trust. Legislation, guidance and directions will impose requirements additional to the SOs, SFI's and Scheme of Decisions and Scheme of Delegation
2.5.3 External Audit	The Trust shall apply and comply with the Audit Code .	The Trust shall apply and comply with the Code of Audit Practice .
2.5.4 External Audit	The Auditor shall be required by the Trust to comply with the Audit Code .	The Auditor shall be required by the Trust to comply with the Code of Audit Practice .
2.6.1(a) Fraud and Corruption	the NHS Anti-Fraud Manual ;	the NHS Counter Fraud Manual
2.6.1(e) Fraud and Corruption		the Trust's Fraud, Bribery & Corruption policy
2.6.4 Fraud and Corruption	The LCFS and LSMS shall report to the Director of Finance, Contracting and Facilities and shall work with staff in the NHS Counter Fraud Authority in accordance with the NHS Anti-Crime Manual	The LCFS and LSMS shall report to the Director of Finance, Contracting and Facilities and shall work with staff in the NHS Counter Fraud Authority in accordance with the NHS Counter Fraud Manual
9.5.2 Duties of Managers and Officers	This provision needs to be read in conjunction with and the principles outlined in the national guidance contained in HSG 93(5) 'Standards of Business Conduct for NHS Staff'	This provision needs to be read in conjunction with and the principles outlined in the national guidance 'Managing Conflicts of Interest in the NHS: Guidance for staff and organisations' (Supersedes guidance contained in HSG 93(5) 'Standards of Business Conduct for NHS Staff') .
11.1.1(d) Capital Investment	Shall ensure that the Trust complies with the requirements of NHS Improvement's Single Oversight Framework , including the regulators guidance 'Supporting NHS providers: guidance on transactions for NHS foundation trusts'	Shall ensure that the Trust complies with the requirements of NHS Oversight Framework , including the regulators guidance 'Supporting NHS providers: guidance on transactions for NHS foundation trusts'.
17.6.10(i) Building and Engineering Construction Works	Firms included on the approved list of tenderers shall ensure that when engaging, training, promoting or dismissing employees or in any conditions of employment, shall not discriminate against any person because of colour, race, ethnic or national origins, religion or sex, and will comply with the provisions of the Equal Pay Act 1970 , the Sex Discrimination Act 1975 , the Race Relations Act 1976 , and the Disabled Persons (Employment) Act 1944 and any amending and/or related legislation.	Firms included on the approved list of tenderers shall ensure that when engaging, training, promoting or dismissing employees or in any conditions of employment, shall not discriminate against any person because of colour, race, ethnic or national origins, religion or sex, and will comply with the provisions of the Equality Act 2010 , the Sex Discrimination Act 1975 , the Race Relations Act 1976 , and the Disabled Persons (Employment) Act 1944 and any amending and/or related legislation.
18. Acceptance of Gifts by Staff and Link to Standard of Business Conduct	The Director of Human Resources and Organisational Development shall ensure that all staff are made aware of the Trust policy on acceptance of gifts and other benefits in kind by staff. This policy follows the guidance contained in the Department of Health circular HSG (93) 5 'Standards of Business Conduct for NHS Staff' and is also deemed to be an integral part of these Standing Orders and Standing Financial Instructions	The Director of Human Resources and Organisational Development shall ensure that all staff are made aware of the Trust policy on acceptance of gifts and other benefits in kind by staff. This policy follows the national NHSE guidance 'Managing Conflict of interest in the NHS: Guidance for staff and organisations' , which supersedes 'Standards of Business Conduct for NHS Staff (HSG93/5)' and is also deemed to be an integral part of these Standing Orders and Standing Financial Instructions.
AMENDMENTS IN RELATION TO NARRATIVE CHANGES FOR SUPPLIES AND PROCUREMENT		
9.2.1 Requisitioning	Wherever possible a requisitioner shall use the iProcurement (iProc) facility to order goods and services supported by Trust negotiated contracts.	Requisitioners shall use the iProcurement (iProc) facility to order goods and services supported by Trust negotiated contracts.
9.2.2 Requisitioning	Where a service or good is not available then the requisitioner should consult with the Supplies department . In choosing the item to be supplied (or the service to be performed) best value for money for the Trust should always be sought. Where the advice of the Supplies department is not acceptable to the requisitioner, the Director of Finance, Contracting and Facilities (and/or the Chief Executive) shall be consulted.	Where a service or good is not available then the requisitioner should consult with the Procurement and Supplies department . In choosing the item to be supplied (or the service to be performed) best value for money for the Trust should always be sought. Where the advice of the Procurement and Supplies department is not acceptable to the requisitioner, the Director of Finance, Contracting and Facilities (and/or the Chief Executive) shall be consulted.
