



**Bradford District Care**  
NHS Foundation Trust

Agenda  
item

**16.1.2**

# **SCHEME OF DECISIONS AND SCHEME OF DELEGATION**

**NOVEMBER ~~MARCH~~ 2020**

# **SCHEME OF DECISIONS AND SCHEME OF DELEGATION**

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## 1. INTRODUCTION

This Schedule of Reserved Decisions and Scheme of Delegation sets out all roles and decision levels through which the Board of Directors operates. Many of the areas shown can be linked to specific paragraphs in the Standing Orders (where references to such relate to the specific paragraph(s) contained in Annex 7 “*Standing Orders for the Board of Directors*” of the Trust’s Constitution), Standing Financial Instructions or Procurement Regulations and these should also be consulted as required. (The Schedules are set out in the following tables).

The general description of the roles of the Board of Directors, the Chair, the Chief Executive and Executive Directors, are shown below followed by descriptions of the role/decision level in specific areas which form part of the Trust’s regular business.

## 2. GENERAL CONDITIONS

- All powers are vested in the Board of Directors and remain to be exercised by the Board unless specifically delegated within a scheme of delegation authorised by the Board. The ultimate responsibility for all decisions taken under delegated powers remains with the Board of Directors.
- Decisions made under delegated powers must comply with statutory and legal provisions, with Trust policy and regulations and must not incur expenditure that is not provided for, in the Trust’s Business Plan (revenue or capital budget).
- No Committee may exercise power greater than those available to the Board of Directors or greater than those specifically delegated by the Board.
- It is the responsibility of each Chair (or acting Chair) of each Committee, operating within delegated powers, to ensure that:
  - ◆ Business is conducted in accordance with formal agenda reports.
  - ◆ Minutes are compiled in respect of all business considered at meetings and that those minutes are comprehensive and clear and adequately reflect the considerations and decisions made.
  - ◆ Minutes of meetings including reference to decisions taken, should be submitted to the Board of Directors at the earliest practical opportunity, but in any case on a regular and timely basis.

## 3. ROLE OF THE BOARD OF DIRECTORS

The Trust sets the strategic direction of the organisation within the NHS Oversight Framework and overall NHS policy, sets objectives and the plans to meet them and oversees their delivery. It aims to ensure high standards of corporate governance and personal behaviour in the conduct of business with high standards of financial stewardship and value for money and achieves this through officers led by the Chief Executive and a team of Executive Directors who will advise and appraise. It is important to note that the Board of Directors functions as a unified Board as opposed to individuals’ accountabilities.

## 4. ROLE OF THE CHAIR

The Chair acts as the main link in communication between the Chief Executive and the Board of Directors; to provide a focus for Directors' views; to act on behalf of the Board between meetings where necessary and to report on such actions where appropriate; to advise and guide the Chief Executive; and to maintain close contact with Governors and other NHS Chairs; to act as the main spokesperson for the Board. The Chair also has a responsibility for authorising, on behalf of the Trust, urgent actions in respect of appropriate matters. In the event of the absence of the Chair, the Deputy Chair will deputise over the whole range of the Chair's responsibilities.

## 5. ROLE OF THE CHIEF EXECUTIVE

The Chief Executive is directly accountable to the Board of Directors in relation to the performance of all of the Trust's functions. Whilst Executive Directors have a crucial role in the development of policy, The Chief Executive is ultimately responsible for advice to the Board and for ensuring that the Board's policies and decisions are implemented. The only exception to this is when advice is given by other officers in their professional capacity.

## 6. ROLE OF THE EXECUTIVE DIRECTORS

Executive Directors are responsible to the Chief Executive for the scope of work delegated to them and for assisting him in the formulation of policy and advice to the Board.

## 7. EMERGENCY PLANNING, RESILIENCE AND PREPAREDNESS

To support the Trust's business continuity plans in a situation where a major incident has been declared, an identified deviation to the Standing Financial Instructions, as outlined in Appendix A of the said document, may take place.

In relation to the Scheme of Delegation, the following deputy agreements will be recognised in extraordinary circumstances where the Chief Executive, or the ~~Director of Finance, Contracting and Facilities~~Interim Executive Director of Finance is not available to fulfil their duties due to a leave of unplanned absence.

