



NHS England & NHS Improvement: Scheme of Delegation

Approved by NHS England and NHS Improvement Boards on 15 December 2020



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1 Introduction

This Scheme of Delegation (the Scheme) sets out the arrangements for the delegation of functions within both NHS England and NHS Improvement (which covers both Monitor and NHS Trust Development Authority (NHS TDA) functions), as approved by the Boards. The delegation of functions of NHS England is set out in Annex A and the delegation of functions of NHS Improvement is set out in Annex B.

The Scheme reflects the current joint working arrangements between NHS England and NHS Improvement initially put in place from 1 April 2019 and further developed since. The organisations made a commitment to transform the way they work to provide a single system view, single messaging and shared leadership to support and enable integrated care across England, whilst ensuring that both organisations continue to respect the separate statutory responsibilities exercisable by NHS England and NHS Improvement.

The organisations work under a single operating model to deliver all aspects of the existing organisations with shared governance, systems and processes, organisation structures and capabilities, culture and behaviours and financial set up.

Under these arrangements, a substantial number of senior post holders have joint contracts of employment with both NHS England and NHS Improvement (Monitor and NHS TDA) in order to discharge functions and perform duties for each organisation. In performing their duties, and specifically in discharging those functions delegated to them under this Scheme, all employees must have due regard to all potential conflicts of interest between the duties they owe to each employer. Where an employee identifies the potential for any such conflict, they should report this immediately in accordance with the Conflicts of Interest policy.

1.1 Delegation of NHS England Functions

1.1.1 The NHS Commissioning Board (operating as, and referred to in this document as, NHS England) may¹ arrange for the exercise of any of its functions on its behalf by:

- any Non-Executive Member;
- any Employee (including any Executive Member)); or
- a Committee or Sub-committee.

1.1.2 NHS England may also act in joint committee with a CCG or a Special Health Authority under Section 13Z of the NHS Act 2006 (as amended).

1.1.3 The exercise of these powers is subject to such directions as may be given by the Secretary of State.

1.1.4 NHS England is under a statutory duty to carry out its functions effectively, efficiently and economically².

¹ paragraph 13 of Schedule A1 of the NHS Act 2006 (as amended),

² Section 13D NHS Act 2006.

1.1.5 The delegation and accountability from Parliament and the Secretary of State for Health and Social Care to NHS England and the Chief Executive in his role as Accounting Officer are set out in:

- the NHS Act 2006 (as amended);
- the Health and Social Care Act 2012; the Government's mandate to NHS England and NHS Improvement, part of the NHS Accountability Framework;
- and such other regulations or directions that may be issued from time to time

1.1.6 The NHS England Board remains accountable for all of its functions under the NHS Act 2006, including those it delegates and therefore requires information about the exercise of delegated functions to assure it and enable it to maintain a monitoring role.

1.2 Delegation of NHS Improvement Functions

1.2.1 The functions of Monitor and NHS TDA are exercisable by the members of Monitor and the members of NHS TDA respectively. All members of the board of NHS Improvement are appointed as members of both Monitor and NHS TDA³ and as such are able to exercise the functions of each body.

1.2.2 Monitor may arrange for the exercise of its functions by a committee, sub-committee or employee of Monitor, and NHS TDA may arrange for the exercise of its functions by a committee, sub-committee or employee of NHS TDA⁴. A committee or sub-committee which is appointed as a committee or sub-committee of both bodies is therefore able to exercise the relevant functions of either body, as may be delegated in accordance with this scheme. An individual employed by both bodies is able to exercise the relevant functions of either body, as may be delegated in accordance with this scheme.

1.2.3 The exercise of these powers by NHS TDA is subject to such directions as may be given by the Secretary of State.

1.2.4 Monitor is under a statutory duty to carry out its functions effectively, efficiently and economically⁵.

1.2.5 The functions of Monitor and NHS TDA are set out primarily in:

- the National Health Service Act 2006
- the Health and Social Care Act 2012

³ The National Health Service Trust Development Authority (Amendment) Regulations 2015 (SI 2015 no 1559) amend the regulations governing the membership of NHS TDA (SI 2012 no. 922) so as to enable joint non-executive director positions between Monitor and NHS TDA. Joint executive appointments are also permitted under the governing legislation of the two bodies (SI 2012 no 922 (NHS TDA) and Schedule to 2012 Act Monitor)).

⁴ See paragraph 11(2) of Schedule 8 to the 2012 Act and regulation 11 of SI 2012 no 922.

⁵ Paragraph 11(1) of Schedule 8 to the 2012 Act.

- and such other regulations or directions that may be issued from time to time
 - .
- 1.2.6 The NHS Improvement Board remains accountable for all functions of Monitor and NHS TDA, including those delegated in accordance with this scheme, and therefore require information about the exercise of delegated functions to assure it and enable it to maintain a monitoring role (see rule 5.11.5 of the Rules of Procedure).

1.3 General

- 1.3.1 The purpose of this document is to set out arrangements made by NHS England, Monitor and NHS TDA for the exercise of their respective functions, in particular the delegation of functions of those bodies to committees and to employees, and the matters which are reserved to the respective Boards.
- 1.3.2 Any function of any of those bodies not specifically delegated under this Scheme may be delegated by the relevant Board by a separate Board resolution.
- 1.3.3 In addition to this Scheme, the NHS England and NHS Improvement Standing Financial Instructions provide for the reservation and delegation of various functions and decisions of the respective bodies relating to financial matters.

Chief executives

- 1.3.4 The Chief Executive of NHS England is responsible for the overall performance of the executive functions of NHS England. Under paragraph 15, Schedule A1 of the NHS Act 2006, the Chief Executive is the Accounting Officer for NHS England.
- 1.3.5 As Accounting Officer, the Chief Executive of NHS England has the responsibilities as set out in HM Treasury Guidance Managing Public Money, including ensuring that NHS England acts in accordance with the legislative framework that established it and with the terms of the Framework Agreement agreed between NHS England and the Department of Health and Social Care.
- 1.3.6 The Chief Executive of NHS England, together with the Chief Financial Officer, is responsible for ensuring the discharge of NHS England's obligations under any Financial Directions from the Secretary of State.
- 1.3.7 The Chief Executive of NHS Improvement is both the chief executive of Monitor and the chief executive of NHS TDA, and also the Chief Operating Officer of NHS Improvement and NHS England. Overall responsibility for the day-to-day management of NHS Improvement is delegated to the Chief Executive/Chief Operating Officer, who is able to exercise any function not

specifically reserved to the Board or delegated to a committee, sub-committee or other employee (see rule 5.11.9 of the Rules of Procedure). The Board, however, maintains ultimate responsibility for all its functions.

1.3.8 The Board of NHS Improvement may choose to delegate to the Chief Executive of NHS Improvement specific matters which would otherwise be reserved to the Board (as set out in the matters reserved to the Board). In addition, the Chief Executive may act in any way consistent with Monitor and NHS TDA's statutory obligations to enable him to be satisfied that:

- NHS Improvement's functions are properly exercised in accordance with legislation, applicable directions from the Secretary of State for Health and Social Care and the Government's mandate to NHS England and NHS Improvement;
- in his capacity as Accounting Officer, Monitor and NHS TDA funds are properly applied and accounted for in accordance with the instructions, memoranda and guidance issued by the Department of Health and Social Care, HM Treasury and the Cabinet Office.

1.4 Reservation of Functions, Duties and Powers to the Boards

1.4.1 The Boards have the overall function of establishing and maintaining the strategic direction of NHS England and NHS Improvement.

1.4.2 It is for each Board to decide which matters it does not delegate. Those matters are reserved for decision by each Board. For NHS England these are set out in section 1 of Annex A of this Scheme and for NHS Improvement these are set out in section 1 of Annex B of this Scheme.

1.4.3 Each Board, in full session, may decide on any matter it wishes that is within its legal powers.

1.4.4 Each Board reserves the ability to, at any time, withdraw the delegation of a function and exercise that function or further delegate it.

1.5 Caution over the use of Delegated Functions

1.5.1 Functions are delegated to Committees, Sub-Committees, Non-Executive Members, Executive Members and employees, provided they do not use such delegated functions, duties and powers in a manner that is likely to be a cause for public concern and that they be exercised responsibly.

1.6 Ability to Delegate Delegated Functions

1.6.1 The Committees, Sub-committees, Executive and Non-Executive Members and employees to which a function has been delegated may not further delegate that function, unless specifically authorised to do so under this Scheme or as part of the delegation of that function.

- 1.6.2 Each Chief Executive and the Chair of the Audit and Risk Assurance Committee (or their nominated deputies) may in so far as it is reasonable and appropriate in an emergency delegate the authority to make urgent decisions to alternative individuals or committees to those identified in this Scheme. Such alternative delegated authority shall continue for the period considered reasonable by the relevant Chief Executive and Chair in the relevant emergency context. The making of such arrangements by a Chief Executive and the Chair will be reported to the next formal meeting of the Board for formal ratification.
- 1.6.3 This Scheme should be used in conjunction with other processes and procedures established and set out in other documents within the Governance Manual, including the NHS England's Standing Orders, NHS Improvement's Rules of Procedure and the Standing Financial Instructions.
- 1.6.4 Managing Directors of hosted organisations have the authority to delegate functions delegated to them as recorded in the relevant Operating Framework, which has been approved by the National Director who is Senior Responsible Officer for the relevant hosted organisation.

1.7 Failure to comply with NHS England's Standing Orders, NHS Improvement's Rules of Procedure, Scheme of Delegation and Standing Financial Instructions

- 1.7.1 Failure to comply with the various documents in the Governance Manual may result in disciplinary action in accordance with the relevant disciplinary policy and procedure at that time.
- 1.7.2 If for any reason the reservation of powers or delegations detailed in this document are not complied with, including the exercise of powers without proper authority, full details of the non-compliance and any justification for non-compliance shall be reported to the next formal meeting of the Audit and Risk Assurance Committees for determining or ratifying action.
- 1.7.3 Notwithstanding the above, all members of the Boards and all employees must report any instance of non-compliance to the Chief Financial Officer, Chief Executive or General Counsel for NHS Improvement immediately they become aware of it.

1.8 Committees and Sub-committees

- 1.8.1 The Boards of NHS England and NHS Improvement may appoint Committees and provide for the appointment of Sub-committees. In addition, as part of the joint working arrangements between NHS England and NHS Improvement, Committees of Monitor and NHS TDA may meet in common with the equivalent Committee of NHS England.
- 1.8.2 The Boards may arrange for the delegation of the functions of NHS England and NHS Improvement to Committees and Sub-committees, in accordance with the following paragraphs.

NHS England

- 1.8.3 The NHS England Board may delegate any function for which it is responsible to a Committee or Sub-committee of NHS England, provided it has not delegated that function elsewhere in this Scheme (see also the Standing Orders).
- 1.8.4 The Board may delegate its responsibility for determining the powers and functions of a Committee and its responsibilities under rules SO6 of the Standing Orders in relation to such a Committee, to the Chief Executive of NHS England (see SO6 of the Standing Orders).
- 1.8.5 A Committee may delegate any of the functions of NHS England for which it is responsible to a Sub-committee of that Committee, subject to the provisions of the Committee's terms of reference.
- 1.8.6 Each Committee has delegated responsibility for exercise of those functions falling within their terms of reference (as approved by the Board), other than any matter reserved to the Board (see SO6 of the Standing Orders). The Committees which have been appointed by the Board and the functions delegated to those committees are not set out in this Scheme, although this may be specified in the Standing Orders.

NHS Improvement (Monitor and NHS TDA)

- 1.8.7 In accordance with rules 6.1.1 and 6.1.2 of the Rules of Procedure, the Board may appoint Committees and each committee should usually be appointed as a Committee of both Monitor and NHS TDA. A Committee or Sub-committee of Monitor may consist of or include persons who are not members or employees of Monitor. A Committee or Sub-committee of NHS TDA may consist of or include persons who are not Executive or Non-Executive members or employees of NHS TDA.
- 1.8.8 Each Committee has delegated responsibility for exercise of those functions falling within their terms of reference (as approved by the Board), other than any matter reserved to the Board (see rule 5.11.7 of the Rules of Procedure). The Committees which have been appointed by the Board and the functions delegated to those Committees are not set out in this Scheme, although this may be specified in another annex to the Rules of Procedure.

2 Scope, exercise of functions and interpretation

- 2.1.1 This Scheme applies to all the directorates and employees of NHS England and NHS Improvement, other than the Healthcare Safety Investigation Branch. The exercise of functions by HSIB is subject to the National Health Service Trust Development Authority (Healthcare Safety Investigation Branch) Directions 2016 and arrangements made by NHS TDA under those directions.
- 2.1.2 This Scheme also applies to organisations hosted by NHS England, and the employees working within such hosted organisations, including:
- a. NHS England hosted Commissioning Support Units;
 - b. NHS Interim Management and Support;
 - c. NHS Sustainable Development Unit;
 - d. NHSX;
 - e. Strategic Clinical Networks;
 - f. Clinical Senates; and
 - g. Employees of NHS England working within recognised devolution areas.
- 2.1.3 Where a function is delegated to more than one director, each director may exercise that function in respect of matters or cases falling within the remit of the directorate or team for which they are a director or, in the case of a Regional Director, in respect of the region for which they are responsible.
- 2.1.4 Where a function is delegated to Regional Directors, each Regional Director may exercise that function in respect of the region for which they are responsible.
- 2.1.5 A Regional Director may also exercise a function in respect of another region, whether generally or in relation to particular cases, if agreed by the Regional Director for that other region, the Chief Operating Officer or Chief Executive of NHS England.
- 2.1.6 A delegated function must be exercised in accordance with any statutory requirement which applies to the exercise of that function. This may include duties that apply generally to the exercise of functions by public and NHS bodies, such as the duty to have regard to the NHS Constitution (section 2 of the Health Act 2009) and the Public Sector Equality Duty (section 149 of the Equality Act 2010), or general duties specific to NHS England, Monitor or the NHS TDA (e.g. the general duties of NHS England in sections 13C to 13 13P of the NHS Act 2006 and the general duties of Monitor in sections 62 and 66 of the Health and Social Care Act 2012).

Deputising etc

- 2.1.7 In this scheme, references to the holder of a named post includes references to an employee formally deputising for the post holder; for example, during a period of absence, leave or to cover a vacant post, subject to such

deputising arrangements being formally documented and signed off by the appropriate Director or Chief Executive. Records should be retained locally for audit. Accountability for the discharge of the relevant functions will, however, remain with the designated post holder.

2.1.8 In addition, where a function is delegated to a postholder in accordance with this Scheme, then unless the context otherwise requires and subject to any alternative arrangements agreed by the Boards:

2.1.8.1 an employee in the postholder's team who reports direct to that postholder and is an employee of the body whose function is to be exercised, may exercise that function, if authorised in writing by the postholder (such authority must be retained for audit purposes);

2.1.8.2 the function may be exercised by the postholder's line manager, if:

- a) the line manager is an employee of the body whose function is being exercised, and
- b) the postholder is absent, the post is vacant or the postholder has requested the manager to exercise the function in question in relation to a particular matter.

2.1.9 As explained at paragraph 1.8.9, the subsequent sections of this Scheme do not specify the functions that have been delegated to Committees rather than employees.

2.1.10 Unless a contrary intention is evident or the context requires otherwise, words or expressions contained in this Scheme shall have the same meaning as in the National Health Service Act 2006, the 2012 Act, or in regulations, orders or directions made under those Acts. In addition, the following terms shall have the meanings specified below:

the 2012 Act	means the Health and Social Care Act 2012
the Board	means the board of NHS England or the board of NHS Improvement, as the case may be
the Board of NHS Improvement	means the boards of both Monitor and the NHS TDA
Capital Guidance	means the NHS Improvement Guidance <i>Capital regime, investment and property business case approval guidance for NHS trusts and foundation trusts</i> and any guidance replacing that guidance
Chair	means: (a) in relation to NHS England, the person appointed by the Secretary of State as the chair of NHS England; (b) in relation to NHS Improvement means the person appointed by the Secretary of State as chair of NHS Improvement (appointed as both the chair of Monitor and NHS TDA),

	and references to the chair include references to the deputy/vice chair where authorised to act in the absence of the chair
CMA	the Competition and Markets Authority
Committee	means: (a) in relation to NHS England, a committee of NHS England, and (b) in relation to NHS Improvement, a committee of NHS Improvement (whether a committee of Monitor or NHS TDA or both)
Committee Member	means a person appointed as member of a Committee
Deputy/Vice Chair	means the Non-Executive Member appointed by the Board to act as deputy/vice chair
Executive Member	means a member of the Board who has responsibility for overseeing the organisation's management (as a National Director), and, in the case of NHS Improvement, has been appointed as both an executive member of Monitor and an officer member of NHS TDA
FT	means an NHS foundation trust
HSIB	means the Healthcare Safety Investigation Branch
National Director	means a director of NHS England and NHS Improvement who is a member of the NHS Executive – as of 1 July 2020 this is one of the following directors: <ul style="list-style-type: none"> • Chief Operating Officer • the Regional Directors • Chief Financial Officer • National Medical Director • Chief Nursing Officer • Chief People Officer • National Director Digital • National Director of Strategy • National Director of Improvement • National Director for Emergency and Elective Care <p>For the purposes of Annex B to this Scheme (NHSI Functions), the term also includes the Director of Provider Development</p>
National Director Digital	Means the NHS England and NHS Improvement National Director Digital and the Chief Executive of NHSX
NHS Act 2006	means the National Health Service Act 2006
NHS England	means the National Health Service Commissioning Board
NHS Improvement	means Monitor and NHS TDA
NHS TDA	means the National Health Service Trust Development Authority
Non-Executive Member	means a member of the Board who does not have any management responsibilities, and, in the case of NHS Improvement, has been appointed as both a non-executive member of Monitor and a non-officer member of NHS TDA

Operating Framework	sets out the planning, performance and financial requirements for organisations and the basis on which they will be held to account
PPCCR	the National Health Service (Procurement, Patient Choice and Competition) (No.2) Regulations 2013 (SI 2012 no 500)
Regional Director	means a person appointed to as director for a region of NHS Improvement and England (and a member of the NHS Executive), to provide strategic leadership for those bodies across the region, including co-ordination and oversight of local team
Rules of Procedure	means the Rules of Procedure of NHS Improvement
Secretary	means the member of NHS England and NHS Improvement's staff appointed as secretary to the Board
Secretary of State for Health and Social Care	Means the Secretary of State for Health and Social or, where relevant within the context of legislative powers to direct or require anything of NHS England or NHS Improvement, any Secretary of State so empowered.
Scheme of Delegation	means this Scheme
Sub-committee	means a sub-committee of a Committee
TDA Directions	means the National Health Service Trust Development Authority Directions and Revocations and the Revocation of the Imperial College Healthcare National Health Service Trust Directions 2016
Transactions Guidance	means NHS Improvement's <i>Transactions guidance – for trusts undertaking transactions, including mergers and acquisitions</i> , including appendices and addendums, or any guidance replacing that guidance

2.1.11 Within this document, unless the context otherwise requires:

- a. words imparting any gender include any other;
- b. words in the singular include the plural and words in the plural include the singular; and
- c. a reference to an enactment is a reference to that enactment as amended.