17.3 Reverse Auctions	The Trust should have policies and procedures in place for the control of all tendering activity carried out through Reverse eAuctions. For further guidance on Reverse eAuctions refer to www.ogc.gov.uk	The Trust should have policies and procedures in place for the control of all tendering activity carried out through Reverse eAuctions .
17.5.3(f) Tendering, exceptions and instances where formal tendering need not be applied	Where PASA and OGC agreements are in place	Where national or regional framework agreements available to the public sector are in place
17.5.3(m) Tendering, exceptions and instances where formal tendering need not be applied	Contracts awarded by the Head of Supplies in conjunction with Points (f) and (g) are not required to be waived, as contracts awarded in these circumstances, have been let through nationally negotiated contracts which have demonstrated best value and have been let through open competition in accordance with National Procurement legislation. The Head of Supplies is not required to document and report this to the Trust Board.	Contracts awarded by the Head of Procurement and Supplies in conjunction with Points (f) and (g) are not required to be waived, as contracts awarded in these circumstances, have been let through nationally negotiated contracts which have demonstrated best value and have been let through open competition in accordance with National Procurement legislation. The Head of Procurement and Supplies is not required to document and report this to the Trust Board.
17.6.4 Opening tenders and Register of tenders (Electronic Responses)	Opening tenders and Register of tenders (Electronic Responses) – Supplies Department Only	Opening tenders and Register of tenders (Electronic Responses) – Procurement and Supplies Department Only
17.6.4(ii) Opening tenders and Register of tenders (Electronic Responses)	The Head of Supplies and the Deputy Head of Supplies will be required to be one of the two approved persons present for the releasing of the tenders estimated above £25k. In the case where the Head of Supplies or the Deputy Head of Supplies is the tender originator, a separate delegated officer will need to be present. The rules relating to the opening of tenders will need to be read in conjunction with any delegated authority set out in the Trust's scheme of delegation.	The Head of Procurement and Supplies and the Deputy Head of Procurement and Supplies will be required to be one of the two approved persons present for the releasing of the tenders estimated above £25k. In the case where the Head of Procurement and Supplies or the Deputy Head of Procurement and Supplies is the tender originator, a separate delegated officer will need to be present. The rules relating to the opening of tenders will need to be read in conjunction with any delegated authority set out in the Trust's scheme of delegation.
17.6.8(ii) Acceptance of formal tenders	The Head of Supplies may enter into post tender negotiations on terms of costs provided that the reasons for, and the results of, such negotiations are maintained in a permanent record.	The Head of Procurement and Supplies may enter into post tender negotiations on terms of costs provided that the reasons for, and the results of, such negotiations are maintained in a permanent record.
17.6.10(d) Tendering, Supplies/Procurement	The Head of Supplies should seek to ensure that all firms, with whom the Trust enters into a contract, are technically and financially competent to undertake to fulfil the supply of goods and services, making use of the NHS PASA , and NHS Supply Chain , and Trust approved contractors.	The Head of Procurement and Supplies should seek to ensure that all firms, with whom the Trust enters into a contract, are technically and financially competent to undertake to fulfil the supply of goods and services, making use of the national and regional framework contracts , the NHS Supply Chain , and Trust approved contractors.

17.8 Authorisation of Tenders and Competitive Quotations	Head of Supplies - upto - £25,000	Head of Procurement and Supplies - up to - £25,000
17.9(b) Instances where formal competitive tendering or competitive quotation is not required	The Trust shall use NHS Purchasing and Supply (PASA), Office of Government Commerce (OGC) or Yorkshire & Humber Collaborative Contract or Framework Agreements	The Trust shall use national and regional framework contracts.
OTHER AMENDMENTS RELATING TO CHANGES IN WORDING		
3.2.1(d) Budgetary Delegation	Autonomy within approved Locality budget envelope, income growth and trading gap plans;	Autonomy within approved Care Group budget envelope, income growth and any service line deficit recovery plan;
3.2.2 Budgetary Delegation	The Chief Executive and delegated budget holders must not exceed the budgetary total but have autonomy within Board approved budget envelope, income growth and trading gap plans to vary budget in order to meet their agreed targets.	The Chief Executive and delegated budget holders must not exceed the budgetary total but have autonomy within Board approved budget envelope, income growth and any service line deficit recovery plan to vary budget in order to meet their agreed targets.
3.5.1 NHS Improvements Returns	The Chief Executive is responsible for ensuring that the appropriate NHS Improvement forms are submitted to the Independent Regulator and Department of Health as required.	The Chief Executive is responsible for ensuring that the appropriate forms are submitted as required by NHS England / Improvement and/or by the Department of Health and Social Care.