Where the Chief Executive (CE) is named to fulfil a particular duty, in their unplanned absence from work the Deputy Chief Executive, ~~Director of Finance, Contracting and Facilities~~Interim Executive Director of Finance (DFCF/DOF) or any other Executive Director, as nominated by the Chief Executive will assume full deputy responsibilities acting in good faith on behalf of the Chief Executive during their leave of absence.

Where the ~~Director of Finance, Contracting and Facilities~~Interim Executive Director of Finance is named to fulfil a particular duty, in their unplanned absence from work the Chief Executive or any other Executive Director, or ~~Deputy Director of Finance~~Interim Deputy Director of Finance as nominated by the Chief Executive will assume full deputy responsibilities acting in good faith on behalf of the Interim Executive Director of Finance~~Director of Finance, Contracting and Facilities~~ during their leave of absence.

Where the Chair of the Trust is named to fulfil a particular duty, in their unplanned absence from the role the Deputy Chair or any other Non-Executive Director, as nominated by the Chair will assume full deputy responsibilities acting in good faith on behalf of the Chair of the Trust during their leave of absence.

Where a nominated Executive Director is named to fulfil a particular duty, in their unplanned absence from the role the Chief Executive will fulfil or nominate another Executive Director,

Associate Director or relevant Deputy Director to fulfil full deputy responsibilities acting in good faith on behalf of the Chair of the Trust during their leave of absence.

#### Record

For any situation where a deviation has taken place to the Standing Financial Instructions; or any situation that may give rise to a conflict of interest (either actual or potential), the outcome will be presented to the next meeting of the Trust's Silver Command meeting or where the Chief Executive or ~~Director of Finance, Contracting and Facilities~~Interim Executive Director of Finance has been unavailable with a deputy identified to fulfil their nominated duties. The decision made, and by whom will be recorded within the Trust record for that meeting.

## 8. SCHEME OF DECISIONS AND SCHEME OF DELEGATION

DESCRIPTION	DECISION BY BOARD	DECISION BY ROLE OF:			SO/SFI REF
		CHAIR	CHIEF EXECUTIVE	DIRECTOR /SENIOR MANAGER	
<b>1. Governance</b>					
1.1 Standing Orders/ Standing Financial Instructions (SO's/SFI's)	Approves	Chair in conjunction with the Chief Executive and Board Secretary (Director of Corporate Affairs) is the final authority in interpretation of SOs and the Audit Committee for SFIs.	Responsible for creation/submission of Standing Orders.	<del>D</del> <del>F</del> <del>C</del> <del>F</del> <del>I</del> <del>D</del> <del>O</del> F responsible for creation/amendment of SFI's and submission for approval	S.O. 1.2
1.2 Audit Arrangements	Approval through Audit Committee. Action on points raised by External Auditors			<del>D</del> <del>F</del> <del>C</del> <del>F</del> <del>I</del> <del>D</del> <del>O</del> F manages the arrangements for the provision of external and internal audit. Advises Chair/CE on points raised by auditors	S.F.I. 2
1.3 Emergency Powers / Urgent Decisions		In conjunction with the Chief Executive takes action as appropriate and reports to the next Board meeting			S.O. 5.2
1.4 Health and Safety Arrangements	Approves policy on Health & Safety and arranges for the undertaking of specific reviews on the advice of the Finance, Business and Investment Committee.		Overall responsibility for operational arrangements.	<del>D</del> <del>F</del> <del>C</del> <del>F</del> <del>I</del> <del>D</del> <del>O</del> F to ensure effective implementation of Trust policy to monitor on a day-to-day basis and to advise CE of requirements. EDs/Senior Managers responsible for arrangements within their scope of operation.	S.F.I. 19
1.5 Code of Conduct, Hospitality etc.	Approves overall policy.	Approval of attendance at conferences or similar visits by Non-Executive Directors and CE.	Overall responsibility for the arrangements for Director/Officer hospitality in line with Trust policy and national guidance.	DHR to ensure that the Trust's Code of Conduct for Directors and Employees is brought to the attention of staff including new starters.	