Annex A: Scheme of Delegation – NHS England Functions



Classification: Official

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1 Statutory Functions, Duties and Powers Reserved to the Board

Reference:	Reserved To:	Functions, Duties and Powers:
NHS Act 2006		
Section 1H	Board	<ul style="list-style-type: none"> Ensure compliance with the concurrent duty, held with the Secretary of State for Health and Social Care, to continue the promotion in England of a comprehensive health service.
Section 2	Board	<ul style="list-style-type: none"> Do that which is considered appropriate for the purposes of discharging any duty imposed on NHS England and anything which is calculated to facilitate, or is conducive or incidental to, the discharge of such a duty.
Section 3B	Board	<ul style="list-style-type: none"> Comply with Regulations which may be issued by the Secretary of State for Health and Social Care to commission the services specified: <ul style="list-style-type: none"> Dental services of a prescribed description; Services or facilities for members of the armed forces or their families; Services or facilities for persons who are detained in a prison or in other accommodation of a prescribed description; and, Such other services or facilities as may be prescribed.
Section 7A	Board	<ul style="list-style-type: none"> Report annually to the Secretary of State on the key deliverables identified in the section 7A agreement, this report being included either as part of NHS England's Annual Report or as a separate document provided no later than the date on which the annual report is laid before Parliament To report after the end of each financial year on the use of funding allocated under the Section 7A agreement, meeting the requirements described in paragraph A32 of that agreement.
Section 13A	Board	<ul style="list-style-type: none"> Ensure compliance with the Mandate from the Secretary of State.
Section 13 D	Board	<ul style="list-style-type: none"> Make arrangements to comply with duty to exercise functions effectively, efficiently and economically.
Section 13F	Board	<ul style="list-style-type: none"> Have regard to the desirability of promoting autonomy, in exercising functions, so that any other person exercising functions or providing services is free to do so in the manner in which it considers most appropriate and without unnecessary burdens imposed on such a person.
Section 13Q	Board	<ul style="list-style-type: none"> Make arrangements to secure public involvement and consultation by the Board in relation to the exercise of its function to make commissioning arrangements.
Section 13T	Board	<ul style="list-style-type: none"> Publish a business plan before the start of each financial year, specifically explaining how NHS England proposes to discharge its duties under sections 13E, G and Q, and sections 223C and E.
Section 13U	Board	<ul style="list-style-type: none"> To consider and approve NHS England's statutory annual report and accounts
Section 13Z	Board	<ul style="list-style-type: none"> Exercise the power to delegate functions to a Special Health Authority, CCG or such other body as may be prescribed in legislation and on the basis of NHS Executive guidance.
Section 14O(5)	Board	<ul style="list-style-type: none"> Duty to publish guidance to CCGs on their registers of interests and management of conflicts of interest.

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Reference:	Reserved To:	Functions, Duties and Powers:
HSCA 2012		
Section 290 (section 72 NHS Act 2006)	Board	<ul style="list-style-type: none"> make arrangements to co-operate with relevant bodies in the exercise of our functions.
Section 295	Board	<ul style="list-style-type: none"> Arrangements between the Board and Northern Ireland Ministers.
Section 296	Board	<ul style="list-style-type: none"> Arrangements between the Board and Scottish Ministers etc.
Equality Act 2010		
Section 149	Board	<ul style="list-style-type: none"> Make arrangements to ensure compliance with duties under the Equality Act 2010, include the Public Sector Equality Duty .
International Development Act 2002		
Section 9 of Schedule 1	Board	<ul style="list-style-type: none"> Exercising the power, as a relevant public body, to make arrangements for the purposes of furthering sustainable development in countries outside the United Kingdom; improving the welfare of the population of one or more such countries, or alleviating the effects of natural or man-made disaster or other emergency on the population of one or more such countries (amended by Schedule 5, paragraph 100; Schedule 7, paragraph 11; Schedule 14, paragraph 82; Schedule 17, paragraph 9).
Public Bodies (Admissions to Meetings) Act 1960		
Section 1 (1)	Board	<ul style="list-style-type: none"> Responsibility for ensuring compliance with the duty to hold those meetings in public that are required by the Act.

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2 Scheme of Delegation of Statutory Functions, Duties and Powers (General)

Reference:	Delegated To:	Functions, Duties and Powers:
NHS Act 2006		
Section 4	Director of Specialised Services Commissioning Regional Directors of Commissioning	<ul style="list-style-type: none"> Make arrangements for the provision of hospital accommodation and services for persons who: <ul style="list-style-type: none"> Are liable to be detained under the Mental Health Act 1983; and, In the opinion of the Secretary of State require treatment under conditions of high security on account of their dangerous, violent or criminal propensities.
Section 6	National Directors Regional Directors	<ul style="list-style-type: none"> make arrangements for the performance and provision of such health functions outside England.
Section 6D	National Directors Regional Directors	<ul style="list-style-type: none"> Comply with Regulations to exercise a specified EU health function.
	Regional Directors Chief Operating Officer	<ul style="list-style-type: none"> Oversee arrangements and role of regional teams to apply arrangements for the performance and provision of such specified EU health functions and provide assurance on the consistent application of the process to the Audit and Risk Assurance Committee.
	National Director for Strategy	<ul style="list-style-type: none"> Make arrangements to provide a process by which patients can appeal from decisions of the regional team.
	Regional Directors	<ul style="list-style-type: none"> Apply arrangements for the exercise of such specified EU health functions and make decisions on such payments within their area.
	Regional Directors	<ul style="list-style-type: none"> Exercise general duties in relation to the exercise of specified EU health functions.
Section 12A	National Director for Strategy	<ul style="list-style-type: none"> Make arrangements to make direct payments.
	Regional Directors Chief Operating Officer	<ul style="list-style-type: none"> Oversee arrangements and role of regional teams to make direct payments and provide assurance on the consistent application of the process to the Audit and Risk Assurance Committee. Make provision to provide an appeal process for patients from decisions of the regional team.
	Regional Directors of Strategy and Transformation Devolution Chief Officer	<ul style="list-style-type: none"> Apply arrangements to make direct payments and make decisions on such payments within their region
Section 13D	National Directors Regional Directors	<ul style="list-style-type: none"> Comply with duty to exercise functions effectively, efficiently and economically.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Devolution Chief Officer	
Section 13E	Chief Executive National Directors Regional Directors Devolution Chief Officer	<ul style="list-style-type: none"> Make arrangements to comply with the duty as to exercising the functions of NHS England with a view to securing improvement in the quality of services in connection with: <ul style="list-style-type: none"> The prevention, diagnosis or treatment of illness; or, The protection or improvement of public health.
Section 13G	National Directors Regional Directors Devolution Chief Officer	<ul style="list-style-type: none"> Ensure functions are exercised having regard to the need to reduce inequalities with respect to access to health services and outcomes achieved by the provision of those services.
Section 13H	National Directors Regional Directors Devolution Chief Officer	<ul style="list-style-type: none"> Make arrangements to comply with the duty to promote involvement of each patient.
	Director of Experience, Participation & Equalities	<ul style="list-style-type: none"> Publish guidance in accordance with obligation under section 14U (2) of Act to CCGs on how they should discharge their duty to promote the involvement of each patient.
Section 13I	National Director for Strategy	<ul style="list-style-type: none"> Make arrangements to comply with the duty as to patient choice.
	National Director for Strategy Chief Operating Officer Regional Directors Devolution Chief Officer Chief Nursing Officer	<ul style="list-style-type: none"> Implement arrangements so that the duty as to patient choice is complied with in exercising functions, duties and powers.
Section 13J	Chief Executive National Directors Regional Directors	<ul style="list-style-type: none"> Make arrangements to obtain appropriate advice for enabling the effective discharge of functions.
Section 13K	Chief Commercial Officer	<ul style="list-style-type: none"> Make arrangements to secure compliance with the duty to promote innovation.
	Chief Commercial Officer Regional Directors Devolution Chief Officer	<ul style="list-style-type: none"> Implement arrangements so that the duty as to innovation is complied with in exercising functions, duties and powers.
Section 13L	National Director for Strategy	<ul style="list-style-type: none"> Duty in respect of promoting research in the exercise of its functions.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Regional Directors Devolution Chief Officer	
Section 13M	National Director of Improvement Lead – Chief People Officer Finance – Chief Financial Officer Clinical – National Medical Director/Chief Nursing Officer Administration – Chief People Officer Administration – Devolution Chief Officer	<ul style="list-style-type: none"> Comply with duty to assist the Secretary of State for Health and Social Care in respect of promoting education and training to persons who are employed, or who are considering becoming employed, in an activity which involves or is concerned with the provision of services as part of the health service in England.
Section 13O	Chief Operating Officer Regional Directors Devolution Chief Officer	<ul style="list-style-type: none"> Make arrangements to ensure compliance with the duty to have regard to the likely impact on services for those who live close to the border in Scotland and Wales, from commissioning decisions made by NHS England in England.
Section 13P	National Directors Regional Directors Regional Directors of Commissioning Devolution Chief Officer Managing Directors of Commissioning Support Units	<ul style="list-style-type: none"> Comply with duty not to exercise NHS England’s functions so as to cause a variation in the provision of health services by persons by reference to their ownership or some other aspect of their status.
Section 13Q	Chief Nursing Officer	<ul style="list-style-type: none"> Issue guidance on how NHS England will comply with its duty to secure public involvement and consultation.
	Regional Directors of Commissioning Regional Chief Nurses Devolution Chief Officer	<ul style="list-style-type: none"> Implement arrangements to secure public involvement and consultation within a region and, for issues which cover more than one region, on that wider basis

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Reference:	Delegated To:	Functions, Duties and Powers:
Section 13S	National Director Digital	<ul style="list-style-type: none"> Publish guidance for registered persons in relation to the processing of patient information and other information obtained or generated in the course of the provision of the health service.
Section 13U	Chief Financial Officer	<ul style="list-style-type: none"> Publish an annual report (subject to Board approval) as soon as practicable after the end of each financial year. Such report must be laid before Parliament and a copy sent to the Secretary of State.
Section 13V	Chief Financial Officer Regional Directors of Finance Regional Directors Devolution Chief Officer	<ul style="list-style-type: none"> Power to establish pooled funds with one of more CCGs.
Section 13W	Chief Financial Officer Regional Directors of Finance Chief Commercial Officer Devolution Chief Officer	<ul style="list-style-type: none"> Board's power to generate income, etc.
	Chief Operating Officer Director of CSU Transition Programme	<ul style="list-style-type: none"> Responsibility for the generation of income through the activities of Commissioning Support Units, which NHS England hosts with the NHS Business Services Authority, and for oversight and assurance to the Audit and Risk Assurance Committee.
	Managing Directors of Commissioning Support Units	<ul style="list-style-type: none"> Responsibility for decision-making over income generation by individual Commissioning Support Units and responsibility for running them in-line with NHS England guidance
Section 13X	Chief Financial Officer Commercial Panel Commercial Executive Group Devolution Chief Officer	<ul style="list-style-type: none"> Make arrangements to exercise the power to make grants to a voluntary organisation.
Section 13Y	National Directors Regional Directors Budget holders Devolution Chief Officer	<ul style="list-style-type: none"> Exercise of the Board's incidental powers to in particular enter into agreements, acquire and dispose of property and to accept gifts, subject to compliance with delegated financial limits.
Section 13Z3	National Directors Regional Directors	<ul style="list-style-type: none"> Put in place arrangements to enable NHS England to make permitted disclosures of information when it is determined to be appropriate.

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Reference:	Delegated To:	Functions, Duties and Powers:
Section 75	Regional Directors Devolution Chief Officer	<ul style="list-style-type: none"> Exercise of the Board's power to enter into partnership arrangements between NHS bodies and local authorities to improve the way in which NHS England's functions are exercised.
Section 222	Chief Financial Officer	<ul style="list-style-type: none"> Power to engage in fundraising
Section 223	Chief Financial Officer	<ul style="list-style-type: none"> Power to participate in the formation of companies
Section 223D	Chief Financial Officer	<ul style="list-style-type: none"> Duty to ensure that total capital resource use and total revenue resource use in a financial year do not exceed the amount specified by the Secretary of State
Section 223E	Chief Financial Officer	<ul style="list-style-type: none"> Duty to comply with directions from the Secretary of State as to resource use
Section 223F	Chief Financial Officer	<ul style="list-style-type: none"> Power to establish and manage a contingency fund
Section 223G	Chief Financial Officer	<ul style="list-style-type: none"> Duty to determine the allocation of monies to CCGs and make payments
Section 223H	Chief Financial Officer	<ul style="list-style-type: none"> Power to direct CCGs as to the accounting treatment of income and expenditure
Section 223I	Chief Financial Officer	<ul style="list-style-type: none"> Power to direct the allocation of capital or revenue resources to CCGs
Section 223J	Chief Financial Officer	<ul style="list-style-type: none"> Power to direct the allocation of capital or revenue resources to CCGs
Section 223K	Chief Financial Officer	<ul style="list-style-type: none"> Power to make payments to CCGs in respect of quality
Section 244	Regional Directors Regional Directors of Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Perform duty to advise and consult the local authority health and overview scrutiny committee for the area or any joint committee on issues relating to NHS commissioning arrangements.
	Regional Directors Regional Directors of Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Perform duty to advise and consult the local authority health and overview scrutiny committees or any joint committee for issues relating to NHS commissioning arrangements which cover more than one area.
	National Directors	<ul style="list-style-type: none"> Perform duty to advise and consult the local authority health and overview scrutiny committees or any joint committee for issues relating to NHS commissioning arrangements which have national coverage.
Section 252A	National Directors Regional Directors Chief Devolution Officer Regional Directors of Commissioning	<ul style="list-style-type: none"> Perform duty to take appropriate steps for securing that each clinical commissioning group is properly prepared for dealing with a relevant emergency Perform duty to monitor compliance by each clinical commissioning group To take appropriate steps to ensure that each relevant service provider is properly prepared for dealing with a relevant emergency

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Reference:	Delegated To:	Functions, Duties and Powers:
	Regional Medical Directors Chief Nursing Officer Regional Chief Nursing Officer	
Section 256	Chief Financial Officer	<ul style="list-style-type: none"> Power to make payments towards expenditure on community services by local authorities or housing authorities
Section 257	Chief Financial Officer	<ul style="list-style-type: none"> Power to make payments to voluntary organisations
Section 258	National Medical Director	<ul style="list-style-type: none"> Perform duty to exercise functions to as to secure that there are made available such facilities as considered reasonably required by any university which has a medical or dental school in connection with clinical teaching and research connected with clinical medicine or clinical dentistry
Schedule A1	Non-Executive Members	<ul style="list-style-type: none"> Appoint the Chief Executive and the other Executive Members of the Board.

HSCA 2012

Sections 118 and 119	Director of Strategic Finance	<ul style="list-style-type: none"> Agree proposals for the national tariff with Monitor in accordance with s 118 and s 119.
Section 126(5)	Director of Strategic Finance	<ul style="list-style-type: none"> Have regard to any notification received from Monitor regarding local modification of prices when arranging for the provision of health care services for the purposes of the NHS.
Section 254	National Director for Digital	<ul style="list-style-type: none"> Use of powers to direct NHS Digital to establish and operate a system for the collection and analysis of information as required by NHS England.
Section 255(5)	National Director Digital	<ul style="list-style-type: none"> Use of powers to direct NHS Digital <u>not</u> to comply with a request by a third party for the establishment and operation of a system for the collection or analysis of information
Section 255(6)	National Director Digital	<ul style="list-style-type: none"> Use of powers to direct NHS Digital to comply with a request for the establishment and operation of a system for the collection or analysis on information, made by a person outside England
Section 290 (section 72 NHS Act 2006)	National Directors Regional Directors Devolution Chief Officer	<ul style="list-style-type: none"> Comply with duty to co-operate with relevant bodies in the exercise of our functions

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Reference:	Delegated To:	Functions, Duties and Powers:
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Children Act 2004

Section 10	National Medical Director, Chief Nursing Officer Director of Specialised Commissioning Regional Directors	<ul style="list-style-type: none"> Responsibility for ensuring that the duty to co-operate with local authorities and others to improve well-being of children is complied with.
Section 11	National Medical Director, Chief Nursing Officer Regional Directors Director of Specialised Commissioning	<ul style="list-style-type: none"> Responsibility for ensuring that the duty to ensure that NHS England's functions are discharged having regard to the need to safeguard and promote the welfare of children.

Childcare Act 2006

Section 4	National Medical Director Chief Nursing Officer Regional Directors Director of Specialised Commissioning	<ul style="list-style-type: none"> Responsibility for ensuring that NHS England as a "relevant partner", complies with duty to work with local authority in connection with the authority's arrangements for improving well-being etc. of young children.
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Criminal Justice Act 2003

Section 325	Director of Specialised Commissioning	<ul style="list-style-type: none"> Complying with duty to co-operate with the Police, Probation and Prison services in relation to arrangements for assessing risks of violent or sexual offenders
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Local Government and Public Involvement in Health Act 2007

Section 116B(2)	Regional Directors Regional Directors of Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Responsibility for ensuring that the duty, when exercising any functions in arranging for the provision of health services in relation to the area of a responsible local authority, to have regard to the following: <ul style="list-style-type: none"> Any relevant needs assessment prepared under section 116; and, Any relevant joint health and wellbeing strategy prepared under section 116A.
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National Health Service (Performers Lists) (England) Regulations 2013

Regulation 3	National Medical Director	<ul style="list-style-type: none"> Ensure that arrangements are in place to prepare, maintain and publish performers lists and make determinations as to the inclusion of performers in the lists.
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Mental Health Act 1983

Section 12(2)	National Medical Director	<ul style="list-style-type: none"> Make arrangements for the designation of mental health doctors pursuant to section 12(2) Mental Health Act.
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Civil Contingencies Act 2004

Schedule 1	Chief Operating Officer	<ul style="list-style-type: none"> Make arrangements for NHS England to comply with obligations as a Category 1 responder. Those obligations include a duty under section 2 to assess, plan and advise (“contingency planning”).
	Regional EPRR Lead	<ul style="list-style-type: none"> Implement local arrangements to comply with obligations as a Category 1 responder in their Area.
	Regional Directors	<ul style="list-style-type: none"> Assure the NHS England Board that the Regional Team’s arrangements are sufficient to comply with Category 1 Responder obligations and where necessary implement such arrangements for NHS England.

Domestic Violence, Crime and Victims Act 2004

Section 9(3)	Regional Chief Nurses Regional Medical Director & CCIOs	<ul style="list-style-type: none"> Make arrangements, as directed by the Secretary of State, for the conduct of domestic homicide reviews.
	Regional Medical Directors & CCIO OR Regional Chief Nurses Devolution Chief Officer	<ul style="list-style-type: none"> Undertake domestic homicide reviews
	Regional Medical Director & CCIOs OR Regional Chief Nurses	<ul style="list-style-type: none"> Assure Quality Assurance Group as to Regional Team’s performance of domestic homicide reviews and if, the review is across multiple areas, undertake the domestic homicide review.

Reference:	Delegated To:	Functions, Duties and Powers:
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Public Bodies (Admissions to Meetings) Act 1960

Section 1(2)	Chair	<ul style="list-style-type: none"> Ability to exercise the power to hold meetings or parts of meetings in private (following a resolution) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business transacted, or for other special reasons stated in the resolution and arising from the nature of that business or the proceedings.
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Public Services (Social Value) Act 2012

Section 1	Chief Commercial Officer Regional Directors of Commissioning Head of Commercial Devolution Chief Officer CSUs	<ul style="list-style-type: none"> Duty to consider how, in the context of procuring services, economic, social and environmental well-being may be enhanced
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Care Act 2014

Section 6	Regional Directors Devolution Chief Officer	<ul style="list-style-type: none"> General reciprocal duty to cooperate with local authorities in (a) their respective functions relating to adults with needs for care and support, and
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Reference:	Delegated To:	Functions, Duties and Powers:
	Regional Chief Nurse	<p>(b) Their respective functions relating to carers.</p> <ul style="list-style-type: none"> These duties are to be performed in particular for the purposes of: <ul style="list-style-type: none"> (a) promoting the well-being of adults with needs for care and support and of carers in the [local] authority's area, (b) improving the quality of care and support for adults and support for carers provided in the authority's area (including the outcomes that are achieved from such provision), © smoothing the transition to the system provided for by this Part for persons in relation to whom functions under sections 58 to 65 are exercisable, (d) protecting adults with needs for care and support who are experiencing, or are at risk of, abuse or neglect, a©(e) <p>Identifying lessons to be learned from cases where adults with needs for care and support have experienced serious abuse or neglect and applying those lessons to future cases.</p>
Section 7	Regional Directors Director of Primary Care & System Transformation Devolution Chief Officer	<ul style="list-style-type: none"> Duties to comply with requests for cooperation, unless doing so would be incompatible with NHS England's own duties or the exercise of its functions. Duty to give written reasons for any refusal. Power to request cooperation of local authorities (unless doing so would be incompatible with the local authority's own duties or the exercise of its functions).
Section 22	Chief Nursing Officer Regional Chief Nurses Director of Specialised Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Power to authorise local authority to arrange the provision of accommodation with the provision of nursing care by a registered nurse, where NHS England otherwise would be responsible for arranging the accommodation with nursing care.
Section 121 / 223GA NHS Act 2006	System Oversight Committee Chief Financial Officer	<ul style="list-style-type: none"> Power to direct a clinical commissioning group that an amount (a "designated amount") of the sums paid to the group under section 223G is to be used for purposes relating to service integration.
Local Audit and Accountability Act 2014		
Section 13	Chair of Audit and Risk Assurance Committee	<ul style="list-style-type: none"> Duty to notify the Secretary of State for Health and Social Care if a CCG has failed to appoint an auditor by 25 March each year (and power, where this is the case, to direct an auditor is appointed/to appoint an auditor directly)
National Health Service (Cross-Border healthcare) Regulations 2013		
Section 9	National Director for Strategy	<ul style="list-style-type: none"> Duty to make available information to patients about rights to receive cross-border healthcare, in particular as regards the terms and conditions for reimbursement of costs; procedures for accessing and determining those entitlements; and for appeal and redress if patients consider that their rights have not been respected.

