Scheme of Reservation and Delegation



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| --- | --- |
| ***Please complete the table below:***  *To be added by corporate team once policy approved and before placing on website* | |
| **Policy ref no:** | n/a |
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| **Date Approved:** | 5/03/19 |
| **Approved by:** | Governing Body |
| **Date of next review:** | As required |

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# Schedule of Matters Reserved to the Clinical Commissioning Group and Scheme of Delegation

The CCG has a schedule of matters reserved to the membership which cannot be delegated for decision to either the Governing Body, its Committees or the executive team. These bodies and individuals may make recommendations for membership decision on the matters that are reserved. The range of statutory duties reserved to the membership includes:

* Determining the arrangements by which the members of the CCG approve those decisions that are reserved for the membership.
* Consideration and approval of applications to NHS England on any matter concerning changes to the CCG’s constitution, including the Standing Orders, Standing Financial Instructions, terms of reference for the Governing Body’s committees, and the overarching Scheme of Reservation and Delegation.

The Chief Executive (Accountable Officer) may periodically propose amendment to the constitution, including the Standing Orders, Standing Financial Instructions and Terms of Reference which shall be considered and approved by the Governing Body unless:

* Changes are thought to have a material impact
* Changes are proposed to the reserved powers of the members
* At least 50% of all Governing Body members formally request that the amendments be put to the membership for approval.

The Chief Executive (Accountable Officer) may periodically propose amendment to Scheme of Reservation and Delegation which shall be considered and approved by the Governing Body unless:

* Changes are thought to have a material impact
* Changes are proposed to the reserved powers of the members
* At least 50% of all Governing Body members formally request that the amendments be put to the membership for approval.

The CCG remains accountable for all of its functions, including those that it has delegated.

