



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	NHS England 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	NHS England 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	NHS England 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	NHS England Board	<ul style="list-style-type: none"> Report annually to the Secretary of State for Health and Social Care 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	NHS England Board	<ul style="list-style-type: none"> Ensure compliance with the Mandate from the Secretary of State for Health and Social Care.
Section 13 D	NHS England Board	<ul style="list-style-type: none"> Make arrangements to comply with duty to exercise functions effectively, efficiently and economically.
Section 13F	NHS England 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	NHS England 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	NHS England 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	NHS England Board	<ul style="list-style-type: none"> To consider and approve NHS England's statutory annual report and accounts
Section 13Z	NHS England 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)	NHS England 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)	NHS England Board	<ul style="list-style-type: none"> make arrangements to co-operate with relevant bodies in the exercise of our functions.
Section 295	NHS England Board	<ul style="list-style-type: none"> Arrangements between the Board and Northern Ireland Ministers.
Section 296	NHS England Board	<ul style="list-style-type: none"> Arrangements between the Board and Scottish Ministers etc.
Equality Act 2010		
Section 149	NHS England 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	NHS England 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)	NHS England 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 for Health and Social Care 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	<ul style="list-style-type: none"> Implement arrangements to secure public involvement and consultation on both an area basis and, for issues which cover more than one area, on that wider basis
	Regional Chief Nurses	

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Reference:	Delegated To:	Functions, Duties and Powers:
	Devolution Chief Officer	
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 for Health and Social Care.
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 the NHS CB 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 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 Health and Social Care, 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	Statutory 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 receiving 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		
2/Schedule	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 BSA.
Medical Profession (Responsible Officers) Regulations 2010 (as amended, 2013)		
Section 7	National Medical Director	<ul style="list-style-type: none"> Duty to nominate or appoint a sufficient number of responsible officers.
Section 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— (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;

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Reference:	Delegated To:	Functions, Duties and Powers:
		(b) the consideration of issues relating to the taking of action in respect of such matters and (c) the taking of action in respect of such matters.

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
-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.]

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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 s 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 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 Clinical Quality Director Regional Director of Specialised Commissioning, Public Health Commissioning,	<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:
	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 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 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 Delivery, Quality & Performance 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 Regional Director of Commissioning Regional Director of Specialised Commissioning & Health & Justice Regional Medical Director & CCIO 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	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:
	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 Regional Directors of Specialised & Health & Justice Commissioning Devolution Chief Officer	Exercise functions to work with CCGs, local authorities and health and wellbeing boards to deliver specialised commissioned services in their area.
	Director of Specialised Commissioning Regional Directors of Commissioning	Ensure that processes are in place to make determinations over Individual Funding Requests in respect of specialised commissioned services.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Regional Directors of Specialised & Health & Justice Commissioning Devolution Chief Officer	
	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 Chief Nurse Devolution Chief Officer	<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:
	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.
	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 Delivery, Quality and Performance 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	<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 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 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 Delivery, Quality and Performance 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 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 Delivery, Quality and Performance 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 contractual obligations 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 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	<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:
	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 Delivery, Quality and Performance 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.
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

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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.
	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	<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:
	Regional Director of Commissioning Regional Director of Specialised Commissioning & Health & Justice Regional Medical Director & CCIO 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	<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.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Regional Directors of Specialised & Health & Justice Commissioning	
	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 Delivery, Quality and Performance 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 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	
	National Directors Regional Directors of 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.

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Reference:	Delegated To:	Functions, Duties and Powers:
	Regional Directors of Specialised & Health & Justice Commissioning	
	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 Delivery, Quality and Performance 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

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.

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Reference:	Delegated To:	Functions, Duties and Powers:
	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	Statutory 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	Statutory Committee Regional Support Group Chief Executive Officer	<ul style="list-style-type: none"> Determine applications under section 14B NHS Act 2006.
Section 14E & Regulations	Statutory 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	Statutory 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 Statutory Committee Chief Executive Officer	<ul style="list-style-type: none"> Consider and determine applications for merger by two or more CCGs, in line with approved guidance.
Section 14H SO 6.8.1.3.1	Statutory 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.