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Reference:	Delegated To:	Functions, Duties and Powers:
Official Statistics Order 2013/1163/Statistics and Registration Act 2007		
Schedule 1/ Sections 10 – 14 of the Statistics and Registration Act 2007	Chief Operating Officer	<ul style="list-style-type: none"> Statistics produced by NHS England are to be designated as 'official statistics' [to the extent that statistics comply with the Code of Practice on statistics, the UK Statistical Authority must then designate them as national statistics, and if NHS England wishes to maintain/obtain designation as national statistics, it must comply with the Code of Practice].
Functions of the National Health Service Commissioning Board and the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Primary Dental Services) (England) Regulations 2013		
Regulation 2	NHS Business Services Authority	<ul style="list-style-type: none"> The functions of NHS England relating to primary dental services in England are to be exercised by the NHS Business Services Authority.
Medical Profession (Responsible Officers) Regulations 2010 (as amended, 2013)		
Regulation 7	National Medical Director	<ul style="list-style-type: none"> Duty to nominate or appoint a sufficient number of responsible officers.
Regulation 14	National Medical Director	<ul style="list-style-type: none"> Duty to provide nominated or appointed responsible officer for that body with sufficient funds and other resources necessary to enable the officer to discharge their responsibilities for NHS England under the regulations.

Reference:	Delegated To:	Functions, Duties and Powers:
Controlled Drugs (Supervision of Management and Use) Regulations 2013		
Regulation 8	National Medical Director	<ul style="list-style-type: none"> Duty to nominate or appoint, or in a group with one or more other designated bodies must jointly nominate or appoint, a fit, proper and suitably experienced person to be its Controlled Drugs Accountable Officer, and NHS England must nominate or appoint a fit, proper and suitably experienced person to be its Controlled Drugs Accountable Officer in respect of each local intelligence network area
Regulation 10	National Medical Director	<ul style="list-style-type: none"> Duty to notify CQC of the identity of the Controlled Drugs Accountable Officer.
Regulation 14	National Medical Director	<ul style="list-style-type: none"> Duty to determine what are to be the local intelligence network areas for England. The NHS England Controlled Drugs accountable officer is the lead CDAO for the local intelligence network.
Regulation 14	NHS England Controlled Drugs Accountable Officer	<ul style="list-style-type: none"> Duty to establish and operate a local intelligence network for their designated area
Regulation 15	National Medical Director NHS England Controlled Drugs Accountable Officer	<ul style="list-style-type: none"> Duty to cooperate with other members of the local intelligence network, in connection with—

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Reference:	Delegated To:	Functions, Duties and Powers:
		<p>(a) the identification of cases in which action may need to be taken in respect of matter arising in relation to the management or use of controlled drugs by individuals who are relevant persons as regards any member of the network;</p> <p>(b) the consideration of issues relating to the taking of action in respect of such matters and</p> <p>(c) the taking of action in respect of such matters.</p>

National Health Service (Procurement, Patient Choice and Competition) (No. 2) Regulations 2013 further to s. 75 HSCA 2012; NHS England as a 'relevant body' is required to comply with other provisions within these regulations more generally.

Regulations 4, 9	Chief Commercial Officer Head of Procurement	<ul style="list-style-type: none"> Duty to maintain a register on a website of advertising by relevant bodies of opportunities for providers to provide health care services for the purposes of the NHS, and of contracts granted.
Regulation 10	Chief Commercial Officer National Director for Strategy Regional Directors Director of Primary Care & System Transformation	<ul style="list-style-type: none"> Duty not to restrict individual patient choice as regards primary care

National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012

Part 3	Chief Executive Officer Chief Financial Officer Regional Directors Director of Specialised Commissioning National Director for Strategy	<ul style="list-style-type: none"> Duty to commission specified healthcare services, for specified persons, and in accordance with requirements set out in the Regulations.
Part 5	National Director for Strategy	<ul style="list-style-type: none"> Draft terms and conditions for inclusion in commissioning contracts and model commissioning contracts reflecting relevant terms and conditions and publish the same
Part 8	National Director for Strategy	<ul style="list-style-type: none"> Duty to devise arrangements to ensure that patients are given prescribed choices in respect of their care and to publicise and promote such choices
Part 8	Director of Specialised Commissioning Regional Directors of Commissioning	<ul style="list-style-type: none"> Duty to implement arrangements to ensure that patients are given prescribed choice in respect of their care and to promote such choices

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Reference:	Delegated To:	Functions, Duties and Powers:
-Part 10	Director of Specialised Commissioning	<ul style="list-style-type: none"> Ensuring compliance with Scheme for funding of certain diseases modifying therapies for Multiple Sclerosis.

Public Services (Social Value) Act 2012

Reference:	Delegated To:	Functions, Duties and Powers:
Section 1	Chief Commercial Officer	<ul style="list-style-type: none"> Duty to consider, how in the context of procuring services, economic, social and environmental well-being may be enhanced.

Public Contracts Regulations 2015

Reference:	Delegated To:	Functions, Duties and Powers:
Section 1	Chief Commercial Officer	<ul style="list-style-type: none"> Make arrangements to comply with the requirements of the Public Contracts Regulations 2015

National Institute for Health and Care Excellence (Constitution and Functions) and the Health and Social Care Information Centre (Functions) Regulations 2013

Reference:	Delegated To:	Functions, Duties and Powers:
Reg 32	National Director Digital	<ul style="list-style-type: none"> power to direct NHS Digital to exercise such of its systems delivery functions as may be specified in the direction

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3 Scheme of Delegation of Statutory Functions, Duties and Powers in respect of Primary Medical Care

Reference:	Delegated To:	Functions, Duties and Powers:
NHS Act 2006		
Sections 83, 92 & 96	Chief Operating Officer Director of Primary Care and System Transformation	<ul style="list-style-type: none"> Develop and publish strategy for securing the provision of primary medical services.
	Regional Directors	<ul style="list-style-type: none"> Implement the strategy for securing the provision of primary medical services.
	National Medical Director	<ul style="list-style-type: none"> Develop guidance for implementation of the obligations under the NHS (Performers Lists) Regulations.
	Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Exercise general duties in relation to the commissioning and/or provision of primary medical services.
	Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Enter into arrangements, contractual or otherwise, subject to compliance with delegated financial limits, to secure the provision of primary medical services.
	Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning	<ul style="list-style-type: none"> Ensure contracts and other arrangements are correctly monitored and governed including ensuring that all contractors sign NHS England's data confidentiality code of conduct and IT security policy where relevant.
	Regional Director	<ul style="list-style-type: none"> Exercise the functions specifically that of investigating and regulating performers, as described in the NHS (Performers Lists) Regulations and in accordance with NHS England guidance.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Regional Medical Directors & CCIOs Devolution Chief Officer	
	Regional Medical Director & CCIOs Devolution Chief Officer	<ul style="list-style-type: none"> Make arrangements to have in place a panel to determine performance list issues raised locally in pursuance of their function to investigate and regulate performers under the Regulations.
	Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Exercise functions to work with CCGs, local authorities and health and wellbeing boards to deliver primary care services in their area.
	Regional Director Regional Director of Commissioning Regional Director of Primary Care & Public Health Regional Medical Director & CCIO Regional Director of Strategy & Transformation Regional Director of Performance and Improvement Clinical Director of Quality Regional Chief Nurse Devolution Chief Officer Executive lead for Quality/ Medical Director Director of Nursing, Leadership and Quality Director of Nursing, Professional and System Development	<ul style="list-style-type: none"> Authorisation to investigate and respond to any complaint related to the provision of primary medical services by any provider from whom NHS England commissions such services, either directly or indirectly through CCGs.

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Reference:	Delegated To:	Functions, Duties and Powers:
	<p>Clinical Quality Director Regional Director of Specialised Commissioning, Public Health Commissioning, Health in Justice and Military Director of Nursing – Clinical Quality Medical Director - System Improvement and Professional Standards Medical Director of Commissioning</p> <p>Director of Strategic Transformation Locality Director</p>	
	<p>Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning Devolution Chief Officer</p>	<ul style="list-style-type: none"> Take urgent and emergency action to safeguard and maintain the provision of primary medical services.
Section 98A	Chief Executive Officer	<ul style="list-style-type: none"> Give directions to a CCG about the exercise by it of any functions of NHS England relating to the provision of primary medical services.
	Regional Directors	<ul style="list-style-type: none"> Oversee the local NHS England exercise of functions to deliver primary care services and assure the System Oversight Committee that such services are commissioned and monitored in accordance with the legal framework and NHS England guidance.
	Regional Medical Director & CCIOs	<ul style="list-style-type: none"> Undertake investigations into service provision or performer list issues where they cover more than one geography.

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4 Scheme of Delegation of Statutory Functions, Duties and Powers in respect of Specialised Commissioned Services

Reference:	Delegated To:	Functions, Duties and Powers:
NHS Act 2006		
Section 3B	Chief Financial Officer Director of Specialised Commissioning	Develop and publish strategy for securing the provision of specialised commissioned services.
	Clinical Priorities Advisory Group Director of Specialised Commissioning Chief Financial Officer	Provide advice and recommendations to the Board over the provision of specialised commissioned services.
	Director of Specialised Commissioning Regional Directors of Commissioning Regional Directors of Specialised & Health & Justice Commissioning Devolution Chief Officer	Implement the strategy for securing the provision of specialised commissioned services.
	Director of Specialised Commissioning Regional Directors of Commissioning Regional Directors of Specialised & Health & Justice Commissioning Devolution Chief Officer	Exercise general duties in relation to the commissioning and/or provision of specialised commissioned services.
	Regional Director	Enter into arrangements, contractual or otherwise, subject to compliance with delegated financial limits, to secure the provision of specialised commissioned services.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Regional Directors of Commissioning Regional Directors of Specialised & Health & Justice Commissioning Devolution Chief Officer	
	Director of Specialised Commissioning Regional Directors of Commissioning Regional Directors of Specialised & Health & Justice Commissioning Devolution Chief Officer	Ensure contracts and other arrangements are correctly monitored and governed including ensuring that all contractors sign NHS England's data confidentiality code of conduct and IT security policy where relevant.
Section 3B (continued)	Director of Specialised Commissioning Regional Director of Commissioning Regional Director of Specialised Commissioning & Health & Justice Regional Medical Director & CCIO Regional Director of Strategy & Transformation Regional Director of Performance and Improvement Regional Director of Nursing, Specialised Commissioning Clinical Director of Quality	Authorisation to investigate and respond to any complaint related to the provision of specialised commissioned services by any provider from whom NHS England commissions such services, either directly or indirectly.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Regional Chief Nurse Devolution Chief Officer Executive lead for Quality/ Medical Director Director of Nursing, Leadership and Quality Director of Nursing, Professional and System Development Clinical Quality Director Regional Director of Specialised Commissioning, Public Health Commissioning, Health in Justice and Military Director of Nursing – Clinical Quality Medical –Director - System Improvement and Professional Standards Medical Director of Commissioning Director of Strategic Transformation Locality Director	
	Regional Directors of Commissioning Regional Directors of Specialised & Health & Justice Commissioning Devolution Chief Officer	Take urgent and emergency action to safeguard and maintain the provision of specialised commissioned services.
	Regional Directors of Commissioning	Exercise functions to work with CCGs, local authorities and health and wellbeing boards to deliver specialised commissioned services in their area.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Regional Directors of Specialised & Health & Justice Commissioning Devolution Chief Officer	
	Director of Specialised Commissioning Regional Directors of Commissioning Regional Directors of Specialised & Health & Justice Commissioning Devolution Chief Officer	Ensure that processes are in place to make determinations over Individual Funding Requests in respect of specialised commissioned services.
	Regional Directors of Commissioning	Oversee regional teams in exercising functions to deliver specialised commissioned services and assure the Audit and Risk Assurance Committee that such services are commissioned and monitored in accordance with the legal framework and NHS England guidance.
	Regional Directors of Commissioning Regional Directors of Specialised & Health & Justice Commissioning	Undertake investigations into service provision where they cover more than one geography.

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5 scheme of Delegation of Statutory Functions, Duties and Powers in respect of High Secure Psychiatric Services

Reference:	Delegated To:	Functions, Duties and Powers:
NHS Act 2006		
Section 4	Chief Financial Officer Director of Specialised Commissioning	<ul style="list-style-type: none"> Make arrangements for the provision of hospital accommodation and services for persons who: <ul style="list-style-type: none"> Are liable to be detained under the Mental Health Act 1983; and, In the opinion of the Secretary of State for Health and Social Care require treatment under conditions of high security on account of their dangerous, violent or criminal propensities.
	Regional Directors of Commissioning Regional Directors of Specialised & Health & Justice Commissioning	<ul style="list-style-type: none"> Exercise general duties in relation to the commissioning and/or provision of high secure psychiatric services.
	Director of Specialised Commissioning	<ul style="list-style-type: none"> Enter into arrangements, contractual or otherwise, subject to compliance with delegated financial limits, to secure the provision of high secure psychiatric services.
	Regional Directors of Commissioning Regional Directors of Specialised & Health & Justice Commissioning	<ul style="list-style-type: none"> Ensure contracts and other arrangements are correctly monitored and governed including ensuring that all contractors sign NHS England's data confidentiality code of conduct and IT security policy where relevant.
	Director of Specialised Commissioning Regional Director Regional Director of Commissioning Regional Director of Specialised Commissioning & Health & Justice Regional Medical Director & CCIO Regional Director of Strategy & Transformation	<ul style="list-style-type: none"> Authorisation to investigate and respond to any complaint related to the provision of high secure psychiatric services by any provider from whom NHS England commissions such services, either directly or indirectly.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Regional Director of Performance and Improvement Regional Director of Nursing, Specialised Commissioning Regional Chief Nurse Devolution Chief Officer Executive lead for Quality/ Medical Director Director of Nursing, Leadership and Quality Director of Nursing, Professional and System Development Clinical Quality Director Regional Director of Specialised Commissioning, Public Health Commissioning, Health in Justice and Military Director of Nursing – Clinical Quality Medical Director - System Improvement and Professional Standards Medical Director of Commissioning Director of Strategic Transformation Locality Director	
	Director of Specialised Commissioning	<ul style="list-style-type: none"> • Take urgent and emergency action to safeguard and maintain the provision of high secure psychiatric services.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Designated Regional Directors of Commissioning	<ul style="list-style-type: none"> Oversee NHS England exercise of functions to deliver high secure service and assure the System oversight committee that such services are commissioned and monitored in accordance with the legal framework and NHS England guidance.

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6 Scheme of Delegation of Statutory Functions, Duties and Powers in respect of Dental Services

Reference:	Delegated To:	Functions, Duties and Powers:
NHS Act 2006		
Section 5, 99, 100 & 112	Chief Operating Officer Director of Primary Care and System Transformation	<ul style="list-style-type: none"> Make arrangements, to the extent which NHS England considers necessary to meet all reasonable requirements, to exercise powers so as to secure the provision of dental services throughout England.
	National Medical Director	<ul style="list-style-type: none"> Develop guidance for implementation of the obligations under the NHS (Performers Lists) Regulations.
	Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Exercise general duties in relation to the commissioning and/or provision of dental services.
	Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Enter into arrangements, contractual or otherwise, subject to compliance with delegated financial limits, to secure the provision of dental services.
	Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Ensure contracts and other arrangements are correctly monitored and governed including ensuring that all contractors sign NHS England's data confidentiality code of conduct and IT security policy where relevant.
	Regional Directors Regional Medical Director & CCIOs	<ul style="list-style-type: none"> Exercise the functions specifically that of investigating and regulating performers, as described in the NHS (Performers Lists) Regulations and in accordance with NHS England guidance.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Devolution Chief Officer	
	Regional Medical Director & CCIOs Devolution Chief Officer	<ul style="list-style-type: none"> Make arrangements to have in place a panel to determine performance list issues raised by the Regional Teams in pursuance of their function to investigate and regulate performers under the Regulations.
	Regional Director Regional Director of Commissioning Regional Director of Primary Care & Public Health Regional Medical Director & CCIO Regional Director of Strategy & Transformation Regional Director of Performance and Improvement Regional Chief Nurse Devolution Chief Officer Executive lead for Quality/ Medical Director Director of Nursing, Leadership and Quality Director of Nursing, Professional and System Development Clinical Quality Director Regional Director of Specialised Commissioning, Public Health Commissioning, Health in Justice and Military Director of Nursing – Clinical Quality	<ul style="list-style-type: none"> Authorisation to investigate and respond to any complaint related to the provision of dental services by any provider from whom NHS England commissions such services, either directly or indirectly.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Medical Director - System Improvement and Professional Standards Medical Director of Commissioning Director of Strategic Transformation Locality Director	
	Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Devolution Chief Officer	<ul style="list-style-type: none"> Take urgent and emergency action to safeguard and maintain the provision of dental services.
	Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Devolution Chief Officer	<ul style="list-style-type: none"> Ensure that processes are in place to make determinations over Individual Funding Requests in respect of dental services.
	Regional Directors Regional Directors of Commissioning	<ul style="list-style-type: none"> Oversee NHS England exercise of functions to deliver dental services and assure the System Oversight Committee that such services are commissioned and monitored in accordance with the legal framework and NHS England guidance.
	Regional Directors Regional Medical Director & CCIOs	<ul style="list-style-type: none"> Undertake investigations into service provision or performer list issues where they cover more than one geography.

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7 Scheme of Delegation of Statutory Functions, Duties and Powers in respect of Primary Ophthalmic Services

Reference:	Delegated To:	Functions, Duties and Powers:
NHS Act 2006		
Sections 6, 115 & 124	Chief Operating Officer Director of Primary Care and System Transformation	<ul style="list-style-type: none"> Make arrangements to secure the provision of primary ophthalmic services throughout England.
	National Medical Director	<ul style="list-style-type: none"> Develop guidance for implementation of the obligations under the NHS (Performers Lists) Regulations.
	Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Exercise general duties in relation to the commissioning/provision of primary ophthalmic services.
	Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Enter into arrangements, contractual or otherwise, subject to compliance with delegated financial limits, to secure the provision of primary ophthalmic services.
	Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Ensure contracts and other arrangements are correctly monitored and governed including ensuring that all contractors sign NHS England's data confidentiality code of conduct and IT security policy where relevant.
Regional Directors Regional Directors	<ul style="list-style-type: none"> Exercise the functions specifically that of investigating and regulating performers, as described in the NHS (Performers Lists) Regulations and in accordance with NHS England guidance. 	