| **Policy Area** | **Decision** | **Reserved to the Membership** | **Reserved or delegated to Governing Body** | **Chief Executive (Accountable Officer)** | **Chief Finance Officer** | **Committees**  **(stated)** |
| --- | --- | --- | --- | --- | --- | --- |
| REGULATION AND CONTROL | Determine the arrangements by which the members approve those decisions that are reserved for the membership. | **🗸** |  |  |  |  |
| REGULATION AND CONTROL | Consideration and approval of applications to NHS England on any matter concerning changes to the CCG’s constitution, including the Standing Orders, Standing Financial Instructions, terms of reference for the Governing Body’s committees, and the overarching Scheme of Reservation and Delegation, | **🗸** |  |  |  |  |
| REGULATION AND CONTROL | Consideration and approval of applications to NHS England on any matter concerning changes to the CCG’s constitution, including the Standing Orders, Standing Financial Instructions, terms of reference for the Governing Body’s committees, and the overarching Scheme of Reservation and Delegation, unless:  • Changes are thought to have a material impact  • Changes are proposed to the reserved powers of the members  • At least 50% of all Governing Body members formally request that the amendments be put to the membership for approval. |  | **🗸** |  |  |  |
| REGULATION AND CONTROL | Exercise or delegation of those functions of the CCG which have not been retained as reserved by the CCG, delegated to the governing body or other committee or sub-committee or member or employee |  | **🗸** |  |  |  |
| REGULATION AND CONTROL | Require and receive the declaration of interests from members of the Governing Body |  | **🗸** |  |  |  |
| REGULATION AND CONTROL | require and receive the declaration of interests from members, practice representatives and employees of the CCG |  |  | **🗸** |  |  |
| REGULATION AND CONTROL | receive reports from committees that the CCG is required by statute or other regulation to establish and take action upon those reports as necessary |  | **🗸** |  |  |  |
| REGULATION AND CONTROL | confirm the recommendations of the groups committees where the committees do not have executive powers |  | **🗸** |  |  |  |
| REGULATION AND CONTROL | manage members of the CCG, practice representatives, and members of the Governing Body who are in breach of the statutory requirements or the CCG’s standing orders and standing financial instructions |  | **🗸** |  |  |  |
| REGULATION AND CONTROL | Approve any urgent decisions taken by the chair of the Governing Body for ratification in public session |  | **🗸** |  |  |  |
| REGULATION AND CONTROL | Prepare the CCG’s overarching scheme of reservation and delegation, which sets out those decisions of the CCG reserved to the membership and those delegated to the   * governing body * committees and sub-committees of the CCG, or * its members or employees   And sets out those decisions of the governing body reserved to the governing body and those delegated to the:   * governing body’s committees and sub-committees, * governing body members, * an individual who is a member but not the governing body or a specified person |  |  | **🗸** |  |  |
| REGULATION AND CONTROL | Prepare Standing Financial Instructions (SFIs) that underpin the CCG’s prime financial policies. |  |  |  | **🗸** |  |
| REGULATION AND CONTROL | Approve the appointment of, and any changes to, the provision or delivery of internal and external audit services for the CCG. |  |  |  |  | **🗸**  Audit, Governance and Risk Committee |
| REGULATION AND CONTROL | Consider the performance of internal and external audit services for the CCG. |  |  |  |  | **🗸**  Audit, Governance and Risk Committee |
| REGULATION AND CONTROL | Monitor compliance with the CCG’s Standing Financial Instructions |  |  |  |  | **🗸**  Audit, Governance and Risk Committee |
| REGULATION AND CONTROL | Review schedules of losses and compensations and make recommendations to the governing body |  |  |  |  | **🗸**  Audit, Governance and Risk Committee |
| REGULATION AND CONTROL | Review the annual financial statements prior to submission to the governing body |  |  |  |  | **🗸**  Audit, Governance and Risk Committee |
| REGULATION AND CONTROL | Approve arrangements for managing exceptional funding requests. |  | **🗸** |  |  |  |
| PRACTICE MEMBER REPRESENTATIVES AND MEMBERS OF THE GOVERNING BODY | Approve the arrangements for   * + - identifying practice representatives to represent practices in matters concerning the work of the CCG; and     - appointing clinical leaders to represent the CCG on the governing body, for example through election (if desired). | **🗸** |  |  |  |  |
| PRACTICE MEMBER REPRESENTATIVES AND MEMBERS OF THE GOVERNING BODY | Approve the appointment of governing body GP members (Clinical Chair and locality representatives) | **🗸** |  |  |  |  |
| PRACTICE MEMBER REPRESENTATIVES AND MEMBERS OF THE GOVERNING BODY | Approve arrangements for identifying the CCG’s proposed Chief Executive (the CCG’s Accountable Officer). |  | **🗸** |  |  |  |
| STRATEGY AND PLANNING | Agree the vision, values and overall strategic direction of the CCG. |  | **🗸** |  |  |  |
| STRATEGY AND PLANNING | Approval of the CCG’s operating structure. |  | **🗸** |  |  |  |
| STRATEGY AND PLANNING | Approval of the CCG’s commissioning plan. |  | **🗸** |  |  |  |
| STRATEGY AND PLANNING | Approval of the CCG’s corporate budgets that meet the CCG’s financial duties |  | **🗸** |  |  |  |
| STRATEGY AND PLANNING | Approval of variations to the approved budget where variation would have a significant impact on the overall approved levels of income and expenditure or the CCG’s ability to achieve its agreed strategic aims. |  | **🗸** |  |  |  |
| ANNUAL REPORTS AND ACCOUNTS | Approval of the CCG’s annual report and annual accounts. |  | **🗸** |  |  |  |
| ANNUAL REPORTS AND ACCOUNTS | Approval of the arrangements for discharging the CCG’s statutory financial duties. |  | **🗸** |  |  |  |
| HUMAN RESOURCES | Approve the terms and conditions, remuneration and allowances for GP representatives including those GP members of the governing body, including pensions and gratuities. |  |  |  |  | **🗸**  Remuneration Committee |
| HUMAN RESOURCES | Make recommendations to the governing body determining the remuneration, fees and allowances payable to employees of the CCG and to other persons providing services to the CCG and determining allowances payable under pension schemes established by the CCG. |  |  |  |  | **🗸**  Remuneration Committee |
