

Scheme of Delegation

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QUICK REFERENCE GUIDE

1. The Reservation of Powers to the Board of Directors and Delegation of Powers policy sets out the powers reserved to the Trust Board or delegated to a Committee authorized by the Board.
2. The Detailed Scheme of Delegation identifies the lowest level of delegated authority within the Trust as approved by the Audit Committee and the financial limits which apply.
3. The exercise of delegated authority must be consistent with the Reservation of Powers policy, Standing Orders and Standing Financial Instructions.
4. The exercise of delegated authority does not obviate responsibility for reporting decisions which may be contentious or have a wider impact to the Chief Executive or appropriate Executive Director

1. INTRODUCTION

- 1.1 The Reservation of Powers to the Board of Directors and Delegation of Powers policy sets out the powers reserved to the Trust Board or delegated to a Committee authorized by the Board.
- 1.2 The Detailed Scheme of Delegation identifies the lowest level of delegated authority within the Trust as approved by the Audit Committee and where appropriate the financial limits which apply.

2. PURPOSE

- 2.1 This document sets out the lowest level of delegated authorization in the Trust and should be read in conjunction with policy ,” Reservation of Powers to the Board of Directors and Delegation of Powers”.

3. SCOPE

- 3.1 The Detailed Scheme of Delegation covers matters which have been delegated by the Trust Board to Officers within the Trust. The policy identifies the lowest level within the Trust that Authority has been delegated to.
- 3.2 In the event of an infection outbreak, flu pandemic or major incident, the Trust recognises that it may not be possible to adhere to all aspects of this document. In such circumstances, staff should take advice from their manager and all possible action must be taken to maintain ongoing patient and staff safety’

4. DEFINITIONS

“**Accountable Officer**” means the NHS Officer responsible and accountable for funds entrusted to the Trust. The officer shall be responsible for ensuring the proper stewardship of public funds and assets. For this Trust it shall be the Chief Executive.

“**Trust**” means the Portsmouth Hospitals NHS Trust.

“**Board**” means the Chairman, officer and non-officer members of the Trust collectively as a body.

“**Budget**” means a resource, expressed in financial terms, proposed by the Board for the purpose of carrying out, for a specific period, any or all of the functions of the Trust.

“**Budget holder**” means the director or employee with delegated authority to manage finances (Income and Expenditure) for a specific area of the organisation.

“**Chairman of the Board (or Trust)**” is the person appointed by the Secretary of State for Health to lead the Board and to ensure that it successfully discharges its overall responsibility for the Trust as a whole. The expression “the Chairman of the Trust” shall be deemed to include the Vice-Chairman of the Trust if the Chairman is absent from the meeting or is otherwise unavailable.

“**Chief Executive**” means the chief officer of the Trust.

“**Contracting and procuring**” means the systems for obtaining the supply of goods, materials, manufactured items, services, building and engineering services, works of construction and maintenance and for disposal of surplus and obsolete assets.

“**Director of Finance and Investment**” means the Chief Financial Officer of the Trust.

“Funds held on Trust” shall mean those funds which the Trust holds on date of incorporation, receives on distribution by statutory instrument or chooses subsequently to accept under powers derived under S.90 of the NHS Act 1977, as amended. Such funds may or may not be charitable.

“Member” means officer or non-officer member of the Board as the context permits. Member in relation to the Board does not include its Chairman.

“Associate Member” means a person appointed to perform specific statutory and non-statutory duties which have been delegated by the Trust Board for them to perform and these duties have been recorded in an appropriate Trust Board minute or other suitable record.

“Membership, Procedure and Administration Arrangements Regulations” means NHS Membership and Procedure Regulations (SI 1990/2024) and subsequent amendments.

“Nominated officer” means an officer charged with the responsibility for discharging specific tasks within Standing Orders and Standing Financial Instructions.

“Non-officer member” means a member of the Trust who is not an officer of the Trust and is not to be treated as an officer by virtue of regulation 1(3) of the Membership, Procedure and Administration Arrangements Regulations.