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Reference:	Delegated To:	Functions, Duties and Powers:
	Regional Medical Director & CCIOs Devolution Chief Officer	
	Regional Medical Directors & CCIO Devolution Chief Officer	<ul style="list-style-type: none"> Make arrangements to have in place a panel to determine performance list issues raised by the Regional teams in pursuance of their function to investigate and regulate performers under the Regulations.
	Regional Director Regional Director of Commissioning Regional Director of Primary Care & Public Health Regional Medical Director & CCIO Regional Director of Strategy & Transformation Regional Director of Performance and Improvement Regional Chief Nurse Devolution Chief Officer Executive lead for Quality/ Medical Director Director of Nursing, Leadership and Quality Director of Nursing, Professional and System Development Clinical Quality Director Regional Director of Specialised Commissioning, Public Health Commissioning, Health in Justice and Military	<ul style="list-style-type: none"> Authorisation to investigate and respond to any complaint related to the provision of primary ophthalmic services by any provider from whom NHS England commissions such services, either directly or indirectly.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Director of Nursing – Clinical Quality Medical Director - System Improvement and Professional Standards Medical Director of Commissioning Director of Strategic Transformation Locality Director	
	Regional Directors Regional Directors of Commissioning Regional Director of Primary Care & Public Health Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Take urgent and emergency action to safeguard and maintain the provision of primary ophthalmic services.
	Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Ensure that processes are in place to make determinations over Individual Funding Requests in respect of primary ophthalmic services.
	Regional Directors Regional Directors of Commissioning	<ul style="list-style-type: none"> Oversee NHS England exercise of functions to deliver primary care services and assure the System Oversight Committee that such services are commissioned and monitored in accordance with the legal framework and NHS England guidance.
	Regional Directors Regional Medical Director & CCIOs	<ul style="list-style-type: none"> Undertake investigations into service provision or performer list issues where they cover more than one geography.

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8 Scheme of Delegation of Statutory Functions, Duties and Powers in respect of Pharmaceutical Services

Reference:	Delegated To:	Functions, Duties and Powers:
NHS Act 2006		
Section 126, 127 & 134	Chief Operating Officer Director of Primary Care and System Transformation	<ul style="list-style-type: none"> Make arrangements to secure the provision of pharmaceutical services throughout England.
	Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Exercise general duties in relation to the commissioning/provision of pharmaceutical services.
	Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Enter into arrangements, contractual or otherwise, subject to compliance with delegated financial limits, to secure the provision of primary pharmaceutical services.
	Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Ensure contracts and other arrangements are correctly monitored and governed including ensuring that all contractors sign NHS England's data confidentiality code of conduct and IT security policy where relevant.
	Regional Directors	<ul style="list-style-type: none"> Exercise powers under contracts of Terms of Service to performance manage pharmaceutical contractors.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning Devolution Chief Officer	
	Regional Director Regional Directors of Commissioning Director of Primary Care & System Transformation Regional Medical Directors & CCIO Regional Director of Strategy & Transformation Regional Director of Performance and Improvement Regional Chief Nurse Devolution Chief Officer Executive lead for Quality/ Medical Director Director of Nursing, Leadership and Quality Director of Nursing, Professional and System Development Clinical Quality Director Regional Director of Specialised Commissioning, Public Health Commissioning, Health in Justice and Military Director of Nursing – Clinical Quality	<ul style="list-style-type: none"> • Authorisation to investigate and respond to any complaint related to the provision of pharmaceutical services by any provider from whom NHS England commissions such services, either directly or indirectly.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Medical Director - System Improvement and Professional Standards Medical Director of Commissioning Director of Strategic Transformation Locality Director	
	Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Take urgent and emergency action to safeguard and maintain the provision of primary pharmaceutical services.
	Regional Directors Regional Directors of Commissioning Regional Directors of Primary Care & Public Health Commissioning Devolution Chief Officer	<ul style="list-style-type: none"> Ensure that processes are in place to make determinations over Individual Funding Requests in respect of primary pharmaceutical services.
	Regional Directors of Commissioning	<ul style="list-style-type: none"> Oversee NHS England exercise of functions to deliver primary pharmaceutical services and assure the System Oversight Committee that such services are commissioned and monitored in accordance with the legal framework and NHS England guidance.
	Regional Directors of Commissioning	<ul style="list-style-type: none"> Undertake investigations into service provision or Contractor list issues where they cover more than one geography.
Section 147A	Regional Medical Director & CCIO Devolution Chief Officer	<ul style="list-style-type: none"> Exercise the functions of investigating and regulating those included in pharmaceutical lists as described in the National Health Service (Pharmaceutical Services & Local Pharmaceutical Services) Regulations 2013 and in accordance with NHS England guidance.
	Regional Medical Director & CCIOs Devolution Chief Officer	<ul style="list-style-type: none"> Make arrangements to have in place a panel to determine issues raised by the Regional teams in pursuance of their function to investigate and regulate those included in pharmaceutical lists.

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Reference:	Delegated To:	Functions, Duties and Powers:
Section 148-163	National Medical Director	<ul style="list-style-type: none"> Ensure that arrangements are in place to make determinations as to the inclusion of pharmacists in pharmaceutical lists on fitness to practice grounds
Section 164	Chief Financial Officer	<ul style="list-style-type: none"> Duty to determine the remuneration paid to persons providing pharmaceutical services, if directed by the Secretary of State

9 Scheme of Delegation of Statutory Functions, Duties and Powers in respect of Services for Members of the Armed Forces

Reference:	Delegated To:	Functions, Duties and Powers:
NHS Act 2006		
Section 3B	Director of Specialised Commissioning Chief Financial Officer	<ul style="list-style-type: none"> Develop, publish and implement strategy for securing the provision of health services to members of the armed forces.
	Director of Public Health, Armed Forces and Health & Justice Commissioning Regional Directors of Commissioning Regional Directors of Specialised & Health & Justice Commissioning	<ul style="list-style-type: none"> Exercise general duties in relation to the commissioning and/or provision of services for members of the armed forces.
	Regional Directors of Commissioning Regional Directors of Specialised Commissioning & Health & Justice Commissioning	<ul style="list-style-type: none"> Enter into arrangements, contractual or otherwise, subject to compliance with delegated financial limits, to secure the provision of services for members of the armed forces.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Regional Directors of Commissioning Regional Director of Specialised Commissioning & Health & Justice Commissioning	<ul style="list-style-type: none"> Ensure contracts and other arrangements are correctly monitored and governed including ensuring that all contractors sign NHS England's data confidentiality code of conduct and IT security policy where relevant.
	Director of Specialised Commissioning Regional Director of Commissioning Regional Director of Specialised Commissioning & Health & Justice Regional Medical Director & CCIO Regional Director of Strategy & Transformation Regional Director of Performance and Improvement Regional Director of Nursing, Specialised Commissioning Regional Chief Nurse Devolution Chief Officer Executive lead for Quality/ Medical Director Director of Nursing, Leadership and Quality Director of Nursing, Professional and System Development Clinical Quality Director Regional Director of Specialised	<ul style="list-style-type: none"> Authorisation to investigate and respond to any complaint related to the provision of services for members of the armed forces by any provider from whom NHS England commissions such services, either directly or indirectly.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Commissioning, Public Health Commissioning, Health in Justice and Military Director of Nursing – Clinical Quality Medical –Director - System Improvement and Professional Standards Medical Director of Commissioning Director of Strategic Transformation Locality Director	
	Regional Directors of Commissioning Regional Directors of Specialised & Health & Justice Commissioning	<ul style="list-style-type: none"> Take urgent and emergency action to safeguard and maintain the provision of health services to members of the armed forces.
	Regional Directors of Commissioning Regional Directors of Specialised & Health & Justice Commissioning	<ul style="list-style-type: none"> Ensure that processes are in place to make determinations over Individual Funding Requests from members of the armed forces.
	Regional Directors	<ul style="list-style-type: none"> Oversee NHS England exercise of functions to deliver health services to members of the armed forces, and assure the System Oversight Committee that such services are commissioned and monitored in accordance with the legal framework and NHS England guidance.
	Regional Directors Regional Medical Director & CCIOs	<ul style="list-style-type: none"> Undertake investigations into service provision issues where they cover more than one geography.

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10 Scheme of Delegation of Statutory Functions, Duties and Powers in respect of Prisons (and other accommodation of a prescribed type)

Reference:	Delegated To:	Functions, Duties and Powers:
NHS Act 2006		
Section 3B	Director of Specialised Commissioning Chief Financial Officer	<ul style="list-style-type: none"> Develop, publish and implement strategy for securing the provision of health services for those residing in prisons and other accommodation of a prescribed type.
	National Directors Regional Directors of Commissioning Regional Directors of Specialised & Health & Justice Commissioning	<ul style="list-style-type: none"> Exercise general duties in relation to the commissioning and/or provision of health services for those residing in prisons (and other accommodation of a prescribed type) services.
	National Directors Regional Directors of Commissioning Regional Directors of Specialised & Health & Justice Commissioning	<ul style="list-style-type: none"> Enter into arrangements, contractual or otherwise, subject to compliance with delegated financial limits, to secure the provision of health services for those residing in prisons and other accommodation of a prescribed type.
	Regional Directors of Commissioning Regional Directors of Specialised & Health & Justice Commissioning	<ul style="list-style-type: none"> Ensure contracts and other arrangements are correctly monitored and governed including ensuring that all contractors providing health services for those residing in prisons and other accommodation of a prescribed type sign NHS England's data confidentiality code of conduct and IT security policy where relevant.
	Director of Specialised Commissioning Regional Director Regional Director of Commissioning Regional Director of Specialised	<ul style="list-style-type: none"> Authorisation to investigate and respond to any complaint related to the provision of services for those residing in prisons and other accommodation of a prescribed type by any provider from whom NHS England commissions such services, either directly or indirectly.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Commissioning & Health & Justice Regional Medical Director & CCIO Regional Director of Strategy & Transformation Regional Director of Performance and Improvement Regional Director of Nursing, Specialised Commissioning Regional Chief Nurse Devolution Chief Officer Executive lead for Quality/ Medical Director Director of Nursing, Leadership and Quality Director of Nursing, Professional and System Development Clinical Quality Director Regional Director of Specialised Commissioning, Public Health Commissioning, Health in Justice and Military Director of Nursing – Clinical Quality Medical – Director - System Improvement and Professional Standards Medical Director of Commissioning Director of Strategic Transformation Locality Director	

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Reference:	Delegated To:	Functions, Duties and Powers:
	National Directors Regional Directors of Commissioning Regional Directors of Specialised & Health & Justice Commissioning	<ul style="list-style-type: none"> Take urgent and emergency action to safeguard and maintain the provision of health services for those residing in prisons and other accommodation of a prescribed type.
	Regional Directors of Commissioning Regional Directors of Specialised & Health & Justice Commissioning	<ul style="list-style-type: none"> Ensure that processes are in place to make determinations over Individual Funding Requests from those residing in either prison or other accommodation of a prescribed type.
	Regional Directors of Commissioning	<ul style="list-style-type: none"> Oversee NHS England exercise of functions to deliver health services for those residing in either prison or other accommodation of a prescribed type, and assure the System Oversight Committee that such services are commissioned and monitored in accordance with the legal framework and NHS England guidance.
	Regional Medical Director & CCIOs	<ul style="list-style-type: none"> Undertake investigations into service provision or performer list issues in relation to those residing in either prison or other accommodation of a prescribed type where they cover more than one geography.
Section 249	Director of Specialised Commissioning	<ul style="list-style-type: none"> Duty to co-operate with the prisons service

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11 Scheme of Delegation of Statutory Functions, Duties and Powers in respect of Public Health

Reference:	Delegated To:	Functions, Duties and Powers:
NHS Act 2006		
Section 2, Section 2A, Section 2B & Section 12	Chief Operating Officer Director of Public Health Commissioning & Operations Chief Nursing Officer (for CHIS)	<ul style="list-style-type: none"> Secure the provision of a range of defined services covering: <ul style="list-style-type: none"> Immunisation programmes; Screening programmes; Public health care for people in prison or other places of detention; Sexual assault referral centres; and, Child health information systems (CHIS).
Section 7A	Chief Operating Officer Director of Public Health Commissioning & Operations	<ul style="list-style-type: none"> To seek to achieve key deliverables focused on achieving positive health outcomes for the population and reducing inequalities in health, as defined in the section 7A agreement related to public health functions to be exercised by NHS England.
	Chief Operating Officer	<ul style="list-style-type: none"> To work in partnership with the Department of Health and Social Care to develop future agreements under Section 7A.
	Director of Public Health Commissioning & Operations	<ul style="list-style-type: none"> To produce a joint report with Public Health England on progress against performance indicators outlining the functions described within the section 7A agreement.
	Chief Operating Officer	<ul style="list-style-type: none"> To ensure relevant unpublished information is shared on a timely basis with the Department of Health and Social Care and Public Health England for the exercise of their functions.
	Chief Operating Officer Director of Public Health Commissioning & Operations	<ul style="list-style-type: none"> To share information with the Department of Health and Social Care and Public Health England to enable effective joint planning of future section 7A agreements, including prospective changes in services or new services that may be commissioned under a future agreement.
	Chief Operating Officer Director of Public Health Commissioning & Operations	<ul style="list-style-type: none"> To, without delay, inform the Department of Health and Social Care in writing of any significant concerns NHS England has in relation to the delivery by providers of services covered under the section 7A agreement.

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12 Scheme of Delegation of Statutory Functions, Duties and Powers in respect of Clinical Commissioning Groups

Reference:	Delegated To:	Functions, Duties and Powers:
NHS Act 2006		
Section 14A	National Director for Strategy	<ul style="list-style-type: none"> Assure and guide the strategy of NHS England for exercising the general duties in relation to CCGs.
	National Director for Strategy	<ul style="list-style-type: none"> Develop, publish and implement strategy for exercising the general duties in relation to CCGs.
	Regional Directors Devolution Chief Officer	<ul style="list-style-type: none"> Exercise general duties in relation to CCGs.
Section 14B & Regulations SO 6.8.1.3.1	System Oversight Committee Regional Support Group Chief Executive Officer	<ul style="list-style-type: none"> Consider applications for the establishment of CCGs.
Section 14C & Regulations SO 6.8.1.3.1	System Oversight Committee Regional Support Group Chief Executive Officer	<ul style="list-style-type: none"> Determine applications under section 14B NHS Act 2006.
Section 14E & Regulations	System Oversight Committee Regional Support Group Regional Directors Chief Executive Officer	<ul style="list-style-type: none"> Consider and determine applications for variation of a CCG's constitution.
Section 14F & Regulations	System Oversight Committee Regional Support Group Regional Directors Chief Executive Officer	<ul style="list-style-type: none"> Approve variation of a CCG's constitution otherwise than on application.
Section 14G SO 6.8.1.3.1	Regional Support Groups System Oversight Committee	<ul style="list-style-type: none"> Consider and determine applications for merger by two or more CCGs, in line with approved guidance.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Chief Executive Officer	
Section 14H SO 6.8.1.3.1	System Oversight Committee Regional Support Groups Chief Executive Officer	<ul style="list-style-type: none"> Make decisions on whether to dissolve one or more CCGs.
Section 14I	Regional Directors	<ul style="list-style-type: none"> Make a property or staff transfer scheme in connection with the variation, merger or dissolution of one or more CCGs.
Section 14K	National Director of Strategy	<ul style="list-style-type: none"> Make arrangements to publish guidance about the establishment, variation, merger or dissolution of one or more CCGs
Section 14S	Regional Directors Devolution Chief Officer	<ul style="list-style-type: none"> Power to obtain assistance and support from CCGs in discharging NHS England's obligations under Section 13E of the NHS Act 2006 so far as relating to continuous improvement in the quality of primary medical care.
Section 14U(2)	Chief Nursing Officer Chief Financial Officer	<ul style="list-style-type: none"> Arrange for the publication of guidance to CCGs on the discharge of their duty to promote the involvement of each patient.
Section 14W(3)	Chief Financial Officer	<ul style="list-style-type: none"> Consider the need to publish guidance to CCGs over how to discharge their duty to obtain appropriate advice.
Section 14Z2(4)	Chief Nursing Officer Chief Financial Officer	<ul style="list-style-type: none"> Consider the need to publish guidance to CCGs over how to discharge their duty in respect of public involvement and consultation in the exercise of their functions to make commissioning arrangements.
Section 14Z7(1) & Section 14Z7(6)	Chief Financial Officer	<ul style="list-style-type: none"> Consider the need to publish guidance to CCGs over how to discharge their responsibility for payments to providers.
Section 14Z8	National Director for Strategy	<ul style="list-style-type: none"> Make arrangements to publish guidance for CCGs on the discharge of their commissioning functions. Duty to consult with HealthWatch England on draft guidance before it is published and before any significant changes are made to any revised guidance.
Section 14Z9	System Oversight Committee Regional Support Group Chief Executive Officer	<ul style="list-style-type: none"> Consider and determine requests by CCGs for NHS England to exercise functions of the CCG. Should a request be accepted then make arrangements for NHS England to exercise the function or functions of the relevant CCG.
Section 14Z10	System Oversight Committee Regional Support Group Chief Executive Officer	<ul style="list-style-type: none"> Consider and determine requests by CCGs for NHS England to provide assistance or support to the CCG. Should a request be accepted then make arrangements for NHS England to provide such support or assistance as it is determined the CCG requires.
	Director of CSU Transition Programme Devolution Chief Officer	<ul style="list-style-type: none"> Responsibility for the generation of income through the activities of Commissioning Support Units, which NHS England hosts with the NHS Business Services Authority, and for oversight and assurance to the Audit and Risk Assurance Committee.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Managing Directors of Commissioning Support Units	<ul style="list-style-type: none"> Responsibility for decision-making over income generation by individual Commissioning Support Units and responsibility for running them in-line with guidance from the Commissioning Support Executive Group.
	Managing Directors of Commissioning Support Units	<ul style="list-style-type: none"> Exercise general duties in relation to the operation of Commissioning Support Unit services
Section 14Z11	Chief Financial Officer	<ul style="list-style-type: none"> Consider the need to publish guidance to CCGs over how to prepare, revise and consult on their annual commissioning plans.
Section 14Z15(4)	Chief Financial Officer	<ul style="list-style-type: none"> Consider the need to publish directions to CCGs as to the form and content of an annual report.
Section 14Z16	Regional Directors Devolution Chief Officer	<ul style="list-style-type: none"> Conduct, each financial year, a performance assessment of each CCG.
Section 14Z18	National Directors, Regional Directors Devolution Chief Officer	<ul style="list-style-type: none"> Make arrangements to exercise the power to require any information, documents, records or other items which NHS England considers necessary or expedient to have for the purposes of any of its functions in relation to CCGs. Such power must only be exercised in accordance with circumstances set out in section 14Z17 NHS Act 2006.
Section 14Z19	National Directors, Regional Directors Devolution Chief Officer	<ul style="list-style-type: none"> Make arrangements to exercise the power to require a CCG to provide an explanation of any matter which relates to the exercise, or proposed exercise, by the CCG of any of its functions. Such power must only be exercised in accordance with circumstances set out in section 14Z17 NHS Act 2006.
Section 14Z21	System Oversight Committee Chief Executive Officer Regional Support Groups Regional Directors Chief People Officer	<ul style="list-style-type: none"> Make arrangements to exercise the power, in specific circumstances and subject to consultation, to give directions to CCGs over how to discharge their functions, terminate the appointment of the CCG's Accountable Officer, vary the constitution of a CCG or dissolve a CCG.
Schedule 1A, Section 12 (2) (3)	Chief Executive Officer Chief People Officer Regional Directors	<ul style="list-style-type: none"> Appointment of CCG Accountable Officer including appointment of a person to be the Accountable Officer for more than one CCG (as a joint appointment)

Note: other functions touching on CCGs are set out in sections 4, 5, 19 and 22 of this Scheme of Delegation

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13 Reservation of Functions, Duties and Powers Derived from Standing Orders

Refer to the NHS England Standing Orders for all reservation of Functions, Duties and Powers adopted by NHS England.

14 Scheme of Delegation Derived from Standing Orders

Refer to the NHS England Standing Orders for all reservation of Functions, Duties and Powers adopted by NHS England.

15 Reservation of Functions, Duties and Powers Derived from Standing Financial Instructions

Refer to the NHS England Standing Financial Instructions for all reservation of Functions, Duties and Powers which detail the financial responsibilities, policies and procedures adopted by NHS England.

16 Scheme of Delegation Derived from Standing Financial Instructions

Refer to the NHS England Standing Financial Instructions which detail the financial responsibilities, policies and procedures adopted by NHS England.