KEY: CE Chief Executive MD Medical Director  
~~D~~~~F~~~~C~~~~F~~~~I~~~~D~~~~O~~F ~~Interim Executive Director of Finance~~ Director of Finance, Contracting & Facilities DN Director of Nursing/Professions & Care Standards DIPC  
ED Executive Directors DHR Director of Human Resources & Organisational Development  
CIO Chief Information Officer COO Chief Operating Officer

	DECISION BY BOARD	DECISION BY ROLE OF:			SO/SFI REF
		CHAIR	CHIEF EXECUTIVE	DIRECTOR/SENIOR MANAGER	
1.6 Risk Management	Approves Policy. Receives regular reports on quantified Risks from the Audit Committee. Approves the Assurance Framework. Through the Audit Committee, approves the Annual Governance Statement.		Overall responsibility for Risk Management Delegated to DN. Overall responsibility for the signed Annual Governance Statement.	DN to ensure that the Risk Management Policy is implemented. Advises Board and CE of significant risk. ED's/Senior Manager responsibility to put in place Risk Management for arrangements within the scope of operations and for taking appropriate action based upon risk assessments.	
1.7 Sealing of Documents	Receives Annual Reports on the documents on which the Common Seal has been fixed in the presence of Chair and CE (or an ED)	To be present and attested by the Chair for all contracts which exceed £0.6m (with organisations other than NHS or government bodies) or for any leases as deemed appropriate.	To be present and attested by CE/ED for all contracts which exceed £0.1m (with organisations other than NHS or government bodies) and up to £0.6m for any leases as deemed appropriate.		
1.8 Complaints against the Health Service	Approves complaints policy. Assesses and actions reports submitted on complaints or allegations of ill treatment/inappropriate treatment.		Advises Chair/Board on specific issues.	DN and/or COO advises CE on specific issues.	
1.9 Research & Development (R&D)	Approves policy and strategy having regard to the advice of the Quality and Safety Committee.		Reports R&D performance and governance to Board of Directors.	MD to put in place an effective Research Governance System and reporting.	
1.10 Data Protection	To ensure policy on data protection is effective			CIO in line with statute and Trust policy to nominate a Data Protection Manager. CIO responsible for reports to Board annually and as required.	S.F.I 14

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		CHAIR	CHIEF EXECUTIVE	DIRECTOR/SENIOR MANAGER	
<b>2. Finance</b>					
2.1 Business Plan, Budget, Annual Report and Accounts	Accepts and approves reports submitted by the CE/ <del>DFCFIDOF</del>		Approves Business Plan, Annual Report and Accounts for submission to the Board of Directors.	<del>DFCFIDOF</del> submits budgets and financial reports to the Board.	S.F.I. 3 & 4
2.2 Delegation of Budgets and Approval to spend.	Accepts and approves delegated budgets			<del>DFCFIDOF</del> to draw up proposals for individual budgets within the limits and plans of the Board. Individual Directors to accept responsibility for budgets allocated to them, to operate within SFIs, and to delegate to individual budget holders as required. <del>DFCFIDOF</del> approves virement according to SFIs.	S.F.I. 3
2.3 Service Development & Business Cases (including responding to Health Tenders/ Contracts)	Approves Trust's Annual Plan		Responsible, as the Trust's accountable officer for the legality of service developments & (via SLT, and where appropriate FBIC) approves in-year developments (with the <del>DFCFIDOF</del> ) between £0.25m & £0.6m.	<del>DFCFIDOF</del> responsible for ensuring that the business planning process and service developments take account of legality considerations	
2.4 Operation of all Detailed Finance Matters including Bank Accounts and Banking Procedures.				<del>DFCFIDOF</del> to be responsible for the implementation of the Board's financial policies, in accordance with SFIs.	
2.5 Banking	All banking arrangements must be approved by the Board of Directors.			<del>DFCFIDOF</del> to advise the Board on: <ul style="list-style-type: none"> <li>◆ Banking needs</li> <li>◆ The provision of banking services</li> <li>◆ The need for re-tendering.</li> </ul> <del>DFCFIDOF</del> to stipulate operational and day-to-day controls.	S.F.I. 5
DESCRIPTION	DECISION BY BOARD	DECISION BY ROLE OF:			SO/SFI REF
		CHAIR	CHIEF EXECUTIVE	DIRECTOR/SENIOR MANAGER	