“Officer” means employee of the Trust or any other person holding a paid appointment or office with the Trust.

“Officer member” means a member of the Trust who is either an officer of the Trust or is to be treated as an officer by virtue of regulation 1(3) (i.e. the Chairman of the Trust or any person nominated by such a Committee for appointment as a Trust member).

“Secretary” means a person appointed to act independently of the Board to provide advice on corporate governance issues to the Board and the Chairman and monitor the Trust’s compliance with the law, Standing Orders, and Department of Health guidance.

“SFIs” means Standing Financial Instructions.

“SOs” means Standing Orders.

“Deputy-Chairman” means the non-officer member appointed by the Board to take on the Chairman’s duties if the Chairman is absent for any reason.

5. DUTIES AND RESPONSIBILITIES

Minimum levels of authority under the Scheme of Delegation are identified by heading within the main document at paragraph 6. The Board of Directors remains accountable for all of its delegated functions.

6. PROCESS

As detailed below.

PORTSMOUTH HOSPITALS NHS TRUST - DETAILED SCHEME OF DELEGATION

*Delegated matters in respect of decisions which may have a far-reaching effect must be reported to the Chief Executive. **The delegation shown below is the lowest level to which authority is delegated.** The authorised signatory list referred to is the Delegated Authority Levels approved by Audit Committee. All other powers are reserved to the Trust Board. The exercise of delegated authority must be consistent with the powers of the Trust Board as contained in statute and DoH guidance all items concerning Finance must be carried out in accordance with Standing Financial Instructions and Standing Orders.*

DELEGATED MATTER	AUTHORITY DELEGATED TO	REFERENCE DOCUMENTS
<p>7. Management of Budgets</p> <p>Responsibility for keeping expenditure within budgets:</p> <ul style="list-style-type: none"> a) At specialty/department level b) For the totality of a Clinical Service Centre c) Corporate Function <p>Revenue Budget Virement</p> <ul style="list-style-type: none"> • All virements between pay and non-pay • All other virements within single cost centre • All other virements between cost centres 	<p>Designated Budget Holder CSC Director/CSC General Manager Relevant Director</p> <p>Director of Finance and Investment</p> <p>Designated Budget Holder</p> <p>Designated Budget Holder of all affected areas</p>	<p>SFIs Section 8</p>
<p>8. Non Pay Revenue Expenditure</p> <p>Pharmacy Orders</p> <ul style="list-style-type: none"> • <= £1,000,000 within agreed contracts 	<p>Drug Purchasing Manager</p>	<p>SFIs sections 8.2</p>
<ul style="list-style-type: none"> • > £1,000,000 within agreed contracts 	<p>Chief Executive or Director of Finance and Investment</p>	

DELEGATED MATTER	AUTHORITY DELEGATED TO	REFERENCE DOCUMENTS
<p>Manual or Electronic Payments Payments ratified by the Trust Board, or Executive Director (including PFI).</p>	<p>Director of Finance and Investment/Deputy Director of Finance/Director of Redevelopment/Financial Controller/Head of Financial Business Partnering/Head of Financial Planning, Income & Expenditure</p>	<p>SFIs section 8.2</p>
<p>All Other Revenue requisitions, orders and invoices</p> <ul style="list-style-type: none"> • <= £5,000 • <= £25,000 • <= £50,000 • <=£100,000 • <=£1m • >£1m 	<p>Assistant Operational Manager (or equivalent) per authorised signatory list</p> <p>Operational Manager (or equivalent) per authorised signatory list</p> <p>CSC Manager (or equivalent) per authorised signatory list</p> <p>Executive Director Chief Executive or Director of Finance and Investment</p> <p>Chief Executive or Director of Finance and Investment and ratification by Trust Board</p>	<p>SFIs section 8.2</p>