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17 Reservation of Functions, Duties and Powers & Scheme of Delegation Derived from the Memorandum of Understanding with the Business Services Authority, in respect of Commissioning Support Units

Reference:	Delegated To:	Functions, Duties and Powers:
Schedule 1, Paragraph 1	NHS Business Services Authority	<ul style="list-style-type: none"> Act as employment host for CSU staff.
Schedule 1, Paragraph 2	NHS England	<ul style="list-style-type: none"> Act as accountable body in relation to CSU activity and in relation to the income, expenditure, accounting arrangements and financial probity of the CSUs.
Schedule 1, Paragraph 3	Chief Operating Officer	<ul style="list-style-type: none"> Have responsibility for providing pay and benefits to, and line management of, CSU staff and all associated overarching and day-to-day HR activities.
Schedule 1, Paragraph 4	CSU Transition Director	<ul style="list-style-type: none"> Ensure that CSUs have the necessary management, accounting and governance arrangements and processes in place to carry out these payroll, line management and HR responsibilities appropriately.
Schedule 1, Paragraph 5	CSU Transition Director	<ul style="list-style-type: none"> Ensure that appropriate governance and accounting arrangements and policies are in place across all CSUs and where necessary issue guidance to ensure compliance with legal requirements and relevant guidance, in particular in relation to health and safety and the Bribery Act 2010.
Schedule 1, Paragraph 6	CSU Transition Director	<ul style="list-style-type: none"> Take or provide, or will procure that CSUs take or provide, such actions or such information, assurances and rights of inspection and audit as the NHS Business Services Authority reasonably requests from time to time in order to comply with its non-delegable statutory obligations as employer of CSU staff.
Schedule 1, Paragraph 7	CSU Transition Director	<ul style="list-style-type: none"> Put in place a self-assessment tool and process for CSUs that will ensure that: <ul style="list-style-type: none"> All relevant legal requirements are in place and being adhered to; Any specific CSU policies and practices are regularly updated in line with legislation; and, CSUs are compliant with the NHS Business Services Authority HR policies as adapted and updated and NHS England corporate policies, incident reporting procedures and health and safety policies and procedures.
Schedule 1, Paragraph 8	CSU Transition Director	<ul style="list-style-type: none"> In the event of a serious incident or issue coming to the attention of the NHS Business Services Authority in relation to any hosted CSU staff, NHS England will intervene on behalf of the NHS Business Services Authority.
Schedule 1, Paragraph 9	CSU Transition Director	<ul style="list-style-type: none"> NHS England will notify the NHS Business Services Authority of any complaints about health and safety or any material injuries which have been suffered by CSU staff or by people with or to whom the CSU staff were providing services.

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18 Functions, Duties and Powers Reserved to the Board

Reference:	Reserved To:	Functions, Duties and Powers n:
Strategy & Management		
	Board	<ul style="list-style-type: none"> Define the strategic aims of NHS England, subject to Department of Health and Social Care approval.
	Board	<ul style="list-style-type: none"> Approve the Business Plan.
	Board	<ul style="list-style-type: none"> Approve NHS England's policies and procedure for the management of strategic risks.
	Board	<ul style="list-style-type: none"> Approve annual budget and longer term financial plans within the Resource Limits.
Regulation & Control		
	Board	<ul style="list-style-type: none"> Suspend Standing Orders.
	Board	<ul style="list-style-type: none"> Vary or amend Standing Orders.
	Board	<ul style="list-style-type: none"> Ratify any urgent decision taken by the Chair and Chief Executive in public session in accordance with SO7.2.
	Board	<ul style="list-style-type: none"> Approve a Scheme of Delegation of powers from the Board to Committees and Sub-committees, any Employee or any Non-Executive Member.
	Board	<ul style="list-style-type: none"> Require and receive the declaration of Officers' interests which may conflict with those of NHS England.
	Board	<ul style="list-style-type: none"> Approve arrangements for dealing with complaints.
	Board	<ul style="list-style-type: none"> Adopt the organisation structures, processes and procedures to facilitate the discharge of business by NHS England and agree to modifications thereto.
	Board	<ul style="list-style-type: none"> Receive reports from Committees including those which NHS England is required by the Secretary of State for Health and Social Care or other regulation to establish and take appropriate action thereon.
	Board	<ul style="list-style-type: none"> Confirm the recommendations of NHS England Committees where the Committees do not have delegated powers.
	Board	<ul style="list-style-type: none"> Establish the terms of reference and reporting arrangements of all Committees and Sub-committees which are established by the Board.
	Board	<ul style="list-style-type: none"> Discipline of members of the Board and Employees who are in breach of statutory requirements or Standing Orders.
	Board	<ul style="list-style-type: none"> Approve financial transactions above the levels delegated to management.
Appointments & Dismissals		
	Board	<ul style="list-style-type: none"> Appoint and dismiss Committees (and individual members) which are directly accountable to the Board.
	Board	<ul style="list-style-type: none"> Confirm appointment of members of any Committees of NHS England as representatives on outside bodies.
Monitoring		
	Board	<ul style="list-style-type: none"> Receive such reports as the Board sees fit from Committees in respect of their exercise of powers delegated.

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Reference:	Reserved To:	Functions, Duties and Powers n:
	Board	<ul style="list-style-type: none"> Continuous appraisal of the affairs of NHS England by means of provision of updates to the Board as the Board may require from Directors, Committees and Officers of NHS England.
	Board	<ul style="list-style-type: none"> Receive reports from the Chief Financial Officer on financial performance against budget and Resource Limits.
	Board	<ul style="list-style-type: none"> Receive the annual management letter from the external auditor and agree the Board's proposed action, taking account of advice, where necessary, from the Audit and Risk Assurance Committee.
Annual Report & Accounts		
	Board	<ul style="list-style-type: none"> Receipt and approval of NHS England Annual Report and Annual Accounts as prepared by the Chief Executive and Chief Financial Officer.

Reservation of Functions, Duties and Powers in respect of Commissioning Support Units

Function, Duty or Power:	Reserved To:	Detail:
Standing Orders	Board	<ul style="list-style-type: none"> The NHS England Board has responsibility for the establishment and approval of Standing Orders that shall apply to all areas within NHS England. No individual area may vary the provisions of Standing Orders. Non-compliance with Standing Orders is a disciplinary matter that should be reported to the Chief Executive, Chief Financial Officer or Secretary as soon as possible, for reporting to the Audit and Risk Assurance Committee at its next formal meeting, and may result in dismissal.
Standing Financial Instructions	Board	<ul style="list-style-type: none"> The NHS England Board has responsibility for the establishment and approval of Standing Financial Instructions that shall apply to all areas within NHS England. No individual area may vary the provisions of Standing Financial Instructions. Non-compliance with Standing Financial Instructions is a disciplinary matter that should be reported to the Chief Executive, Chief Financial Officer or Secretary as soon as possible, for reporting to the Audit and Risk Assurance Committee at its next formal meeting, and may result in dismissal.
Scheme of Delegation	Board	<ul style="list-style-type: none"> The NHS England Board has responsibility for the establishment and approval of a Scheme of Delegation (this document) that shall apply to all areas within NHS England. No individual area may vary the provisions of the Scheme of Delegation. Non-compliance with the Scheme of Delegation is a disciplinary matter that should be reported to the Chief Executive, Chief Financial Officer or Secretary as soon as possible, for reporting to the Audit and Risk Assurance Committee at its next formal meeting, and may result in dismissal.

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Function, Duty or Power:	Reserved To:	Detail:
Policies	Board	<ul style="list-style-type: none"> The NHS England Board has responsibility for establishing a framework of policies that Officers in all NHS England areas will be required to comply with, except human resources policies.
Approval of Business Plan	Chief Operating Officer	<ul style="list-style-type: none"> Requires approval before the start of the financial year. Sets the financial envelope and approved activities for the year.

Function, Duty or Power:	Reserved To:	Detail:
Approval of CSU Operating Framework	Chief Operating Officer	<ul style="list-style-type: none"> Approval of all proposed CSU Operating Frameworks (CSUOFs) . This approval must be in place before the CSUOFs can become operational. Any amendments to existing CSUOFs must also be approved.
External Audit	Board & Audit and Risk Assurance Committee	<ul style="list-style-type: none"> The NHS England Board has responsibility for the arrangements for external audit, covering all NHS England areas. The NHS England Audit and Risk Assurance Committee has responsibility for agreeing the external audit plan, including any variation there to. All NHS England areas will provide input into the planning process, if required, and cooperate fully with NHS England's external auditors in undertaking their work.
Internal Audit	Board & Audit and Risk Assurance Committee	<ul style="list-style-type: none"> The NHS England Board has responsibility for the arrangements for internal audit, covering all NHS England areas. The NHS England Audit and Risk Assurance Committee has responsibility for agreeing the internal audit plan, including any variation there to. All NHS England areas will provide input into the planning process, including undertaking a local risk and controls assessment and the identification of areas for internal audit focus. All NHS England areas will cooperate fully with the NHS England's internal auditors in undertaking their work.
Counter Fraud Service	Board & Audit and Risk Assurance Committee	<ul style="list-style-type: none"> The NHS England Board has responsibility for the arrangements for countering fraud, covering all NHS England areas. The NHS England Audit and Risk Assurance Committee has responsibility for agreeing the counter fraud plan, including any variation there to. All NHS England areas will provide input into the planning process, including undertaking a local risk and controls assessment and the identification of areas for counter fraud focus. All NHS England areas will cooperate fully with NHS England counter fraud specialists in undertaking their work.
Appointment of Managing Director	Chief Operating Officer	<ul style="list-style-type: none"> NHS England will appoint each Managing Director on terms that are acceptable to NHS England and are in line with the relevant bandings for senior NHS Managers/Directors.

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Function, Duty or Power:	Reserved To:	Detail:
		<ul style="list-style-type: none"> The NHS Business Services Authority (NHS BSA) will be the legal employer of the Managing Director as detailed in the Memorandum of Understanding between NHS England, NHS BSA and the Department of Health and Social Care.
Appointment of Director of Finance	Chief Financial Officer	<ul style="list-style-type: none"> NHS England will work with the CSU Managing Director to appoint a Director of Finance on terms that are acceptable to NHS England and are in line with the relevant bandings for senior NHS Managers/Directors. The NHS Business Services Authority (NHS BSA) will be the legal employer of the Director of Finance as detailed in the Memorandum of Understanding between NHS England, NHS BSA and the Department of Health and Social Care.
Appointments	Director of HR & Organisational Development	<ul style="list-style-type: none"> Ensure the NHS Business Services Authority puts in place arrangements to enable the Managing Director to exercise full day to day employment powers for CSU staff, this includes the authority to appoint and remove individuals.

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19 Scheme of Delegation in respect of Commissioning Support Units

Area:	Delegated To:	Functions, Duties and Powers:
Corporate Governance Framework	CSU Managing Directors	<ul style="list-style-type: none"> Ensure all Officers are aware of NHS England Standing Orders, Standing Financial Instructions, Schemes of Delegation and policies (excluding human resources policies) and comply with these on a day-to-day basis.
Operating Framework	CSU Managing Directors	<ul style="list-style-type: none"> Establish an Operating Framework that details the delegation of functions, duties and powers to Officers, including financial limits. Operationalise the approved Operating Framework within the CSU.
Annual Business Plan	CSU Managing Directors	<ul style="list-style-type: none"> Preparation of an annual business plan that, once approved, will form the basis of financial and operational delegations for the financial year.
Governance	CSU Managing Directors	<ul style="list-style-type: none"> Make arrangements for internal governance structures, systems and processes in line with NHS England Standing Orders, Standing Financial Instructions, Scheme of Delegation and policies and document these within the CSU Operating Framework. Put in place arrangements for a register of interests covering all Officers and advisory lay members, including arrangements for notification of new and changed interests and an annual declaration process, in line with NHS England policy and procedure. Put in place arrangements for a register of hospitality covering all Officers and advisory lay members, including arrangements for notification of new instances of hospitality and an annual reminder/declaration process, in line with NHS England policy and procedure.
Risk Management	CSU Managing Directors	<ul style="list-style-type: none"> The CSU will be subject to the NHS England Risk Management Policy. Risks and incidents should be monitored and investigated locally, and reported 'up' as directed by the policy.
Policy	CSU Managing Directors	<ul style="list-style-type: none"> Ensure compliance with NHS Business Services Authority human resources policies except for those areas explicitly devolved for local agreement through national work between the NHS Business Services Authority and CSUs. As part of the Operating Framework develop: <ul style="list-style-type: none"> Human resources policies to address local issues in agreement with the CSU's Local Partnership Forum which align with the CSU human resources policy framework; and, Governance policies to address local issues not covered by NHS England policies. The Operating Framework shall include duties on processes for developing policy that will enable NHS England to meet its statutory duties regarding patient and public involvement and equality and diversity.
Advisory Mechanisms	CSU Managing Directors	<ul style="list-style-type: none"> Decide upon the most appropriate mechanism for the CSU advisory structure, membership, roles and terms of reference.

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Area:	Delegated To:	Functions, Duties and Powers:
Advisory Roles	CSU Managing Directors	<ul style="list-style-type: none"> • Appoint and terminate persons in an advisory capacity in order to ensure that the CSU advisory mechanism delivers the full range of skills and experience it needs to be effective, strategic, and adds value to the business, providing that such appointments follow established fair recruitment procedures. • Remuneration will be in line with NHS England Standing Orders and Standing Financial Instructions and depending on the engagement mechanism, may or may not involve the NHS Business Services Authority in a legal employer role.
Organisational Structures	CSU Managing Directors	<ul style="list-style-type: none"> • Set structures and processes that will enable the CSU to operate under the conditions laid down for it by NHS England.
Appointments	CSU Managing Directors	<ul style="list-style-type: none"> • Ensure compliance with NHS Business Services Authority HR policies, and with due regard for any direction or guidance issued by NHS England • Responsible for providing pay and benefits to, and line management of, CSU staff and all associated overarching day-to-day HR activities.
New Business Opportunities	CSU Managing Directors	<ul style="list-style-type: none"> • Compete for new business opportunities, on terms and conditions beneficial to the delivery of the CSU's business plan and that secure the long-term business interests of the CSU in line with the limits and powers delegated by NHS England and approved as part of its annual business plan and control total.
Service Provision and Development	CSU Managing Directors	<ul style="list-style-type: none"> • Negotiate service partnership with any commissioner regarding existing or new services, following standard SLA or contracting protocols and within financial limits. • Enter into negotiations with local independent contractors and other providers of health and social care, Local Authorities, independent and Third Sector organisations regarding the delivery of a portfolio of support services, determined by the CSU to be of sufficient value that give a return on the investment made in those services, within defined limits. • Sign contracts in accordance with financial limits.
Operational Partnerships	CSU Managing Directors	<ul style="list-style-type: none"> • Enter into operational partnerships as an autonomous stakeholder within the local health and social care economy, subject to financial limits.
Financial Reporting	CSU Managing Directors	<ul style="list-style-type: none"> • Ensure compliance with NHS England financial reporting regime, as notified from time to time. • Ensure compliance with balance scorecard reporting requirements.

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20 Reservation of Functions, Duties and Powers in respect of NHS Interim and Management Support

Function, Duty or Power:	Reserved To:	Detail:
Standing Orders	Board	<ul style="list-style-type: none"> The NHS England Board has responsibility for the establishment and approval of Standing Orders that shall apply to all areas within NHS England. No individual area may vary the provisions of Standing Orders. Non-compliance with Standing Orders is a disciplinary matter that should be reported to the Chief Executive as soon as possible, for reporting to the Audit and Risk Assurance Committee at its next formal meeting, and may result in dismissal.
Standing Financial Instructions	Board	<ul style="list-style-type: none"> The NHS England Board has responsibility for the establishment and approval of Standing Financial Instructions that shall apply to all areas within NHS England. No individual area may vary the provisions of Standing Financial Instructions. Non-compliance with Standing Financial Instructions is a disciplinary matter that should be reported to the Chief Executive as soon as possible, for reporting to the Audit and Risk Assurance Committee at its next formal meeting, and may result in dismissal.
Scheme of Delegation	Board	<ul style="list-style-type: none"> The NHS England Board has responsibility for the establishment and approval of a Scheme of Delegation (this document) that shall apply to all areas within NHS England. No individual area may vary the provisions of the Scheme of Delegation. Non-compliance with the Scheme of Delegation is a disciplinary matter that should be reported to the Chief Executive, Chief Financial Officer or Secretary as soon as possible, for reporting to the Audit and Risk Assurance Committee at its next formal meeting, and may result in dismissal.
Policies	Board	<ul style="list-style-type: none"> The NHS England Board has responsibility for establishing a framework of policies that Officers in all NHS England areas will be required to comply with.
Approval of Business Plan	Chief People Officer	<ul style="list-style-type: none"> Requires approval before the start of the financial year. Sets the financial envelope and approved activities for the year.
External Audit	Board & Audit and Risk Assurance Committee	<ul style="list-style-type: none"> The NHS England Board has responsibility for the arrangements for external audit, covering all NHS England areas. The NHS England Audit and Risk Assurance Committee has responsibility for agreeing the external audit plan, including any variation there to. All NHS England areas will provide input into the planning process, if required, and cooperate fully with NHS England's external auditors in undertaking their work.
Internal Audit	Board & Audit and Risk Assurance Committee	<ul style="list-style-type: none"> The NHS England Board has responsibility for the arrangements for internal audit, covering all NHS England areas.

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Function, Duty or Power:	Reserved To:	Detail:
		<ul style="list-style-type: none"> The NHS England Audit and Risk Assurance Committee has responsibility for agreeing the internal audit plan, including any variation there to. All NHS England areas will provide input into the planning process, including undertaking a local risk and controls assessment and the identification of areas for internal audit focus. All NHS England areas will cooperate fully with the NHS England internal auditors in undertaking their work.
Counter Fraud Service	Board & Audit and Risk Assurance Committee	<ul style="list-style-type: none"> The NHS England Board has responsibility for the arrangements for countering fraud, covering all NHS England areas. The NHS England Audit and Risk Assurance Committee has responsibility for agreeing the counter fraud plan, including any variation there to. All NHS England areas will provide input into the planning process, including undertaking a local risk and controls assessment and the identification of areas for counter fraud focus. All NHS England areas will cooperate fully with NHS England's counter fraud specialists in undertaking their work.
Appointment of Senior Partner	Chief People Officer	<ul style="list-style-type: none"> The appropriate National Director will appoint each Managing Director on terms that are acceptable to NHS England and are in line with the relevant bandings for senior NHS Managers/Directors.
Appointment of Director of Finance	Chief People Officer	<ul style="list-style-type: none"> Where it is decided the appointment of a Director of Finance is required, NHS England will work with the Managing Director to appoint a Director of Finance on terms that are acceptable to NHS England and are in line with the relevant bandings for senior NHS Managers/Directors.

21 Scheme of Delegation in respect of NHS Interim and Management Support

Area:	Delegated To:	Functions, Duties and Powers:
Corporate Governance Framework	IMAS Managing Partner	<ul style="list-style-type: none"> Ensure all Officers are aware of NHS England Standing Orders, Standing Financial Instructions, Schemes of Delegation and policies (excluding human resources policies) and comply with these on a day-to-day basis.
Annual	IMAS Managing Partner	<ul style="list-style-type: none"> Preparation of an annual business plan that, once approved, will form the basis of financial and operational delegation for the financial year.
Annual Report	IMAS Managing Partner	<ul style="list-style-type: none"> Prepare an annual report at the end of each financial year, detailing activity and financial outturn against the approved business plan, together with a supporting narrative.
Governance	IMAS Managing Partner	<ul style="list-style-type: none"> Make arrangements for internal governance structures, systems and processes in line with NHS England Standing Orders, Standing Financial Instructions, Schemes of Delegation and policies and document these within the Operating Framework.