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Reference:	Delegated To:	Functions, Duties and Powers:
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	Statutory 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	Statutory 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.
	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.

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Reference:	Delegated To:	Functions, Duties and Powers:
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	Statutory 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.
		<ul style="list-style-type: none">
		<ul style="list-style-type: none">
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.

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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.

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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.

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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.

18 Functions, Duties and Powers Reserved to the Board

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Reference:	Reserved To:	Functions, Duties and Powers n:
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Strategy & Management

	NHS England Board	<ul style="list-style-type: none"> Define the strategic aims of NHS England, subject to Department of Health and Social Care approval.
	NHS England Board	<ul style="list-style-type: none"> Approve the Business Plan.
	NHS England Board	<ul style="list-style-type: none"> Approve NHS England's policies and procedure for the management of strategic risks.
	NHS England Board	<ul style="list-style-type: none"> Approve annual budget and longer term financial plans within the Resource Limits.

Regulation & Control

	NHS England Board	<ul style="list-style-type: none"> Suspend Standing Orders.
	NHS England Board	<ul style="list-style-type: none"> Vary or amend Standing Orders.
	NHS England 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.
	NHS England 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.
	NHS England Board	<ul style="list-style-type: none"> Require and receive the declaration of Officers' interests which may conflict with those of NHS England.
	NHS England Board	<ul style="list-style-type: none"> Approve arrangements for dealing with complaints.
	NHS England 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.
	NHS England 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.
	NHS England Board	<ul style="list-style-type: none"> Confirm the recommendations of NHS England Committees where the Committees do not have delegated powers.
	NHS England 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.
	NHS England 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.
	NHS England Board	<ul style="list-style-type: none"> Approve financial transactions above the levels delegated to management.

Appointments & Dismissals

	NHS England Board	<ul style="list-style-type: none"> Appoint and dismiss Committees (and individual members) which are directly accountable to the Board.
	NHS England Board	<ul style="list-style-type: none"> Confirm appointment of members of any Committees of NHS England as representatives on outside bodies.

Monitoring

	NHS England 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.
	NHS England 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.
	NHS England Board	<ul style="list-style-type: none"> Receive reports from the Chief Financial Officer on financial performance against budget and Resource Limits.
	NHS England 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.

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Reference:	Reserved To:	Functions, Duties and Powers n:
Annual Report & Accounts	NHS England 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.

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

Function, Duty or Power:	Reserved To:	Detail:
Standing Orders	NHS England 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	NHS England 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	NHS England 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 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.

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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	NHS England Board & NHS England 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	NHS England Board & NHS England 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	NHS England Board & NHS England 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. 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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20 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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21 Reservation of Functions, Duties and Powers in respect of NHS Interim and Management Support

Function, Duty or Power:	Reserved To:	Detail:
Standing Orders	NHS England 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	NHS England 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	NHS England 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 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	NHS England Board & NHS England 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	NHS England Board & NHS England Audit and	<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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Classification: Official

Function, Duty or Power:	Reserved To:	Detail:
	Risk Assurance Committee	<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	NHS England Board & NHS England 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"> To 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.

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22 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. 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.

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

Function, Duty or Power:	Reserved To:	Detail:
Standing Orders	NHS England 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	NHS England 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	NHS England 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	NHS England Board & NHS England Audit and	<ul style="list-style-type: none"> The NHS England Board has responsibility for the arrangements for external audit, covering all NHS England areas.

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Function, Duty or Power:	Reserved To:	Detail:
	Risk Assurance Committee	<ul style="list-style-type: none"> 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	NHS England Board & NHS England 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	NHS England Board & NHS England 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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24 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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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

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