DELEGATED MATTER	AUTHORITY DELEGATED TO	REFERENCE DOCUMENTS
<p>9. Capital Purchases & Schemes</p> <p>a) All capital schemes or capital purchases must be listed in the Trust Board approved capital programme and must be agreed with the Director of Finance prior to implementation or purchase. All schemes are subject to satisfactory Business Case approval by the appropriate Committee.</p> <ul style="list-style-type: none"> • <= £500,000 • <=£999,999 	<p>Deputy Director of Finance, Director of Redevelopment, Director of Estates Chief Executive, Director of Finance and Investment</p>	<p>SFIs section 19</p>
<ul style="list-style-type: none"> • <= £1,000,000 - £3,000,000* • >= £3,000,000* <p>* may be reduced to £1000,000 by NHS TDA if the Trust is in financial deficit</p> <p>b) Selection of architects, quantity surveyors, consultant engineer and other professional advisors within EU regulations</p> <p>c) Granting and termination of leases within the Trust's delegated limit</p> <p>d) Transfers between Revenue/Capital</p>	<p>Trust Board</p> <p>NHS Trust Development Authority</p> <p>Director of Estates or delegated officer</p> <p>Chief Executive, or Director of Finance and Investment Director of Finance and Investment</p>	<p>Delegated limits for capital investment December 2010 Gateway reference 15284</p>

DELEGATED MATTER	AUTHORITY DELEGATED TO	REFERENCE DOCUMENTS
<p>10. Quotation, Tendering & Contract Procedures</p> <p>a) Total Value of Contract</p> <ul style="list-style-type: none"> • <=£5,000 requires up to 3 written quotations at Supplies discretion – Informal • <=£5,000 - £25,000 requires 3 written quotations – Formal • >£25,000 <=£50,000 requires 3 written quotations – Formal • >£50,000 <=£100,000 requires 4 written tenders or maximum supplies in market if less than 4 • >£100,000 <=£1m requires 5 written tenders or maximum supplies in market if less than 5 • >£1m requires 5 written tenders or maximum supplies in market if less than 5 • waiving of quotations or single tender action <=£100,000 	<p>Assistant Operational Manager (or equivalent) per authorised signatory list</p> <p>Operational Manager (or equivalent) per authorised signatory list</p> <p>CSC Manager (or equivalent) per authorised signatory list</p> <p>Executive Director/Director of Procurement & Commercial Services</p> <p>Chief Executive/Director of Finance and Investment</p> <p>Chief Executive or Director of Finance and Investment and ratification by Trust Board</p> <p>Chief Executive, Director of Finance and Investment, Director of Procurement & Commercial Services</p>	<p>SO section 9</p>

DELEGATED MATTER	AUTHORITY DELEGATED TO	REFERENCE DOCUMENTS
<ul style="list-style-type: none"> • waiving of quotations or single tender action >£100,000 a) Healthcare Service Level Agreements b) Opening Tenders and Quotations c) Competitive tendering of in house services > £500,000 an evaluation group will be set up 	<p>Chief Executive, Director of Finance and Investment, Director of Procurement & Commercial Services and ratification by the Trust Board.</p> <p>Chief Executive and Director of Finance and Investment</p> <p>Director of Procurement and Commercial Services (Bravo tendering system).</p> <p>Specialist Officer, Supplies officer, Directors of Workforce & Organisational Development and Finance & Investment and Non Executive Director with report to Trust Board</p>	<p>SFI's Section 14 SO's Appendix A</p>
<p>11. Setting of Fees and Charges</p> <ul style="list-style-type: none"> a) Private Patient, Overseas Visitors, Trading Accounts, Income Generation and other patient related services b) Price of NHS Contracts/Service Agreements <p>Charges for all NHS Contracts based on national tariff (where available) or locally agreed prices.</p>	<p>Director of Finance and Investment or Nominated Deputy</p> <p>Director of Finance and Investment</p>	<p>SFIs section 11</p> <p>SFIs section 14</p>