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Area:	Delegated To:	Functions, Duties and Powers:
		<ul style="list-style-type: none"> Put in place arrangements for a register of interests covering all Officers, including arrangements for notification of new and changed interests and an annual declaration process, in line with NHS England policy and procedure. Put in place arrangements for a register of hospitality covering all Officers, including arrangements for notification of new instances of hospitality and an annual reminder/declaration process, in line with NHS England policy and procedure.
Risk Management	IMAS Managing Partner	<ul style="list-style-type: none"> Subject to the NHS England Risk Management Policy. Risks and incidents should be monitored and investigated locally, and reported 'up' in accordance with the policy.
Organisational Structures	IMAS Managing Partner	<ul style="list-style-type: none"> Set structures and processes that will enable the unit to operate under the conditions laid down for it by NHS England.
Appointments	IMAS Managing Partner	<ul style="list-style-type: none"> Responsible for appointment, dismissal and day-to-day line management of staff.
New Business Opportunities	IMAS Managing Partner	<ul style="list-style-type: none"> Compete for new business opportunities, on terms and conditions beneficial to the delivery of the unit business plan and that secure the long-term business interests of the unit in line with the limits and powers delegated by NHS England and approved as part of its annual business plan and control total.
Service Provision and Development	IMAS Managing Partner	<ul style="list-style-type: none"> Negotiate service partnership with organisations regarding existing or new services, following standard SLA or contracting protocols and within financial limits. Sign contracts in accordance with financial limits.
Operational Partnerships	IMAS Managing Partner	<ul style="list-style-type: none"> Enter into operational partnerships as an autonomous stakeholder within the local health and social care economy, subject to financial limits.
Financial Reporting	IMAS Managing Partner	<ul style="list-style-type: none"> Ensure compliance with NHS England's financial reporting regime, as notified from time to time. Ensure compliance with balance scorecard reporting requirements.

22 Reservation of Functions, Duties and Powers in respect of the NHS Sustainable Development Unit

Function, Duty or Power:	Reserved To:	Detail:
Standing Orders	Board	<ul style="list-style-type: none"> The NHS England Board has responsibility for the establishment and approval of Standing Orders that shall apply to all areas within NHS England. No individual area may vary the provisions of Standing Orders. Non-compliance with Standing Orders is a disciplinary matter that should be reported to the Chief Executive, Chief Financial Officer or Secretary as soon as possible, for reporting to the Audit and Risk Assurance Committee at its next formal meeting, and may result in dismissal.

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Function, Duty or Power:	Reserved To:	Detail:
Standing Financial Instructions	Board	<ul style="list-style-type: none"> The NHS England Board has responsibility for the establishment and approval of Standing Financial Instructions that shall apply to all areas within the NHS England. No individual area may vary the provisions of Standing Financial Instructions. Non-compliance with Standing Financial Instructions is a disciplinary matter that should be reported to the Chief Executive, Chief Financial Officer or Secretary as soon as possible, for reporting to the Audit and Risk Assurance Committee at its next formal meeting, and may result in dismissal.
Scheme of Delegation	Board	<ul style="list-style-type: none"> The NHS England Board has responsibility for the establishment and approval of a Scheme of Delegation (this document) that shall apply to all areas within NHS England. No individual area may vary the provisions of the Scheme of Delegation. Non-compliance with the Scheme of Delegation is a disciplinary matter that should be reported to the Chief Executive, Chief Financial Officer or Secretary as soon as possible, for reporting to the Audit and Risk Assurance Committee at its next formal meeting, and may result in dismissal.
Policies	NHS England	<ul style="list-style-type: none"> The NHS England Board has responsibility for establishing a framework of policies that Officers in all NHS England areas will be required to comply with.
Approval of Business Plan	National Director for Strategy	<ul style="list-style-type: none"> Requires approval before the start of the financial year. Sets the financial envelope and approved activities for the year.
Approval of Operating Framework	National Director for Strategy	<ul style="list-style-type: none"> Proposed Operating Framework requires approval before it becomes effective.
External Audit	Board & Audit and Risk Assurance Committee	<ul style="list-style-type: none"> The NHS England Board has responsibility for the arrangements for external audit, covering all NHS England areas. The NHS England Audit and Risk Assurance Committee has responsibility for agreeing the external audit plan, including any variation there to. All NHS England areas will provide input into the planning process, if required, and cooperate fully with NHS England's external auditors in undertaking their work.
Internal Audit	Board & Audit and Risk Assurance Committee	<ul style="list-style-type: none"> The NHS England Board has responsibility for the arrangements for internal audit, covering all NHS England areas. The NHS England Audit and Risk Assurance Committee has responsibility for agreeing the internal audit plan, including any variation there to. All NHS England areas will provide input into the planning process, including undertaking a local risk and controls assessment and the identification of areas for internal audit focus. All NHS England areas will cooperate fully with the NHS England's internal auditors in undertaking their work.

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Function, Duty or Power:	Reserved To:	Detail:
Counter Fraud Service	Board & Audit and Risk Assurance Committee	<ul style="list-style-type: none"> The NHS England Board has responsibility for the arrangements for countering fraud, covering all NHS England areas. The NHS England Audit and Risk Assurance Committee has responsibility for agreeing the counter fraud plan, including any variation there to. All NHS England areas will provide input into the planning process, including undertaking a local risk and controls assessment and the identification of areas for counter fraud focus. All NHS England areas will cooperate fully with NHS England's counter fraud specialists in undertaking their work.
Appointment of Managing Director	National Director for Strategy	<ul style="list-style-type: none"> The NHS England will appoint each Managing Director on terms that are acceptable to NHS England and are in line with the relevant bandings for senior NHS Managers/Directors.
Appointment of Director of Finance	National Director for Strategy	<ul style="list-style-type: none"> Where it is decided the appointment of a Director of Finance is required, NHS England will work with the Managing Director to appoint a Director of Finance on terms that are acceptable to NHS and are in line with the relevant bandings for senior NHS Managers/Directors.

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23 Scheme of Delegation in respect of the NHS Sustainable Development Unit

Area:	Delegated To:	Functions, Duties and Powers:
Corporate Governance Framework	SDU Managing Director	<ul style="list-style-type: none"> Ensure all Officers are aware of NHS England Standing Orders, Standing Financial Instructions, Schemes of Delegation and policies (excluding human resources policies) and comply with these on a day-to-day basis.
Operating Framework	SDU Managing Director	<ul style="list-style-type: none"> Establish an Operating Framework that details the delegation of functions, duties and powers to Officers, including financial limits. Operationalize the approved Operating Framework.
Annual Business Plan	SDU Managing Director	<ul style="list-style-type: none"> Preparation of an annual business plan that, once approved, will form the basis of financial and operational delegation for the financial year.
Annual Report	SDU Managing Director	<ul style="list-style-type: none"> Prepare an annual report at the end of each financial year, detailing activity and financial outturn against the approved business plan, together with a supporting narrative.
Governance	SDU Managing Director	<ul style="list-style-type: none"> Make arrangements for internal governance structures, systems and processes in line with NHS England Standing Orders, Standing Financial Instructions, Schemes of Delegation and policies and document these within the Operating Framework. Put in place arrangements for a register of interests covering all Officers, including arrangements for notification of new and changed interests and an annual declaration process, in line with NHS England policy and procedure. Put in place arrangements for a register of hospitality covering all Officers, including arrangements for notification of new instances of hospitality and an annual reminder/declaration process, in line with NHS England policy and procedure.
Risk Management	SDU Managing Director	<ul style="list-style-type: none"> Subject to the NHS England Risk Management Policy. Risks and incidents should be monitored and investigated locally, and reported 'up' as appropriate.
Policy	SDU Managing Director	<ul style="list-style-type: none"> As part of the Operating Framework develop: <ul style="list-style-type: none"> Human resources policies to address local issues in agreement with the Local Partnership Forum which align with the human resources policy framework; and, Governance policies to address local issues not covered by NHS England policies. The Operating Framework shall include duties on processes for developing policy that will enable the NHS England to meet its statutory duties regarding patient and public involvement and equality and diversity.
Organisational Structures	SDU Managing Director	<ul style="list-style-type: none"> Set structures and processes that will enable the unit to operate under the conditions laid down for it by NHS England.
Appointments	SDU Managing Director	<ul style="list-style-type: none"> Responsible for appointment, dismissal and day-to-day line management of staff.

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Classification: Official

Area:	Delegated To:	Functions, Duties and Powers:
New Business Opportunities	SDU Managing Director	<ul style="list-style-type: none"> Compete for new business opportunities, on terms and conditions beneficial to the delivery of the unit business plan and that secure the long-term business interests of the unit in line with the limits and powers delegated by NHS England and approved as part of its annual business plan and control total.
Service Provision and Development	SDU Managing Director	<ul style="list-style-type: none"> Negotiate service partnership with organisations regarding existing or new services, following standard SLA or contracting protocols and within financial limits. Sign contracts in accordance with financial limits.
Operational Partnerships	SDU Managing Director	<ul style="list-style-type: none"> Enter into operational partnerships as an autonomous stakeholder within the local health and social care economy, subject to financial limits.
Financial Reporting	SDU Managing Director	<ul style="list-style-type: none"> Ensure compliance with NHS England's financial reporting regime, as notified from time to time. Ensure compliance with balance scorecard reporting requirements.

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Appendix 1 Version Control Tracker

Version Number	Date	Author Title	Status	Comment/Reason for Issue/Approving Body
V01.00	01-10-2012	Board Secretary	Approved	National Director: Policy
V02.00	12-04-2013	Head of Assurance & Procurement	Approved	NHS CB Board
V03.00	15-12-2014	Board Secretary	Approved	Audit and Risk Assurance Committee
V04.00	20-08-2015	Director of Governance & Assurance	Approved	Corporate Executive Group
V05.00	December 2015	Director of Governance & Assurance	Approved	NHS England Board
V06.00	31-03-2016	Director of Governance & Assurance	Approved	NHS England Board
V07.00	26-05-2016	Director of Governance & Assurance	Approved	NHS England Board
V8.00	4-7-2018	Board Secretary	Approved	NHS England Board
V09.00	1-3-2019	Board Secretary	Approved	Taking account of revisions to Board Governance under new joint working arrangements
V10.00	29-3-2019	Board Secretary	Approved	Taking account of revisions to the NHS England operating model under new joint working arrangements
V10.1	15-5-19	Deputy Board Secretary	Draft	Taking account of revisions to the NHS England operating model under new joint working arrangements post 1 April 2019
V10.2	31-7-19	NHS England Board (Via correspondence)	Approved	Taking account of further changes in the operating model with effect from 1 August 2019
V11.0	November 2019	Deputy Board Secretary	Approved	Audit and Risk Assurance Committee
V11.1	March 2020	Deputy Board Secretary	Draft	Taking account of further revisions to the operating model with effect from 1 April 2020
V11.2	July 2020	Deputy Board Secretary	Draft	Reflect changes to board governance framework
V12.0	December 2020	Deputy Board Secretary	Approved	Board – to reflect changes to board governance framework

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Annex B: Scheme of Delegation – NHS Improvement Functions

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1 Functions and matters reserved to the Board

Reference:	Reserved To:	Functions:
Strategy and Management		
	Board	The establishment and maintenance of NHS Improvement's strategic direction – reviewing, contributing to and approving NHS Improvement's vision, mission and values.
	Board	The approval of NHS Improvement's corporate and business plans, including the distribution of NHS Improvement's financial allocation as set out in the annual business plan and any subsequent material change to this.
	Board	The approval of NHS Improvement's risk management strategy/framework, including the determination of Monitor's risk appetite.
	Board	The approval of all of NHS Improvement's significant regulatory policies prior to consultation with stakeholders and any material amendments following responses received in response to consultation.
	Board	The review of performance in light of NHS Improvement's strategy, objectives, business plans and budgets with a view to ensuring that any necessary corrective action is taken.
	Board	The continuous appraisal of the affairs and effective management of NHS Improvement by means of the receipt of reports from committees and officers, including the review of the top level/strategic risks facing NHS Improvement and their mitigations.
Operational decision-making		
<i>See related entries in later sections</i>	Board	The determination of any operational decision considered to be policy-determining (i.e. having strategic implications) and/or very high risk.
For NHS TDA, see direction 6(k) of the TDA Directions	Board	Approval of (or, in the case of non-financially distressed FTs, providing an opinion on) trust business cases for capital investment and property transactions with a value in excess of £50m
Section 35 of the NHS Act 2006 (Monitor)	Board	Decisions on authorisation of an NHS trust as an FT, where decision is marginal
Section 65D of the NHS Act 2006 (Monitor) Direction 7 of the TDA Directions (NHS TDA)	Board	Decision on whether to appoint a trust special administrator for an FT or to recommend to Secretary of State that such an administrator is appointed for an NHS trust
Section 73 of the 2012 Act (Monitor)	Board	Agreeing proposals for regulatory market studies
Section 116 of the 2012 Act (Monitor)	Board	Decision to publish national tariff
Section 118 of the 2012 Act (Monitor)	Board	Approval of national tariff proposals for consultation

Reference:	Reserved To:	Functions:
Paragraph 5 of Schedule 11 to the 2012 Act (Monitor)	Board	Decision to impose a financial penalty
Organisation and internal controls		
	Board	The approval of NHS Improvement's high-level organisational design and control structure.
	Board	The approval of any significant change to the level and nature of insurance cover held by NHS Improvement.
	Board	The approval of significant corporate policies.
	Board	The approval of all proposed expenditure above £5 million.
	Board	The approval of the instigation or defence of legal proceedings.
	Board	The approval of the opening or closing of any bank account.*
	Board	The approval of audit arrangements and the receipt of reports from the audit and risk assurance committee meetings with a view to taking any appropriate action.*
- Paragraphs 19 and 21 of Schedule 8 to the 2012 Act (Monitor) - Paragraphs 3 and 15(3) of Schedule 15 to the NHS Act 2006, regulations 14 and 15 of SI 2012 no 922, and direction 8(b) of the TDA Directions (NHS TDA)	Board	To consider and approve NHS Improvement's statutory annual report and accounts.* In relation to NHS TDA, ensure annual report is presented at a public meeting within 30 days
Paragraph 7 of Schedule 8 to the 2012 Act (Monitor) Paragraph 3 of Schedule 6 to the NHS Act 2006 (NHS TDA)	Board	The determination of the remuneration policy for Executive Members of the Board, subject to cross-government controls.**
Section 50 of the NHS Act 2006	Board	Determining if fees should be payable by FTs for maintaining FT register

* Indicates the matter is the responsibility of the Audit and Risk Committee, with final decisions taken by the Board as a whole.

** Indicates the matters is the responsibility of the People, Remuneration & Nominations Committee, with final decisions taken by the Board as a whole

Governance and appointments

Paragraph 2(1) of Schedule 8 to the 2012 Act (Monitor)	Chair and Non-Executive Members	Appointment of chief executive and executive members of Monitor (subject in the case of the chief executive to the consent of the Secretary of State of Health and Social Care)
Paragraphs 10 and 11(2) of Schedule 8 to the 2012 Act (Monitor's procedure and exercise of functions) Regulation 11 and 12 of SI 2012 no 222 (NHS TDA standing)	Board	The approval of NHS Improvement's rules of procedure, including: <ul style="list-style-type: none"> arrangements for the exercise of functions, including a scheme of delegation and schedule of matters reserved for Board decision; and standing financial instructions (paragraph 10 of Schedule 8 to the 2012 Act and SI 2012 no. 922), The approval of any variation or amendment to these.

Reference:	Reserved To:	Functions:
orders and arrangements for exercise of functions)		
Paragraph 10(1) of Schedule 8 to the 2012 Act (Monitor) Regulation 7 of SI 2012 no 922 (NHS TDA)	Board	Appointment of Non-Executive Member to be vice/deputy chair
Paragraph 9 of Schedule 8 to the 2012 Act (Monitor) Regulations 7, 11 and 12(3) of SI 2012 no 922 (NHS TDA)	Board	The establishment of formal committees, agreeing terms of reference and membership thereof
	Board	The receipt of reports detailing the decisions and recommendations made by NHS Improvement's formal committees (as appropriate)
Rules of Procedure, rule 5.1.7 Public Bodies Admission to Meetings Act 1960 (NHS TDA)		Ensuring board meetings held in public, in accordance with the requirements of the 1960 Act (NHS TDA) Decisions to exclude the public and conduct its business in private
Rules of Procedure, rule 5.10.2	Board	The ratification of decisions taken by the chair pursuant to the exercise of emergency powers.
	Board	The evaluation of the performance of the Board at least once a year, including a review of NHS Improvement's overall governance arrangements
	Board	Final decision to approve recommendations to the Secretary of State for Health and Social Care with regard to changes to the structure, size and composition of the Board (Audit and Risk Assurance Committee to consider recommendations)
	Board	The appointment of the senior independent director
	Board	The appointment of NHS Improvement's principal professional advisers

International Development Act 2002 – Monitor and NHS TDA

Section 9 and Schedule 1	Board	Exercising the power, as a relevant public body, to make arrangements for the purposes of furthering sustainable development in countries outside the United Kingdom; improving the welfare of the population of one or more such countries, or alleviating the effects of natural or man-made disaster or other emergency on the population of one or more such countries
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2 Scheme of Delegation - Functions (general and corporate)

Reference:	Delegated To:	Functions:
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NHS Act 2006 (NHS TDA functions)

Section 2	National Directors	Do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any function conferred on Secretary of State by the Act and exercisable by NHS TDA by virtue of directions
Paragraph 3 of Schedule 6	National Directors	Appoint NHS TDA staff (subject to HR and finance policies and internal controls)

2012 Act (Monitor functions but * indicates also NHS TDA function)

Paragraph 6 of Schedule 8	Chief People Officer	Make payment of remuneration and expenses to Non-Executive Members
Paragraph 7 of Schedule 8	National Directors	Appoint Monitor staff (subject to HR and finance policies and internal controls)
Paragraph 12 of Schedule 8	National Directors	Make arrangements for persons to assist Monitor in the exercise of its functions
Paragraph 14 of Schedule 8	National Directors	Acquire, compile and keep information about matters relating to the exercise of Monitor's functions
Paragraph 15 of Schedule 8	National Directors	Do anything which appears to be necessary or expedient for the purposes of, or in connection with, Monitor's functions
Paragraph 21 of Schedule 8	Chief Financial Officer	Prepare and submit Monitor's annual report (subject to Board approval)
Paragraph 21(4) of Schedule 8	National Directors	Provide Secretary of State with other reports and information (on Monitor's functions and on FTs)
Paragraph 22 of Schedule 8	Chief Financial Officer	Make arrangements for responding in writing to recommendations about Monitor's functions made by Parliamentary committees
Section 67	Chief Financial Officer	Make arrangements to comply with Monitor's duties as regards conflicts between functions Publish statements on resolution of conflicts between Monitor's duties Include statement of steps taken to avoid/resolve conflicts within section 67 in annual report
Section 68	National Directors	Ensure compliance with duty to review exercise of Monitor's functions and secure that in exercising those functions, Monitor does not impose or maintain unnecessary burdens
	Chief Financial Officer	Make arrangements to comply with Monitor's duty to review regulatory burdens Publish and revise annual statements on what Monitor has done pursuant to this duty
Section 69	National Directors	Ensure compliance with duty to carry out impact assessments (and consult) on proposals falling within section 69(1)
	Chief Financial Officer	Make arrangements to ensure compliance (e.g. central guidance) Include list of impact assessments and decisions taken in annual report
Section 109	Chief Financial Officer	Include information on discretionary requirement imposed and enforcement undertakings accepted (in relation to FTs and other licence holders) in the annual report
Section 255*	Chief Executive Chief Operating Officer	Request NHS Digital to establish information systems (both Monitor "mandatory requests" and NHS TDA requests)

	Chief Financial Officer Director of Pricing and Costing Director of Data & Analytics	
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NHS TDA Regulations and Directions (NHS TDA functions)

Regulation 14 of SI 2012 no 922	Chief Financial Officer	Make arrangements to comply with NHS TDA's duty to provide reports and other information to Secretary of State
Direction 2(1)	National Directors	Work collaboratively with Monitor under single leadership and operating model, including support work, to ensure improvement in the quality of care, patient safety and financial sustainability across the health service
Direction 8(b) and regulation 14 of SI 2012 no 922	Chief Financial Officer	Prepare NHS TDA's annual report of its activities in each financial year (subject to Board approval) and provide a copy to the Secretary of State
Direction 8(c)	National Directors	Provide such information to the Secretary of State as the Secretary of State may require

Local Authority Social Services and NHS Complaints (England) Regulations 2009 (NHS TDA functions)