2.6 Insurance Arrangements	Approves insurance portfolio.		Reports to Board on potential insurable risks.	<u>DFCFIDOF</u> draws up insurance portfolio recommendations. MD responsible for R&D clinical indemnity arrangements.	S.F.I. 19.2 – 19.4
2.7 Management and Control of Stocks				<u>DFCFIDOF</u> defines what is to be classed as stock and the controls and records required.  Individual Directors are responsible for stocks under their control but may delegate day-to-day control to Deputy Directors/General Managers or to Heads of Service/Departments.	S.F.I. 9 & 12
2.8 Recording and Monitoring of Payments under the Losses and Compensation Regulations				Directors and Senior Managers will notify <u>DFCFIDOF</u> in writing of losses and special payments who will arrange for the appropriate authorisation, notify the <u>DFCFIDOF</u> and provide quarterly reports to the Audit Committee. <u>DFCFIDOF</u> will notify the CE/Chair/Board of Directors of specific items of a managerial nature without delay.	S.F.I. 13
2.9 Management of Charitable Funds (Endowment Funds)	Approve the composition of Charitable Funds Committee.  Charitable Funds Committee approves Charity/ Endowment Scheme of Delegation and Sets overall policy on investments and accepts annual progress reports.			<u>DFCFIDOF</u> acts as Treasurer to the Charitable Fund Committee. <u>DFCFIDOF</u> to be responsible for ensuring management and accounting arrangements are in place which must comply with legislation.  Fund Manager      Up to £1,000 <u>DFCFIDOF</u> £1k - £10k  Charitable Funds Committee      Above £10k	S.F.I. 16

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		CHAIR	CHIEF EXECUTIVE	DIRECTOR/SENIOR MANAGER	
2.10 Service Delivery: Budgets and Monitoring	Monitors financial and patient activity on a regular basis.			<del>DFCFIDOF</del> to prepare monthly corporate report which monitors the progress of financial and patient activity within the Trust.	S.F.I. 3 & 7
2.11 External/Internal Audit	Through the Audit Committee takes necessary action on external audit reports and internal audit provision.		Considers submission to Board of Directors.	<del>DFCFIDOF</del> monitors audit issues.	S.F.I. 2

DESCRIPTION	DECISION BY BOARD	DECISION BY ROLE OF:			SO/SFI REF
		CHAIR	CHIEF EXECUTIVE	DIRECTOR/SENIOR MANAGER	
<b>3. Procurement</b>					
3.1 General	Agrees Standing Orders regarding tendering.		Ensures compliance with Standing Orders.	<del>DFCFIDOF</del> advises CE on Standing Order requirements.	
3.2 Receipt and Opening of Tenders				<del>DFCFIDOF</del> nominates and authorises Senior Officers and decides on admissibility and acceptance of tenders.  Two nominated Senior Officers to open and receive tenders. Neither should have been involved in the commissioning of the work.	
3.3 Post Tender Negotiations				<del>DFCFIDOF</del> agrees to post tender negotiations taking place.  Directors advise <del>DFCFIDOF</del> in writing that post tender negotiations are to take place or are being considered.	
3.4 Approvals and Limits	Agrees tendering limits as part of Standing Orders/Standing Financial Instructions.  Approves acceptance of tenders over £600k.  Approves any tender accepted that is other than the lowest.		CE, or <del>DFCFIDOF</del> , waives quotations and tenders over £25k and reports to Audit Committee.	Details of all tenders accepted to be reported to the <del>DFCFIDOF</del> .  Limits for approving acceptance of tenders:-  Head of Supplies           Up to £25k Prime Budget Holder       £5k - £50k Deputy Director           £50k - £75k Director                       £75k - £100k CE & <del>DFCFIDOF</del> *               £100k - £600k  *In the event that the <del>Director of Finance, Contracting and Facilities Interim Executive Director of Finance</del> is deputising for the Chief Executive and the authorisation limit has been reached where both signatories are required, the function of <del>DFCFIDOF</del> will be delegated to the <del>Deputy Director of Finance Interim Deputy Director of Finance</del> but supported by additional Executive Director approval.	