DELEGATED MATTER	AUTHORITY DELEGATED TO	REFERENCE DOCUMENTS
<p>12. Engagement of Staff Not On the Establishment and Professional Advisers</p> <p>a) Non Medical Consultancy Staff Where aggregate commitment (or total commitment) in any one year is less than £25,000</p> <p>Where aggregate commitment (or total commitment) in any one year is between £50,000 and £100,000 Where aggregate commitment in any one year (or total commitment) is more than £100,000</p>	<p>Executive Director</p> <p>Chief Executive or Director of Finance and Investment Chief Executive with prior approval of Trust Board</p>	<p>SFIs section 15.3 SO section 9.19</p>
<p>b) Engagement of Trust's Solicitors</p> <p>c) Temporary & Bank staff</p>	<p>Chief Executive</p> <p>In accordance with Trust procedures</p>	<p>HR Policies/Workforce Strategy Committee</p>
<p>13. Petty Cash Disbursements</p> <p>a) Expenditure up to £50 per item</p> <p>b) Expenditure >£50</p> <p>c) Reimbursement of patients monies up to £100</p> <p>d) Reimbursement of patients monies in excess of £100</p>	<p>Petty Cash Holder Director of Finance and Investment or delegated officer. Trust Cashier</p> <p>Director of Finance and Investment or delegated officer</p>	<p>SFIs section 16.2.6</p>
<p>14. Expenditure on Charitable and Endowment Funds</p> <p>Up to £5,000 per request</p> <p>From £5,000 to £50,000 per request</p>	<p>1 Fund Holder and Finance signatories (2 required) Chief Executive or Director of Finance and Investment</p> <p>Charitable Funds Committee</p>	<p>Charitable Funds COFP</p>

Over £50,000		
15. Maintenance / Operation of Bank Accounts		
CHAPS Payments	Authorised Signatory for Bank Account	SFIs section 10.3
16. Agreements/ Licences For Use of Trust Property		
a) Preparation and signature of all tenancy agreements/licences for all staff subject to Trust Policy on accommodation for staff	Residences Manager or Director of Workforce & Organisational Development	SFI's section 11.2
b) Extensions to existing leases	Director of Estates or delegated officer	
c) Letting of premises to outside organisations	Director of Estates or delegated officer.	
d) Approval of rent based on professional assessment	Director of Finance and Investment	
17. Condemning & Disposal		
a. Condemning		SOs section 10 SFIs Section 21
<ul style="list-style-type: none"> Items obsolete, obsolescent, redundant, irreparable or cannot be repaired cost effectively: <p>Items on asset register</p>	CSC General Manager and Director of Finance and Investment	

DELEGATED MATTER	AUTHORITY DELEGATED TO	REFERENCE DOCUMENTS
<p>Items not on asset register</p> <ul style="list-style-type: none"> • disposal of x-ray films • disposal of mechanical and engineering plant competitive <p>tendering will apply where value exceeds £5000</p> <p>Disposal</p> <ul style="list-style-type: none"> • In accordance with Supplies Procedures 	<p>CSC General Manager and Director of Finance and Investment</p> <p>CSC General Manager</p> <p>Head of Facilities & Director of Finance and Investment</p> <p>CSC General Manager/Clinical or Executive Director</p>	

DELEGATED MATTER	AUTHORITY DELEGATED TO	REFERENCE DOCUMENTS
<p>18. Losses, Write-off & Compensation</p> <p>a) A non cash or income loss <£1000</p> <p>b) Losses due to theft, fraud, overpayment</p> <p>c) Fruitless Payments (including abandoned Capital Schemes) Up to £25,000</p> <p>d) Bad Debts and Claims Abandoned - Private Patients, Overseas Visitors & Other Up to £1,000</p> <p>e) Bad Debts and Claims Abandoned - Private Patients, Overseas Visitors & Other over £1,000 and less than £25,000</p> <p>f) Compensation payments made under legal obligation</p> <p>g) Ex-Gratia Payments (Compensation)</p> <ul style="list-style-type: none"> • Up to £100 • Up to £5000 • Over £5000 	<p>Where a loss is >£1000 a check list must be completed see Losses & Special Payments Guidance</p> <p>Budget Manager and reported to Audit Committee</p> <p>Chief Executive and Director of Finance and Investment & reported to Audit Committee</p> <p>Chief Executive and Director of Finance and Investment</p> <p>Director of Finance and Investment</p> <p>Audit Committee</p> <p>Chief Executive or Delegated Officer</p> <p>Head of Risk, Complaints and Litigation. Company Secretary/Director of Finance & Investment Chief Executive</p>	<p>SOs section 10 SFIs section 21</p>