Regulation 3	Chief Commercial Officer Chief People Officer	Making arrangements for handling and consideration of complaints (subject to approval of the Board)
Regulations 4, 13 to 18	Chief Executive (functions may be delegated to Chief Commercial Officer)	Functions of "responsible person" under the Regulations Ensuring compliance including any necessary action taken in light of outcome of complaint
	NHS Improvement's Head of Enquiries, Complaints and Whistleblowing	Functions of complaints manager under the Regulations Managing procedures for handling and considering complaints, including complaint outcome decisions and preparing annual report on complaints

Whistleblowing (Monitor and NHS TDA)

NHS Improvement's 'raising concerns' policy for NHS Improvement staff (FTSU)	Chief Executive National Medical Director	Decisions on how matters to be investigated and considering investigation reports
Section 43F of Employment Rights Act 1996 and Public Interest Disclosure (Prescribed Persons) Order 2014	Chief People Officer	Managing responsibilities of Monitor as a "prescribed person" to whom protected disclosures may be made
Prescribed Persons (Reports on Disclosure of Information) Regulations 2017	Chief People Officer	Publish annual report on protected disclosures Monitor and NHS TDA have received

Health and Safety at Work Act 1947

Section 1	Chief Executive/Chief Operating Officer	Overall responsibility for compliance with duty to ensure health and safety of staff
	Chief Commercial Officer	Make arrangement to secure compliance (policies etc)

Information governance

Data Protection Act and General Data Protection Regulation	Data Protection Officer	Functions conferred on the data protection officer
Freedom of Information Act	Chief Finance Officer	Make arrangement to secure compliance with duties under the Act
NHS Improvement's Information Governance Framework	Chief Executive/Chief Operating Officer	Accountable for ensuring effective system of Information Governance and internal control is in place
	NHS Executive	Decide to sign off statement of compliance Consider reports from SIRO
	Caldicott Guardian	Advise on options for lawful and ethical processing
	Chief Commercial Officer (SIRO)	Approval of IG strategies, policies, implementation and support documentation
Information Security Policy	Chief Commercial Officer (SIRO)	Approval for monitoring of individual email, internet and other communications

3 Scheme of Delegation - Functions relating to oversight and regulation of providers

Reference:	Delegated To:	Functions:
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NHS Act 2006 (Monitor functions)

Section 33	Regional Directors Director of Provider Development	<ul style="list-style-type: none"> Receipt and processing of applications by NHS trusts to become an FT
Section 35	Regional Directors Director of Provider Development	<ul style="list-style-type: none"> Assess FT applications, including decisions about deferral and delay Make recommendations to System Oversight Committee on authorisation
Section 39	Director of Provider Development	<ul style="list-style-type: none"> Maintain register of FTs Provide copies/extracts from documents in the register
Sections 56 to 57A	Regional Directors	<ul style="list-style-type: none"> Assess statutory transactions involving FTs Make recommendations to:

Reference:	Delegated To:	Functions:
		<ul style="list-style-type: none"> (a) System Oversight Committee, on statutory transactions involving FTs, if involves trust in special measures or transaction is red-rated or high risk; and (b) Regional Support Group, on other statutory transactions involving FTs
Sections 65D, 65DA, 65F, 65H, 65I, 65J, 65KA, 65L, 65LA, 65M 65N	Chief Operating Officer Director of Provider Development Regional Directors	<ul style="list-style-type: none"> • Produce reports, carry out assessment and make recommendations to System Oversight Committee or the Board in relation to Monitor's functions in relation to trust special administration of an FT

2012 Act (Monitor functions)

Section 85	Director of Provider Development	<ul style="list-style-type: none"> • Determine Monitor's requirements for form of licence application and information which must accompany or be included in such applications
Section 86	Director of Provider Development	<ul style="list-style-type: none"> • Determine or make recommendations to System Oversight Committee as to the criteria for grant of a licence by Monitor
Sections 87, 90 and 91	Director of Provider Development	<ul style="list-style-type: none"> • Make decisions on grant and refusal of licence applications, as authorised by System Oversight Committee
Section 93	Director of Provider Development	<ul style="list-style-type: none"> • Maintain and publish register of licence holders • Decide information to include in the register of licence holders and determine what fee, if any, is payable for copy/extract of register
Sections 94, 97, 100 and 101(4)	Director of Provider Development	<ul style="list-style-type: none"> • Make recommendations to System Oversight Committee as to the standard conditions to be included licence, the modification of any such conditions and whether to make a reference to the CMA when the s.100 objection threshold is reached
Sections 95 and 101(2)	Regional Directors	<ul style="list-style-type: none"> • Make recommendations to System Oversight Committee as to whether to include special condition in an FT's licence and whether to make a reference to the CMA where the FT refuses consent
	Director of Provider Development	<ul style="list-style-type: none"> • As above, but for licence holders other than FTs
Schedule 10	Regional Directors Director of Provider Development	<ul style="list-style-type: none"> • Make decisions (or make recommendations to the System Oversight Committee) in relation to references to the CMA
Section 99	Regional Directors	<ul style="list-style-type: none"> • Ensure NHS England and CCGs notified of action taken against an FT in reliance on a condition in the licence under section 97(1)(i), (j) or (k) (continuity of services)
	Director of Provider Development	<ul style="list-style-type: none"> • As above, but for licence holders other than FTs
Section 104	Regional Directors	<ul style="list-style-type: none"> • Require a person mentioned in s.104(2) to provide information, documents, records or other items considered necessary or expedient for purposes of Monitor's functions under Chapter 3 of Part 3 of the 2012 Act (licensing)

Reference:	Delegated To:	Functions:
	Director of Provider Development	<ul style="list-style-type: none"> Require a person mentioned in s.104(2) to provide information, documents, records or other items considered necessary or expedient for purposes of Monitor's functions under Chapter 3 of Part 3 of the 2012 Act (licensing) in relation to a licence holder other than an FT
Sections 105, 106 and Schedule 11 ¹	Regional Directors	<ul style="list-style-type: none"> Make recommendations to the Regional Support Group or System Oversight Committee as to accepting enforcement undertakings, imposing discretionary requirements, imposing additional licence conditions, taking action for breach of such a condition and issuing/revoking compliance certificates and statements of compliance, in relation to FTs Ensuring publication of enforcement action in relation to FTs
	Director of Provider Development	<ul style="list-style-type: none"> As above, but for licence holders other than FTs
Section 111	Regional Directors	<ul style="list-style-type: none"> Make recommendations to the Regional Support Group or System oversight committee as to imposing and removing additional licence conditions on FTs and taking action for breach of such a condition
Section 108 and paragraph 11 of Schedule 8	Chief Financial Officer Chief Operating Officer Director of Provider Development	<ul style="list-style-type: none"> Make recommendations to the System Oversight Committee (or the Board) on publication and revision of guidance as to use of enforcement powers and procedure for entering enforcement undertakings
Chapter 3 of Part 3 and Transactions Guidance	Regional Directors	<ul style="list-style-type: none"> Assess and make recommendations as to risk-rating of transactions involving FTs and NHS trusts
Chapter 3 of Part 3 and Capital Guidance	Regional Directors	<ul style="list-style-type: none"> Assess FT proposals involving capital investment or property transactions and make recommendations to Chief Financial Officer, relevant NHS Improvement committee or the Board
Section 288(2)(b) and (c) and (3)	Director of Provider Development	<ul style="list-style-type: none"> Make arrangements with the Care Quality Commission (CQC) to ensure that (i) a person applying both for a licence and for CQC registration may do so in a single application form and (ii) such a person is granted a licence and registration by way of a single document Seek to secure that in such cases, the conditions in the licence are consistent with the conditions of the person's CQC registration Provide CQC, on request, with any material relevant to the exercise of Monitor's functions pursuant to section 73(2) (market investigations under the Enterprise Act 2002)

TDA Directions (NHS TDA functions)

Direction 2(1)	National Directors	<ul style="list-style-type: none"> Work collaboratively with Monitor under single leadership and operating model, including support work, to ensure improvement in the quality of care, patient safety and financial sustainability across the health service
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¹ See also Section 9 (functions relating to pricing)

Reference:	Delegated To:	Functions:
Direction 2(2)	National Directors	<ul style="list-style-type: none"> • Take such steps as considered necessary and appropriate to assist and support providers of health services to ensure continuous improvement in the quality of the provision of such services and their financial sustainability
Direction 3(1)(b)	National Directors	<ul style="list-style-type: none"> • Take such steps as considered necessary and appropriate to design methods to be used by NHS TDA, and develop & publish guidance to NHS trusts, in connection with NHS TDA overseeing, developing and supporting NHS trusts in relation to: <ul style="list-style-type: none"> a. clinical quality, governance and management of risk in NHS trusts; and b. compliance by NHS trusts with Care Quality Commission requirements and standards set by NHS TDA, (subject to approval of Board or relevant committee as may be necessary or appropriate)
Direction 3(1)(b)	Chief Operating Officer Director of Provider Development	<ul style="list-style-type: none"> • Take such steps as considered necessary and appropriate to design methods to be used by NHS TDA, and develop & publish guidance to NHS trust, in connection with NHS TDA overseeing, developing and supporting NHS trusts in relation to progress of NHS trusts towards satisfying Monitor of matters necessary to obtain FT authorisation (subject to approval of System Oversight Committee or the Board as may be necessary or appropriate)
Direction 3(1)(c)	National Directors	<ul style="list-style-type: none"> • Take such steps as considered necessary and appropriate to design methods to be used by NHS TDA, and develop & publish guidance, in connection with NHS TDA working collaboratively with Monitor to oversee, develop and support providers of health services with the objective of continuing the improvement in the quality of such services (subject to approval of Board or relevant committee as may be necessary or appropriate)
Direction 6(b)	National Directors	<ul style="list-style-type: none"> • Oversee, develop and support NHS trusts, including by: <ul style="list-style-type: none"> a. assessing: <ul style="list-style-type: none"> i. clinical quality, governance and management of risk, including financial risk, in NHS trusts, ii. NHS trusts compliance with Care Quality Commission requirements and standards set by NHS TDA, and iii. progress of NHS trusts towards satisfying Monitor of matters necessary to obtain FT authorisation; and b. where: <ul style="list-style-type: none"> i. NHS TDA considers improvements clinical quality, governance and management of risk, including financial risk, could be made, ii. NHS trusts are not meeting with Care Quality Commission requirements and standards set by NHS TDA, or iii. suitable progress is not being made towards satisfying Monitor of matters necessary to obtain FT authorisation, assisting those trusts to make improvements, meet such standards, or make such progress by providing, advice, support, help or guidance

Reference:	Delegated To:	Functions:
Direction 6(a), (b)(ii)(bb) and (c) ²	Regional Directors	<ul style="list-style-type: none"> • Make recommendations to the Regional Support Group or System Oversight Committee as to accepting enforcement undertaking, giving directions and issuing/revoking compliance certificates or statements of compliance, in relation to NHS trusts • Ensuring publication of enforcement action relating to NHS trusts
	Chief Financial Officer	<ul style="list-style-type: none"> • Making recommendations to the System Oversight Group or the Board as to which conditions equivalent to the conditions of the Monitor licence are appropriate to apply NHS trusts • Setting out those conditions in guidance issued by NHS TDA to NHS trusts
Direction 6(e)	Regional Directors	<ul style="list-style-type: none"> • Provide advice to individual NHS trusts to assist those trusts to prepare place for each financial year as to how those trusts will exercise their functions
	Chief Financial Officer	<ul style="list-style-type: none"> • Provide advice to NHS trusts generally to assist those trusts to prepare place for each financial year as to how those trusts will exercise their functions
Direction 6(f)	Regional Directors	<ul style="list-style-type: none"> • Scrutinise the annual plans prepared by NHS trusts and consider that those plans could be improved— <ul style="list-style-type: none"> a. provide feedback on the plans to those trusts; and b. assist those trusts to amend those plans to take that feedback into account.
Direction 6(g)(i) to (iii), (v) and (viii)	Regional Directors Chief Operating Officer Director of Provider Development	<ul style="list-style-type: none"> • Oversee, develop and support NHS trusts to assist those trusts to become sustainable organisations, including by: <ul style="list-style-type: none"> a. supporting them to comply with duty to exercise functions effectively, efficiently and effectively, b. supporting trusts to ensure they are in a position to apply for FT status; c. exercising Secretary of State's function as to whether to support an NHS trust's application for FT status; d. preparing a report to Secretary of State as to whether to support an application to be authorised as an FT; e. taking such other steps as appropriate
Direction 6(g)(iv) and Transactions Guidance	Regional Directors Director of Provider Development	<ul style="list-style-type: none"> • Assess (including consideration of appropriate risk rating) proposals of NHS trusts to— <ul style="list-style-type: none"> a. dissolve and transfer property and liabilities to other NHS trusts or FTs; b. make an application to Monitor for merge with an FT; c. make an application to Monitor to be acquired by an FT; or d. be a receiver of property and liabilities arising from dissolutions, mergers or acquisitions of NHS trusts or FTs or separations of FTs, and make recommendations to Regional Support Group or System Oversight Committee, as appropriate, on those proposals
Direction 6(g)(vi) and (vii)	Regional Directors	<ul style="list-style-type: none"> • Make recommendations to NHS trusts that such trusts should: <ul style="list-style-type: none"> a. dissolve and transfer property and liabilities to other NHS trusts or FTs;

² See also Section 9 (functions relating to pricing)

Reference:	Delegated To:	Functions:
		<ul style="list-style-type: none"> b. make an application to Monitor for merge with an FT; c. make an application to Monitor to be acquired by an FT; or d. be a receiver of property and liabilities arising from dissolutions, mergers or acquisitions of NHS trusts or FTs or separations of FTs. <ul style="list-style-type: none"> • Negotiate and liaise with other NHS trusts or FTs in order to make such recommendations and facilitating such dissolutions, transfer, acquisitions and mergers
Direction 6(h) to (j)	Regional Directors	<ul style="list-style-type: none"> • Consider whether it is appropriate for Secretary of State to make an order under section 66 (intervention powers) or section 68 (default powers) in respect of an NHS trust and making appropriate recommendations to the System Oversight Committee or the Board • Carry out inquiries and draft reports as referred to in direction 6(1)(h) to (i), for approval as appropriate by System Oversight Committee or the Board
Direction 6(k) and Capital Guidance	Regional Directors	<ul style="list-style-type: none"> • Assess NHS trust proposals involving capital investment or significant commercial transactions • Where proposals do not exceed financial limits and are not novel, contentious or repercussive, to determine whether proposals require approval of NHS TDA • Where proposals require approval of NHS TDA or Secretary of State, make recommendations to Chief Financial Officer, relevant NHS Improvement committee or the Board
Direction 6(l)	Regional Directors	<ul style="list-style-type: none"> • Request information, which NHS TDA requires in order to carry out its functions, from NHS trusts
Direction 7(1) and (2)	Chief Operating Officer Director of Provider Development Regional Directors	<ul style="list-style-type: none"> • Produce reports, carry out assessment and make recommendations to System Oversight Committee or the Board in relation to Monitor's functions in relation to trust special administration of an NHS trust
Direction 7(3)	Regional Directors	<ul style="list-style-type: none"> • Inform CQC if aware that there has been or may be a serious failure by an NHS trust to provide services that are of a sufficient quality to be provided under the NHS Act 2006

Standard licence conditions (or equivalent for NHS trusts) and guidance (Monitor functions, but * indicates also NHS TDA function)

Guidance on special measures and Single Oversight Framework*	Regional Directors	<ul style="list-style-type: none"> • Make recommendations to System Oversight Committee on whether an NHS trust or FT should be placed in or exited from special measures (segment 4) • Ensure arrangements are made to provide support to special measures trusts
Licence condition G1*	Regional Directors Director of Provider Development Director of Provider Development (in relation to licence holder other than FT)	<ul style="list-style-type: none"> • Require licence holder (or NHS trust) to furnish information and documents, or prepare or procure and furnish reports, in such form, at such place and at such times as NHS Improvement may require

Reference:	Delegated To:	Functions:
Licence condition G2*	Regional Directors Director of Provider Development	<ul style="list-style-type: none"> Direct licence holder (or NHS trust) to publish information about NHS health care services and as to the manner in which such information should be published
Licence condition G5*	National Directors	<ul style="list-style-type: none"> Issue (or make recommendations to System Oversight Committee or the Board as to the issue of) guidance for any of purposes set out in section 96(2) of the 2012 Act
Licence condition CoS1	Regional Directors	<ul style="list-style-type: none"> Make recommendation to System oversight committee as to whether to give direction to licence holder to continue to provide Commissioner Requested Services
Licence condition CoS2(5)	Regional Directors	<ul style="list-style-type: none"> Make recommendation to System oversight committee as to whether to give consent in writing to FT or other licensee disposing any relevant assets (assets without which the licensee's ability to meet its obligation to provide Commissioner Requested Services would reasonably be regarded as materially prejudiced)
Licence condition CoS6	Regional Directors	<ul style="list-style-type: none"> Make recommendations to System oversight committee as to whether to: <ul style="list-style-type: none"> a. Notify licensee that Monitor is considered about ability of License to carry on as a going concern b. Direct licensee to provide information to commissioners and others c. Appoint persons to enter & inspect premises and assist in the management of the licensee's affairs, business and property
Licence condition FT1(5)	Director of Provider Development	<ul style="list-style-type: none"> Issue, or make recommendations to System oversight committee as to issue of, directions as to the format in which electronic copies of documents are to be made to Monitor under condition FT 1 (information to update FT register)
Licence condition FT2	Director of Provider Development	<ul style="list-style-type: none"> Notify licensees that required to pay fees (where the Board has decided that fees are to be payable)
Single Oversight Framework*	Regional Directors	<ul style="list-style-type: none"> Consider support needs of NHS trusts and FTs, determine detail of support packages for such trusts and make appropriate recommendations relating to segmentation to Regional Support Group or System oversight committee
Guidance on FT Groups	Regional Directors	<ul style="list-style-type: none"> Make recommendations to System oversight committee in relation to individual requests for accreditation as an FT group

4 Scheme of Delegation - Functions relating to appointments and leadership

Reference:	Delegated To:	Functions:
Directions to the TDA and guidance (NHS TDA functions)		
Direction 3(1)(a) TDA Directions	Chief People Officer	<ul style="list-style-type: none"> Take such steps as considered necessary and appropriate to design methods to be used by NHS TDA, and develop & publish guidance to NHS trusts, special trustees and trustees for NHS trusts and FTs, in connection with NHS TDA making appointments of non-executive directors of NHS trusts, special trustees and trustees for NHS trusts and FTs (subject to methods and guidance being approved by People, Remuneration & Nominations Committee)
Direction 4(1)(a) TDA Directions	Chief People Officer	<ul style="list-style-type: none"> Make recommendations to People, Remuneration & Nominations Committee (or relevant sub-committee) for the appointment of chairs of NHS trusts, special trustees and trustees for NHS trusts and FTs (and NEDs of companies appointed as trustees) Develop role descriptions and criteria for appointment (subject to approval of People, Remuneration & Nominations Committee) Manage procedures for appointment and ensure they are open, transparent and comply Government's Code for Appointments Consult chairs in relation to appointment of trustees
	Chief People Officer Regional Directors	<ul style="list-style-type: none"> Make recommendations to People, Remuneration & Nominations Committee (or relevant sub-committee) for the appointment of NEDs of NHS trusts Develop role descriptions and criteria for appointment (subject to approval of People Committee)
Direction 4(1)(b) TDA Directions	Chief People Officer	Make recommendations to the People, Remuneration & Nominations Committee (or relevant sub-committee) for the exercise of other Secretary of State's functions relating to appointment of chairs of NHS trusts, including decisions on suspension, termination and disqualification
	Chief People Officer Regional Directors	Make recommendations to the People, Remuneration & Nominations Committee (or relevant sub-committee) for the exercise of other Secretary of State's functions relating to appointments of NEDs of NHS trusts, including decisions on suspension, termination and disqualification
Direction 4(1)(c) and (d) TDA Directions	Chief People Officer	Make recommendations to People, Remuneration & Nominations e Committee (or relevant sub-committee) in relation to the termination of trustee's tenure of office and requests to company trustee to remove a NED
Direction 4(1)(e) TDA Directions	Chief People Officer	Record, update and keep information about appointments and applications
Direction 4(1)(f) and (g) TDA Directions	Chief People Officer Regional Directors	<ul style="list-style-type: none"> Advise chairs and NEDs of NHS trusts, and trustees, on development of their roles Secure that chairs, NEDs and trustees receive training in relation to their roles