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		CHAIR	CHIEF EXECUTIVE	DIRECTOR/SENIOR MANAGER																							
3.5 Ordering Goods and Services			Authorises named individuals to raise and sign orders within prescribed monetary levels.	<p>**In the event of a major incident being declared with the Trust commencing its business continuity framework, Appendix A in the Standing Financial Instructions outlines the authorised signatories.</p> <p>These are maximum levels for authorised signatories:</p> <table> <tr> <td>Budget Monitor</td> <td>Up to £5k</td> </tr> <tr> <td>Delegated Budget Holder</td> <td>Up to £10k</td> </tr> <tr> <td>Prime Budget Holder</td> <td>Up to £50k</td> </tr> <tr> <td>Deputy Director/<del>Interim Deputy</del> <del>Director/General Manager</del></td> <td></td> </tr> <tr> <td>Up to £75k</td> <td></td> </tr> <tr> <td>Director</td> <td>Up to £100k</td> </tr> <tr> <td><del>DFCFIDOF</del></td> <td>Up to</td> </tr> <tr> <td>£250k</td> <td></td> </tr> <tr> <td>CE &amp; <del>DFCFIDOF</del>*</td> <td>Up to</td> </tr> <tr> <td>£600k</td> <td></td> </tr> <tr> <td>Trust Board</td> <td>Over £600k</td> </tr> </table> <p>*In the event that the <del>Director of Finance, Contracting and Facilities</del><del>Interim Executive Director of Finance</del> is deputising for the Chief Executive and the authorisation limit has been reached where both signatories are required, the function of <del>DFCFIDOF</del> will be delegated to the <del>Deputy Director of Finance</del><del>Interim Deputy Director of Finance</del> but supported by additional Executive Director approval</p> <p>where the Trust is involved in a financial decision relating to the WYMHSC, the threshold would be set at £500k. For other decisions that rest solely with the BDCFT Board, the £600k threshold would be retained.</p> <p>**In the event of a major incident being declared with the Trust commencing its business continuity framework, Appendix A in the Standing Financial</p>	Budget Monitor	Up to £5k	Delegated Budget Holder	Up to £10k	Prime Budget Holder	Up to £50k	Deputy Director/ <del>Interim Deputy</del> <del>Director/General Manager</del>		Up to £75k		Director	Up to £100k	<del>DFCFIDOF</del>	Up to	£250k		CE & <del>DFCFIDOF</del> *	Up to	£600k		Trust Board	Over £600k	S.F.I. 9
Budget Monitor	Up to £5k																										
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		CHAIR	CHIEF EXECUTIVE	DIRECTOR/SENIOR MANAGER	
				Instructions outlines the authorised signatories.	
3.6 Appointment of Management Consultants	Ensure NHS Improvement's consultancy expenditure approval process is adhered to.			<p>Approval of Management Consultancy services within the limits of:</p> <ul style="list-style-type: none"> <li>• ED &amp; <a href="#">DFCFIDOF</a> signing new contracts for consultancy projects up to £50k</li> <li>• ED &amp; <a href="#">DFCFIDOF</a> extending or varying existing contracts or incurring additional expenditure to which they are not already committed (where the total contract value does not exceed £50k)</li> <li>• CE &amp; <a href="#">DFCFIDOF</a> signing new contracts for consultancy projects over £50k (see below additional NHS Improvement requirement)</li> <li>• CE &amp; <a href="#">DFCFIDOF</a> extending or varying existing contracts or incurring additional expenditure to which they are not already committed (where the total contract value exceeds £50k) (see below additional Monitor requirement)</li> </ul> <p>NHS Improvement expects any submission (for costs in excess of £50k) to be authorised by at least two board level executives. For projects with direct impact on clinical services, authorisation by the Director of Nursing/Professions &amp; Care Standards DIPC, Chief Operating Officer or the Medical Director is required.</p>	
3.7 Management of Other Significant assets	Sale or purchase of capital assets (land or buildings) greater than £600k.	Authorise purchase (following reporting through FBIC), with CE, or determines submission to Board of Directors on the purchase or sale of capital assets up to £600k.	In conjunction with <a href="#">DFCFIDOF</a> , granting and termination of leases, including leases with annual rent.		