DELEGATED MATTER	AUTHORITY DELEGATED TO	REFERENCE DOCUMENTS
<p>h) Patients, staff and visitors for loss of personal effects</p> <ul style="list-style-type: none"> • Up to £1000 • Between £1,001 and £50,000 <p>i) For clinical negligence</p> <ul style="list-style-type: none"> • Up to £10,000 • >=£10,000 <p>j) For personal injury</p> <ul style="list-style-type: none"> • Up to £10,000 staff • Up to £3,000 public Liability <p>Greater than above limits</p> <p>j) Other, except cases of maladministration where there was no financial loss by claimant up to £10,000</p>	<p>Head of Risk, Complaints and Litigation</p> <p>Chief Executive</p> <p>Legal Services Manager</p> <p>NHSLA</p> <p>Legal Services Manager having taken legal advice and consulted with the Trust insurers</p> <p>Legal Services Manager having taken legal advice and consulted with the Trust insurers</p> <p>NHSLA or relevant body</p> <p>Legal Services Manager with legal advice</p>	

DELEGATED MATTER	AUTHORITY DELEGATED TO	REFERENCE DOCUMENTS
<p>19. Reporting of Incidents to the Police</p> <p>a) Where a criminal offence other than fraud is suspected</p> <p>b) Where a fraud or theft is involved</p>	<p>Duty Director</p> <p>Director of Finance and Investment</p>	<p>SFIs section 7.2</p>
<p>20. Receiving Hospitality</p> <p>Approving the acceptance of hospitality by employees except for trivial gifts as defined in H5G(93)5</p>	<p>Company Secretary</p>	<p>SFIs section 16.2.6(d)</p> <p>SOs section 8.1</p>
<p>21. Maintenance & Update of Trust Financial Procedures</p>	<p>Director of Finance and Investment</p>	<p>SFIs section 6.2.5</p>
<p>22. Investment of Funds</p> <p>a) Exchequer/Trust</p> <p>b) Charitable Funds (Investment advisors).</p>	<p>Director of Finance and Investment</p> <p>Charitable Funds Committee and endorsed by Audit Committee.</p>	<p>SFIs section 17.2</p>

DELEGATED MATTER	AUTHORITY DELEGATED TO	REFERENCE DOCUMENTS
<p>23. Personnel & Pay</p> <p>a) Authority to fill funded post with permanent staff</p> <p>b) <u>Additional Increments</u> The granting of additional increments to staff within budget</p>	<p>Designated Budget Holder</p> <p>Designated Budget Holder</p>	<p>SFIs section 15/ SO 9.19 HR Policies/Workforce Strategy Committee</p> <p>HR Policies</p>
<p>c) <u>Upgrading & Regrading</u></p> <p>All requests for upgrading/regrading shall be dealt with in accordance with Trust Procedure</p> <p>For all other personnel and pay issues please refer to the appropriate HR policy or the HR Department.</p>	<p>Designated Budget Holder</p>	<p>HR Policies/Workforce Strategy Committee</p>
<p>24. Authorisation of New Drugs</p>	<p>Drug & Therapeutics Committee</p>	
<p>25. Authorisation of Sponsorship deals</p>	<p>Chief Executive or nominated Officer</p>	
<p>26. Authorisation of Research Projects</p>	<p>Chief Executive and Medical Director</p>	
<p>27. Authorisation of Clinical Trials</p>	<p>Chief Executive and Medical Director</p>	
<p>28. Insurance Policies and Risk Management</p>	<p>Company Secretary</p>	<p>SFIs sections 27</p>