Reference:	Delegated To:	Functions:
Direction 4(1)(h) and (i) TDA Directions	Chief People Officer Regional Directors	Develop procedures for, and carry out, appraisals for chairs and NEDs of NHS trusts and trustees (procedures subject to approval of People, Remuneration & Nominations Committee)
Direction 6(m) TDA Directions	Chief People Officer (if not Chief Executive)	Designate chief executive of each NHS trust as its Chief Accountable Officer
Direction 8(a) TDA Directions	Chief People Officer	Furnish to the Commissioner for Public Appointments such information relating to the appointments for which NHS TDA is responsible (chairs and NEDs of NHS trusts, special trustees and trustees of NHS trusts and FTs) as the Commissioner may from time to time require
NHS TDA (Leadership Academy) Directions 2019	Chief People Officer	Provide for the operation of the Leadership Academy, including ensuring that the Academy takes such steps as considered necessary and appropriate to ensure that the persons providing and commissioning services as part of the health service in England have leaders with the necessary knowledge, skills, attitudes and behaviours
Guidance on senior appointments in NHS trusts	Regional Directors	Decide whether candidates for chief executive or other executive directors of NHS trusts are suitable

[NHS Act 2006, 2012 Act and licence conditions \(Monitor functions\)](#)

Section 39A of NHS Act 2006	Chief People Officer	Appoint panel for advising FT governors Pay panel expenses and provide administrative support, if panel appointed
Section 50 of NHS Act 2006	Chief People Officer	Determine fees for maintaining panel for advising FT governors
Licence condition G4	Chief People Officer	Decide whether to approve appointment of director of FT or other licence holder if the individual is unfit for the purposes of that licence condition

5 Scheme of Delegation - Functions relating to finance and resources (other than pricing)

Reference:	Delegated To:	Functions:
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NHS Act 2006 (Monitor functions)

Paragraph 24 of Schedule 7	Chief Financial Officer	<ul style="list-style-type: none"> Give directions as to the form and content of FT accounts
Paragraph 25 of Schedule 7	Chief Financial Officer	<ul style="list-style-type: none"> Give directions as to form and content of FT annual accounts, and methods/principles of account to be used Receipt of FT annual accounts and auditor reports
Paragraph 26 of Schedule 7	Chief Financial Officer	<ul style="list-style-type: none"> Receipt of FT annual reports Specify information to be included in FT annual reports (consulting where necessary) Determine the form of annual reports, periods to which they relate and timing of submission
Paragraph 27 of Schedule 7	Chief Financial Officer Regional Directors	<ul style="list-style-type: none"> Receipt of forward planning information

2012 Act and related instruments (Monitor functions, but * indicates also TDA function)

Paragraph 13 of Schedule 8	Chief Financial Officer	<ul style="list-style-type: none"> Approve Monitor's borrowing money by way of overdraft
Paragraph 17 of Schedule 8	Chief Financial Officer	<ul style="list-style-type: none"> Prepare and submit consolidation of FT accounts
Paragraph 18 of Schedule 8	Chief Financial Officer	<ul style="list-style-type: none"> Ensuring Monitor keeps proper accounts and proper records in relation to the accounts
Paragraph 19 of Schedule 8	Chief Financial Officer	<ul style="list-style-type: none"> Prepare and submit Monitor's annual accounts (subject to approval of the Board)
	Chief Executive	<ul style="list-style-type: none"> Accounting Officer duties in relation to Monitor's annual accounts
Paragraph 20 of Schedule 8	Chief Financial Officer	<ul style="list-style-type: none"> Prepare and submit Monitor's interim accounts (subject to approval of the Board), if directed by Secretary of State
	Chief Executive	<ul style="list-style-type: none"> Accounting Officer duties in relation to Monitor's interim accounts
Chapter 3 of Part 3 and Capital Guidance	Chief Financial Officer	<ul style="list-style-type: none"> Assess and advise on FT proposals involving capital investment or property transactions Decide whether to approve business cases between £15 million and £30 million Make recommendations to relevant NHS Improvement committee or the Board on cases above £30 million
Standard conditions of the licence, Condition FT6(8)(b)*	Chief Financial Officer	<ul style="list-style-type: none"> Require a statement from the auditors of an FT or NHS trust in relation to whether the trust has taken all the actions set out in its corporate governance statement

NHS Act 2006 (NHS TDA functions)

Sections 226 and to 227	Chief Financial Officer Chief Executive (as Accounting Officer)	<ul style="list-style-type: none"> Ensuring NHS TDA complies with financial duties under section 226 and resource limits under section 227
Paragraph 7 of Schedule 6	Chief Financial Officer	<ul style="list-style-type: none"> Approving subscriptions to funds of bodies

Reference:	Delegated To:	Functions:
Paragraph 8 of Schedule 6	Chief Financial Officer	<ul style="list-style-type: none"> Accept gifts of property to NHS TDA
Paragraph 2 of Schedule 15	Chief Financial Officer	<ul style="list-style-type: none"> Ensuring NHS TDA keeps proper accounts
Paragraph 3, 5(3) and 6(3) of Schedule 15	Chief Financial Officer	<ul style="list-style-type: none"> Prepare and submit NHS TDA's annual accounts (subject to approval of the Board), and lay before Parliament
	Chief Executive	<ul style="list-style-type: none"> Accounting Officer duties in relation to NHS TDA's accounts

Directions (NHS TDA functions)

Direction 6(e)	Chief Financial Officer	<ul style="list-style-type: none"> Provide general advice to NHS trusts to assist those trusts to prepare plans for each financial year as to how those trusts will exercise their functions
Direction 6(g)(i) of TDA Directions	Chief Financial Officer	<ul style="list-style-type: none"> Oversee, develop and support NHS trusts to assist those trusts to become sustainable organisations by supporting them to comply with duty to exercise functions effectively, efficiently and effectively
Direction 6(k) of TDA Directions and Capital Guidance	Chief Financial Officer	<ul style="list-style-type: none"> Assess and advise on NHS trust proposals involving capital investment or significant property or commercial transactions Decide whether to approve business cases between £15 million and £30 million Make recommendations to relevant NHS Improvement committee or the Board on cases above £30 million
Directions to TDA in respect of the Accounts and Annual Reports of NHS Trusts	Chief Financial Officer	<ul style="list-style-type: none"> Receive annual reports and accounts of NHS trusts Give directions to NHS trusts specifying the date by which accounts must be submitted
The Consolidated Provider Accounts Directions	Chief Financial Officer	<ul style="list-style-type: none"> Prepare consolidated provider accounts (NHS trusts and FTs)

Local Audit and Accountability Act 2014

Section 30(2) (as modified by paragraph 13 of Schedule 13)	Chief Financial Officer	<ul style="list-style-type: none"> Receive NHS trust auditor reports of unlawful expenditure or activity
Paragraphs 2 and 3 of Schedule 7 (as modified by paragraph 12 of Schedule 13)	Chief Financial Officer	<ul style="list-style-type: none"> Receive NHS trust auditor written recommendations and public interest reports
Paragraph 9 of Schedule 13	Chair of Audit and Risk Committee	<ul style="list-style-type: none"> Duty to inform the Secretary of State if an NHS trust has failed to appoint an auditor by 25 March each year If directed by Secretary of State, to take the steps under paragraph 9(4) of Schedule 13 to the Act as NHS TDA considers appropriate Inform and consider representations as required by paragraph 9(6)

6 Scheme of Delegation - Functions relating to medical and nursing matters

Reference:	Delegated To:	Functions:
2012 Act (Monitor functions)		
Section 62(7)	Chief Nursing Officer	<ul style="list-style-type: none"> Make arrangements to ensure that patients and public are involved to an appropriate degree in Monitor's decisions
Section 62(8)	National Medical Director Chief Nursing Officer	<ul style="list-style-type: none"> Provide, and oversee arrangements for obtaining, health professional advice appropriate for enabling Monitor to effectively discharge its functions
NHS Act 2006, regulations and directions (NHS TDA functions)		
Section 13R and regulation 2 of the National Health Service Trust Development Authority (Directions and Miscellaneous Amendments etc) Regulations 2016	National Medical Director	<ul style="list-style-type: none"> Patient safety functions: <ol style="list-style-type: none"> Establish systems for collecting and analysing NHS patient safety information (e.g. National Reporting and Learning System) Make such information available Give advice and guidance for purpose of maintaining and improving safety
The NHS TDA (Healthcare Safety Investigation Branch) Directions 2016	National Medical Director	Oversight of HSIB in accordance with the directions, including: <ul style="list-style-type: none"> provide for operation of the HSIB and ensure it exercises certain functions listed in directions impose requirements on Chief Investigator and HSIB as set out in directions take reasonable steps to protect independence of HSIB ensure HSIB report is published
	National Medical Director Chief Financial Officer	Authority's duties in relation to the funding of HSIB (direction 11): <ul style="list-style-type: none"> pay entirety of HSIB annual allocation and any extraordinary payment ensure, with HSIB, that extraordinary payment spent only on investigation to which it relates seek instructions from Secretary of State as to disposal of surpluses

7 Scheme of Delegation - Functions relating to pricing

Reference:	Delegated To:	Functions:
2012 Act (Monitor functions)		
Section 69	Director of Pricing and Costing	<ul style="list-style-type: none"> Prepare impact assessment of, and consult on, proposals for the national tariff
Section 104	Director of Pricing and Costing	<ul style="list-style-type: none"> Require a person mentioned in s.104(2) to provide information, documents, records or other items considered necessary or expedient for purposes of Monitor's functions under Chapter 4 of Part 3 of the 2012 Act (pricing)
Sections 105, 106 and Schedule 11	Director of Pricing and Costing	<ul style="list-style-type: none"> Make recommendations to the Regional Support Group or System oversight committee as to accepting enforcement undertakings, imposing discretionary requirements, imposing additional licence conditions, taking action for breach of such a condition and issuing/revoking compliance certificates and statements of compliance, in relation to compliance by FTs or other licence holders with pricing/costing requirements Ensuring publication of pricing enforcement action in relation to FTs and other licence holders
Section 116	Director of Pricing and Costing	<ul style="list-style-type: none"> Publish national tariff in accordance with section 116, as approved by the Board as necessary
Section 117(4) and (5)	Director of Pricing and Costing Director of Provider Development	<ul style="list-style-type: none"> Subject to approval of the Board, direct CCGs in relation to cases where CCG has (a) agreed a price other than price payable by virtue of Chapter 4 of Part 3 of the 2012 Act or (b) failed to comply with rules provided for under section 116(2), (4) or (6) (including local variation and local pricing rules)
	Director of Provider Development	<ul style="list-style-type: none"> Subject to approval of the Board, direct NHS England in relation to cases where NHS England has (a) agreed a price other than price payable by virtue of Chapter 4 of Part 3 of the 2012 Act or (b) failed to comply with rules provided for under section 116(2), (4) or (6) (including local variation and local pricing rules)
Section 118	Director of Pricing and Costing	<ul style="list-style-type: none"> Prepare proposals for the national tariff Publish consultation notice on the national tariff, as approved by the Board as necessary
	Director of Provider Development	<ul style="list-style-type: none"> Agree proposals for the national tariff with NHS England, in accordance with section 118
Section 120 and Schedule 12	Director of Pricing and Costing	<ul style="list-style-type: none"> Refer method for determining national prices to the CMA if objection threshold reached and related functions
	Director of Provider Development	<ul style="list-style-type: none"> Agree that a reference should be made, subject to approval of the Board as necessary

Reference:	Delegated To:	Functions:
Section 122	Director of Provider Development	<ul style="list-style-type: none"> Determine (proposed and final) changes to the method where CMA remits a matter under section 121(6), subject to approval of the Board as necessary
	Director of Pricing and Costing	<ul style="list-style-type: none"> Notify CMA and NHS England of proposed changes Make changes to the method as determined/agreed by Director of Provider Development or the Board
Section 123	Director of Pricing and Costing	<ul style="list-style-type: none"> Comply with a direction from the CMA under section 123
Section 124	Director of Pricing and Costing	<ul style="list-style-type: none"> Assess and make recommendations on whether to approve a local modification agreement Determine evidence Monitor requires to be submitted with a local modification agreement Send and publish notice under section 124(6) to (8)
	Director of Provider Development	<ul style="list-style-type: none"> Decide whether to approve a local modification agreement, subject to approval of the Board as necessary
Section 125	Director of Pricing and Costing	<ul style="list-style-type: none"> Assess and make recommendations on whether to grant a local modification application Determine evidence Monitor requires to be submitted with a local modification application Send and publish notice under section 125(6) to (8)
	Director of Provider Development	<ul style="list-style-type: none"> Decide whether to grant a local modification application, subject to approval of the Board as necessary
Section 126	Director of Pricing and Costing	<ul style="list-style-type: none"> Notify commissioners that continued provision of commissioner requested services is put at risk by configuration of certain health care services Ensure list of notifications is published by Monitor
Section 127	Director of Pricing and Costing	<ul style="list-style-type: none"> Send and publish notice relating to correct of mistakes in national tariff

Standard licence conditions (or equivalent for NHS trusts) and TDA directions

Licence condition P1	Director of Pricing and Costing	<ul style="list-style-type: none"> Require licence holders and NHS trusts to record costing information in compliance with condition P1 and Monitor's Approved Costing Guidance Determine the content of, and publishing, the Approved Costing Guidance
Licence condition P2	Director of Pricing and Costing	<ul style="list-style-type: none"> Require licence holders and NHS trusts to furnish Monitor with information and documents, and prepare or procure and furnish Monitor with reports for the purposes of Monitor's pricing functions Determine information and reports to be required
Licence condition P3	Director of Pricing and Costing	<ul style="list-style-type: none"> Require licence holders and NHS trusts to obtain and submit assurance reports on costing submissions
Direction 6(a) and (c) of the TDA Directions	Director of Pricing and Costing	<ul style="list-style-type: none"> Make recommendations to the Regional Support Group or System oversight committee as to accepting enforcement undertaking, giving directions and issuing/revoking compliance certificates or statements of compliance, in relation to compliance by NHS trusts with pricing/costing requirements

Reference:	Delegated To:	Functions:
Direction 6(l) of the TDA Directions	Director of Pricing and Costing	<ul style="list-style-type: none"> Request information from NHS trusts, which NHS TDA requires in order to carry out its functions in relation to pricing enforcement, from NHS trusts

8 Scheme of Delegation – Functions relating to commercial matters

Reference:	Delegated To:	Functions:
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NHS TDA functions

Directions under section 7(2) of the Health and Medicines Act 1988	Chief Commercial Officer Chief Financial Officer Regional Directors	<ul style="list-style-type: none"> Decisions on proposals for NHS TDA income generation schemes (subject to Board approval and compliance with internal finance controls)
Direction 6(g)(i) of TDA Directions	Chief Commercial Officer	<ul style="list-style-type: none"> Oversee, develop and support NHS trusts to assist those trusts to become sustainable organisations by supporting them to comply with their duty to exercise functions effectively, efficiently and effectively, in particular by providing advice and support in respect of the efficient management of their estates including the achievement of efficiency savings and reduced running costs and the identification and disposal of surplus land (NHS TDA function)

Monitor and NHS TDA functions

Public Procurement Regulations 2015	Chief Commercial Officer	<ul style="list-style-type: none"> Make arrangements to comply with requirements of Public Contracts Regulations 2015
Section 1 of the Public Services (Social Value) Act 2012	Chief Commercial Officer	<ul style="list-style-type: none"> Duty to consider how, in the context of procuring services, economic, social and environmental well-being may be enhanced

9 Scheme of Delegation - Functions relating to competition, procurement and patient choice

Reference:	Delegated To:	Functions:
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2012 Act and regulations made under s.75 of that Act (Monitor functions)

Section 72	Director of Provider Development	<ul style="list-style-type: none"> Decide whether to investigate potential infringements of Competition Act 1998 and on scope of investigation
Section 73	Director of Provider Development	<ul style="list-style-type: none"> Make recommendations to System Oversight Committee or the Board on whether to institute market investigation the Enterprise Act 2002 and on scope of potential investigation
Regulation 13 of PPCCR	Director of Provider Development	<ul style="list-style-type: none"> Decide whether to formally investigate complaint that CCG or NHS England has failed to comply with a requirement imposed by regulations 2 to 12 of the PPCCR (procurement, patient choice and

Reference:	Delegated To:	Functions:
		<p>competition) or requirements of the Standing Rules regulations relating to patient choice, and decide scope of investigation</p> <ul style="list-style-type: none"> • Decide whether to formally investigate failure to comply with regulation 10 of PPCCR (anti-competitive behaviour) and decide scope of investigation • Decide whether to require CCG or NHS England to provide information (reg 13(5))
Regulations 14 to 16 of PPCCR	Director of Provider Development	<ul style="list-style-type: none"> • Make recommendations to System Oversight Committee or the Board on enforcement action (declaration of ineffectiveness, directions or undertakings) in relation to a failure to comply with a requirement imposed by regulations 2 to 12 of the PPCCR (procurement, patient choice and competition)
Schedule 9 (section 77 undertakings)	Director of Provider Development	<ul style="list-style-type: none"> • Make recommendations to System Oversight Committee or the Board on whether to vary undertakings, or issue or revoke compliance certificates • Deciding what information to redact from enforcement undertakings pursuant to paragraph 2(2) of Schedule 9
Section 78	Director of Provider Development	<ul style="list-style-type: none"> • Making recommendations to System Oversight Committee or the Board about publishing and revising guidance about compliance with PPCCR and the exercise of powers under those regulations
Section 79	Director of Provider Development	<ul style="list-style-type: none"> • Formal decisions relating to preliminary advice to trusts and liaison with CMA, before formal advice to CMA on patient benefits under section 79 (mergers involving FTs)
Section 80	Director of Provider Development	<ul style="list-style-type: none"> • Ensuring arrangements are in place for effective co-operation with CMA

10 Scheme of Delegation – delegation derived from Rules of Procedure

Rules of Procedure Reference:	Delegated To:	Functions:
5.7.6	Chair	<ul style="list-style-type: none"> Cast second and deciding vote in the case of equality of votes
5.7.9	Chair	<ul style="list-style-type: none"> Take decisions on agenda items as delegated by the Board
5.7.10	Secretary	<ul style="list-style-type: none"> Circulate board papers for approval by correspondence
5.9.2 and 5.9.3	Secretary or nominated deputy	<ul style="list-style-type: none"> Record the minutes of every meeting or nominate a deputy to do so Submit draft minutes to the Board in advance of next meeting
5.10.1	Chair	<ul style="list-style-type: none"> Exercise functions of the Board in an emergency, subject to reporting to the Board and ratification
5.11.7	Committees	<ul style="list-style-type: none"> Each committee of NHS Improvement is delegated from the Board the discharge of those functions that fall within their respective terms of reference other than any matter reserved to the Board.
5.11.9	Chief Executive	<ul style="list-style-type: none"> All powers of NHS Improvement which have not been reserved to the Board, or delegated to a committee, sub-committee or employee (including in the Standing Financial Instructions and Rules of Procedure)
5.11.13	Secretary	<ul style="list-style-type: none"> Keep a record of the powers, authorities and discretions delegated by the Board.
5.11.15	Deputy Chair	<ul style="list-style-type: none"> Functions of the Chair in relation to the Board, if Chair is absent.
5.12.1	Chief Executive	<ul style="list-style-type: none"> Act as accounting officer
5.13.8 and 9	Secretary	<ul style="list-style-type: none"> Ensure that a register of interests is established to record formally declarations of interests
6.1.7	Chief Executive	<ul style="list-style-type: none"> Determine powers and functions of a committee and exercise certain of the Board's responsibilities in relation to such a committee
6.7.2	Secretary or nominated deputy	<ul style="list-style-type: none"> Record the minutes of every committee meeting