| HUMAN RESOURCES | Recommend the terms and conditions of employment for all employees of the CGG. |  |  |  |  | **🗸**  Remuneration Committee |
| HUMAN RESOURCES | Approve the terms and conditions, remuneration and allowances for Lay Members and other governing body members who are not Employees, excluding GP representatives, including pensions and gratuities. |  | **🗸** |  |  |  |
| HUMAN RESOURCES | Approve the terms and conditions of services for the CCG’s employees. |  | **🗸** |  |  |  |
| HUMAN RESOURCES | Approve the remuneration, fees and allowances payable to employees of the CCG and to other persons providing services to the CCG and determine allowances payable under pension schemes established by the CCG. |  | **🗸** |  |  |  |
| HUMAN RESOURCES | Approve disciplinary arrangements for employees, including the Chief Executive (where he/she is an employee or member of the clinical commissioning Group) and for other persons working on behalf of the CCG. |  | **🗸** |  |  |  |
| HUMAN RESOURCES | Review disciplinary arrangements where the Chief Executive is an employee or member of another CCG. |  | **🗸** |  |  |  |
| HUMAN RESOURCES | Approval of the arrangements for discharging the CCG’s statutory duties as an employer. |  |  | **🗸** |  |  |
| HUMAN RESOURCES | Approve human resources policies for employees and for other persons working on behalf of the CCG. |  |  | **🗸** |  |  |
| QUALITY AND SAFETY | Approve arrangements, including supporting policies, to minimise clinical risk, maximise patient safety and to secure continuous improvement in quality and patient outcomes. |  | **🗸** |  |  |  |
| QUALITY AND SAFETY | Approve arrangements for supporting NHS England in discharging its responsibilities in relation to securing continuous improvement in the quality of general medical services. |  | **🗸** |  |  |  |
| OPERATIONAL AND RISK MANAGEMENT | Prepare and recommend an operational scheme of delegation that sets out who has responsibility for operational decisions within the CCG. |  |  | **🗸** |  |  |
| OPERATIONAL AND RISK MANAGEMENT | Approve the CCG’s counter fraud and security management arrangements. |  |  | **🗸** |  |  |
| OPERATIONAL AND RISK MANAGEMENT | Approval of the CGG’s risk management arrangements. |  | **🗸** |  |  |  |
| OPERATIONAL AND RISK MANAGEMENT | Approve arrangements for risk sharing and or risk pooling with other organisations (for example arrangements for pooled funds with other clinical commissioning Groups or pooled budget arrangements under section 75 of the 2006 Act). |  | **🗸** |  |  |  |
| OPERATIONAL AND RISK MANAGEMENT | Approval of a comprehensive system of internal control, including budgetary control, that underpins the effective, efficient and economic operation of the CCG. |  | **🗸** |  |  |  |
| OPERATIONAL AND RISK MANAGEMENT | Approve proposals for action on litigation against or on behalf of the CCG. |  |  | **🗸** |  |  |
| OPERATIONAL AND RISK MANAGEMENT | Approve the CCG’s arrangements for business continuity and emergency planning. |  |  | **🗸** |  |  |
| INFORMATION GOVERNANCE | Approve the CCG’s arrangements for handling complaints. |  |  | **🗸** |  |  |
| INFORMATION GOVERNANCE | Approval of the arrangements for ensuring appropriate and safekeeping and confidentiality of records and for the storage, management and transfer of information and data. |  |  | **🗸** |  |  |
| TENDERING AND CONTRACTING | Approval of the CCG’s contracts for any commissioning support. |  | **🗸** |  |  |  |
| TENDERING AND CONTRACTING | Approval of the CCG’s contracts for corporate support (for example finance provision). |  | **🗸** |  |  |  |
| TENDERING AND CONTRACTING | Decision to contest CCG commissioned health services |  | **🗸** |  |  |  |
| TENDERING AND CONTRACTING | Contract award between £500,000 and £1 million (contract life including VAT) |  |  | **🗸** | **🗸** |  |
| TENDERING AND CONTRACTING | Contract award more than £1 million (contract life including VAT) |  | **🗸** |  |  |  |
| TENDERING AND CONTRACTING | Signing of all contracts up to a value of £1 million (contract life including VAT) |  |  | **🗸** | **🗸** |  |
| TENDERING AND CONTRACTING | Signing of all contracts over £1 million (contract life including VAT) : Chief Executive and Chief Finance Officer at the direction of the governing body |  | **🗸** |  |  |  |
| PARTNERSHIP WORKING | Approve decisions that members or employees of the CCG participating in joint arrangements on behalf of the CGG can make. Such delegated decisions must be disclosed in this scheme of reservation and delegation. |  | **🗸** |  |  |  |
| COMMISSIONING AND CONTRACTING FOR CLINICAL SERVICES | Approval of the arrangements for discharging the CCG’s statutory duties associated with its commissioning functions, including but not limited to promoting the involvement of each patient, patient choice, reducing inequalities, improvement in the quality of services, obtaining appropriate advice and public engagement and consultation. |  | **🗸** |  |  |  |
| COMMISSIONING AND CONTRACTING FOR CLINICAL SERVICES | Approve arrangements for co-ordinating the commissioning of services with other groups and or with the local authority(ies), where appropriate. |  | **🗸** |  |  |  |
| COMMISSIONING AND CONTRACTING FOR CLINICAL SERVICES | Approve arrangements for supporting NHS England in discharging its responsibilities in relation to securing continuous improvement in quality and patient outcomes |  |  |  |  | **🗸**  Primary Care Commissioning Committee |
| COMMISSIONING AND CONTRACTING FOR CLINICAL SERVICES | The review, planning and procurement of primary care services under co-commissioning arrangements:   * The award of GMS, PMS and APMS contracts. This includes the design of PMS and APMS contracts and monitoring of contracts * Taking contractual action such as issuing branch/remedial notices * Removing a contract * Locally defined and designated Enhanced Services * Making Decisions regarding local incentive schemes including the management and administration of the Quality Outcomes framework * Procurement of new practice provision * Approval and management of list dispersal * Approving practice mergers * discretionary payment ( eg returner/retainer schemes) |  |  |  |  | **🗸**  Primary Care Commissioning Committee |
| COMMUNICATIONS | Approving arrangements for handling Freedom of Information requests. |  | **🗸** |  |  |  |
| COMMUNICATIONS | Determining arrangements for handling Freedom of Information requests. |  |  | **🗸** |  |  |