DELEGATED MATTER	AUTHORITY DELEGATED TO	REFERENCE DOCUMENTS
<p>29. Patients & Relatives Complaints</p> <p>a) Overall responsibility for ensuring that all complaints are dealt with effectively</p> <p>b) Responsibility for ensuring complaints relating to a clinical service centre are investigated thoroughly.</p>	<p>Chief Executive</p> <p>CSC General Manager</p>	
<p>30. Relationships with Press</p> <p>a) Non-Emergency General Enquiries</p> <ul style="list-style-type: none"> • Within Hours • Outside Hours 	<p>Head of Communications</p> <p>Head of Communications Duty Manager</p>	
<p>b) Emergency</p> <ul style="list-style-type: none"> • Within Hours • Outside Hours 	<p>Chief Executive/Head of Communications</p> <p>Duty Manager/Executive Director</p>	
<p>31. Infectious Diseases & Notifiable Outbreaks</p>	<p>On Call Duty Manager & Chief Operating Officer</p>	
<p>32. Extended Role Activities</p> <p>Approval of Nurses to undertake duties / procedures which can properly be described as beyond the normal scope of Nursing Practice.</p>	<p>Director of Nursing</p>	

DELEGATED MATTER	AUTHORITY DELEGATED TO	REFERENCE DOCUMENTS
<p>33. Patient Services</p> <p>Variation of operating and clinic sessions within existing numbers and all proposed changes in bed allocation and use.</p>	<p>Chief Operating Officer</p>	
<p>34. Facilities for staff not employed by the Trust to gain practical experience</p> <p>Professional Recognition & Insurance of Medical Staff, honorary contracts, work experience students</p>	<p>Director of Workforce and Organisational Development or delegated officer</p>	
<p>35. Review of fire precautions</p>	<p>Director of Development & Estates or Nominated Deputy</p>	
<p>36. Review of all statutory compliance legislation</p> <p>Health and Safety requirements including control of Substances Hazardous to Health Regulations</p> <p>Employment Law</p>	<p>Director of Development & Estates</p> <p>Director of Workforce and Organisational Development</p>	
<p>37. Inventory</p> <p>An inventory must be maintained of property with a life of > 1 year and a value of between £1000 and £5000. Assets over this value will appear in the Capital Assets register</p>	<p>CSC General Manager</p>	<p>SFIs section 19.3</p>
<p>38. Review of Medicines Inspectorate Regulations</p>	<p>Medical Director</p>	
<p>39. Review of compliance with environmental regulations, for example those relating to clean air and waste disposal</p>	<p>Director of Development & Estates</p>	
<p>40. Review of Trust's compliance with the Data Protection Act</p>	<p>Trust Secretary</p>	

41. Review the Trust's compliance with the Access to Records Act	Trust Secretary	
42. The keeping of a Declaration of Interests Register	Trust Secretary	SO section 6.8
43. Attestation of sealings in accordance with Standing Orders	Trust Secretary	SOs section 12
44. The keeping of a register of Sealings	Trust Secretary	SOs Section 12
45. The keeping of the Hospitality Register	Trust Secretary	SFIs section 25 and SO section 8
46. Retention of Records	Trust Secretary	SFIs section 26
47. Clinical Audit	Medical Director/Clinical Audit Facilitator	
48. Patients Property Release of patients property where: Value of deceased patients property <=£5000 - forms of indemnity required. Value of deceased patients property >£5000 production of Probate or Letters of Administration	Director of Finance and Investment	SFIs section 23

49. TRAINING REQUIREMENTS

Managers should be familiar with the Trust's, Reservation of Powers to the Board of Directors and Delegation of Powers, Standing Orders and Standing Financial Instructions.

50. REFERENCES AND ASSOCIATED DOCUMENTATION

NHS trust model standing orders, reservation and delegation of powers and standing financial Instructions – March 2006
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4132059

51. MONITORING COMPLIANCE WITH, AND THE EFFECTIVENESS OF, PROCEDURAL DOCUMENTS

- Compliance with this document will be monitored through the internal and external audit process.
- Non compliance will be reported to the Audit Committee.