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		CHAIR	CHIEF EXECUTIVE	DIRECTOR/SENIOR MANAGER	
<b>4. Human Resources</b>					
4.1 Remuneration and Terms of Services for EDs	To be determined following recommendations from Remuneration Committee.			DHR advises Remuneration Committee.	S.O. 3.6 S.F.I. 8
4.2 Human Resources Policy Disputes/Arbitration/Disciplinary Matters	Approves policies for Trust		Determines submission to Board.  Approves all premature retirements	DHR to prepare options and draft policy in liaison with EDs. DHR reports to EDs or Board as required. MD to make recommendations regarding medical staff.	
4.3 Education and Training	Approves overall policy and monitors implementation.			DHR drafts policy in liaison with EDs.	
4.4 Manpower Plan	Approves as part of Annual Plan.			DHR and <del>DFCFIDOF</del> for changes where not in Annual Plan.	S.F.I. 8.3.1

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		CHAIR	CHIEF EXECUTIVE	DIRECTOR /SENIOR MANAGER	
<b>5. Asset Management</b>					
5.1 Management and Control of Computer Systems and Facilities.	Approves overall corporate IT policy on procurement and control of systems and facilities based on regular reports submitted by EDs.			CIO co-ordinates IT policy on behalf of Trust and is responsible for ensuring satisfactory arrangements exist for the control and security of hardware, software and data.	S.F.I.14
5.3 Management of Land and Buildings	Approves the general policy in respect of acquisitions, sale exchange or reservation of land and buildings and also the apportionment of proceeds as required.			<del>DFCFIDOF</del> to be responsible for the design and management of capital schemes, surveys land and building acquisition and disposal. <del>DFCFIDOF</del> to be responsible for the day-to-day management of land and buildings.	

## Corporate Investments, R&D, Shares etc.

DESCRIPTION	DECISION BY BOARD	DECISION BY ROLE OF:			SO/SFI REF
		CHAIR	CHIEF EXECUTIVE	DIRECTOR /SENIOR MANAGER	
<b>6. Corporate Investments</b>					
6.1 Commercialisation of Trust's Intellectual Property	Approves overall corporate policy on any investments in third party corporate vehicles and/or any internal financial support required to protect the Trust's Intellectual Property, based on reports submitted by ED's.			MD co-ordinates policy on behalf of Trust and is responsible for ensuring satisfactory arrangements exist for the control on any investments in third party corporate vehicles and/or any internal financial support required to protect the Trust's Intellectual Property.  <del>DFCFIDOF</del> to be responsible for the accounting treatment resulting from any commercial interests arising.	S.F.I.11
6.2 Strategic Alliances, Partnerships and Joint Ventures	Approves the general policy in respect of joint ventures and strategic alliances, based on reports submitted by ED's.			<del>DFCFIDOF</del> to be responsible for the structuring of any joint ventures and strategic alliances and the accounting treatment of such transactions.	
6.3 Major Projects	Approves the general policy in respect of acquisitions, sale exchange or reservation of land and buildings and also the apportionment of proceeds as required.			<del>DFCFIDOF</del> to be responsible for the design and management of capital schemes, surveys, land and building acquisition and disposal, <del>DFCFIDOF</del> to be responsible for the day-to-day management of land and buildings.	

## Approvals to sign SLA/Contracts with Commissioners

DESCRIPTION	DECISION BY BOARD	DECISION BY ROLE OF:			SO/SFI REF
		CHAIR	CHIEF EXECUTIVE	DIRECTOR /SENIOR MANAGER	
<b>7. Contracts for Provision of Services</b>					
7.1	<p>Receives Annual overview of Contract agreements/ baseline and consistency with Annual Budget plan.</p> <p>Receives updates on contractual negotiations and exception reporting on material contractual matters.</p>			<p><del>DEFIDOF</del> responsible for agreeing baseline values within overall Contracts, and ensuring consistency or variation reporting, comparing to Trust plans contained within the Annual Budget plan.</p>	S.F.I. 3 & 7