

**NHS NATIONAL SERVICES
SCOTLAND
SCHEME OF DELEGATION**

SCHEME OF DELEGATION

Section		Page
1	Introduction	3
2	Matters Reserved to the Board	4
3	Matters Delegated to Officers	5
4	Scheme of Delegation arising from Board Standing Orders	7
5	Scheme of Delegation arising from Board Standing Financial Instructions	8
6	Scheme of Delegation arising from other areas of Corporate Governance	17
7	Appendix 1 - Director responsibilities	22

1. INTRODUCTION

- 1.1 National Services Scotland (NSS) Board has developed and approved this Scheme of Delegation.
- 1.2 This Scheme of Delegation should be implemented together with the requirements of the Board's Standing Financial Instructions and all other policies and procedures.
- 1.3 Any reference to a statutory or other provision shall be interpreted as a reference amended by any subsequent legislation.
- 1.4 This Scheme of Delegation delegates power to individual officers within the management structure. The holders of those positions can further delegate to other employees. Delegation must be made in writing. Nevertheless, the holders of the positions identified in the Scheme of Delegation remain personally accountable, and the actions of the individuals to whom they delegate.
- 1.5 If a position identified in the Scheme of Delegation is vacant, or an officer with delegated authority is not available, then the matter should be referred up to the next level of authority as described in the relevant section of this Scheme of Delegation.
- 1.6 The Board has delegated authority to the Standard's Officer to approve amendments relating to job titles in this Scheme of Delegation (and wider Corporate Governance Framework), so as to keep it up to date with any changes to the organisation's management structure.

2. MATTERS RESERVED TO THE BOARD

- 2.1 The Scottish Government retains the authority to approve certain items of business. There are other items of the business which can only be approved at an NHS Board meeting, due to either Scottish Government directions or a Board decision in the interests of good governance practice.
- 2.2 The following matters shall be reserved for agreement by the Board:
- a) Corporate Governance Framework including the Standing Orders, terms of reference of all its Committees and appointment of Committee members, Standing Financial Instructions, and the Scheme of Delegation
 - b) Organisational Values
 - c) The strategies for all the functions that it has planning responsibility for, subject to any provisions for major service change which require Ministerial approval
 - d) The Annual Delivery Plan for submission to the Scottish Government for its approval
 - e) Corporate objectives or corporate plans which have been created to implement its agreed strategies
 - f) Risk Management Policy
 - g) Financial plan for the forthcoming year, and the opening revenue and capital budgets
 - h) Annual accounts and report
 - i) Any business case item that is beyond the scope of its delegated financial authority before it is presented to the Scottish Government for approval. The Board shall comply with the Scottish Capital Investment Manual
 - j) The Board shall approve the content, format, and frequency of performance reporting to the Board
 - k) The appointment of the Board's chief internal auditor
 - l) Arrangements for the approval of all policies
 - m) The system for responding to any civil actions raised against the Board
 - n) The system for responding to any occasion where the Board is being investigated and / or prosecuted for a criminal or regulatory offence
- 2.3 The Board itself may resolve that other items of business be presented to it for approval.

3. MATTERS DELEGATED TO OFFICERS

3.1 The Chief Executive

The Chief Executive, as Accountable Officer, can exercise delegated authority across all NSS services and functions.

The Chief Executive is authorised to take such measures as may be required in emergency situations, subject to consulting, where possible, the Chair of the Board, and the relevant Committee Chair. Such measures that might normally be outwith the scope of the authority delegated by the Board or its Committees shall be reported to the Board or appropriate Committee as soon as possible thereafter.

The Chief Executive is authorised to give a direction in special circumstances that any official shall not exercise a delegated function subject to reporting on the terms of the direction to the next meeting of the appropriate Committee.

3.2 The Executive Management Team (EMT)

The Executive Management Team (EMT), led by the Chief Executive is the senior management decision making body for NSS.

The EMT is appointed by the Board and given authority by the Board to act in accordance with its remit.

The EMT has the primary responsibility for the implementation of change and the day-to-day management of operations.

The EMT manages the business of the Board by reviewing and endorsing Board-wide strategies, policies and actions to ensure a corporate position is achieved prior to submission to the NSS Board and, where appropriate, its Standing Committees for consideration and approval.

3.3 Appointed Officers

There are a number of roles that NSS must appoint due to legislative (or other) requirements that are referenced within this Scheme of Delegation. A summary table of these Officers has been included below for reference.

Role	Area of Responsibility	Delegated to
Accountable Officer	To be the principal adviser to the Board. To provide operational leadership to staff working for NSS and to ensure that its aims and objectives are met, its functions are delivered, and its targets are met through effective and properly controlled executive action.	Chief Executive

NHS National Services Scotland – Scheme of Delegation

Standards Officer	To support and promote a high standard of conduct of Board Members.	Associate Director of Governance and Board Services
Senior Information Risk Officer	To monitor and review the organisation's compliance with applicable information security legislation, regulation, and standards	Director, Digital & Security
Data Protection Officer	To monitor and review the organisation's compliance with applicable data protection legislation, regulation, and standards.	Data Protection Officer
Fraud Liaison Officer	To act as the first point of contact between Counter Fraud Services and NSS.	Associate Director (Finance Operations)
Caldicott Guardian	To ensure NSS satisfy the highest practical standards for handling patient identifiable information.	NSS Medical Director
Whistleblowing Executive Lead	To ensure Whistleblowing Standards are functioning across the organisation.	Director of Nursing

4. SCHEME OF DELEGATION ARISING FROM BOARD STANDING ORDERS

Reference in Standing Orders	Area of Responsibility	Committee Approval Required	Delegated to
SO 1.11	Maintenance of Register of Board Members interests		Standards Officer
SO 1.8 & 9.2	Preparation of Update for the Corporate Governance Framework	Board	Standards Officer
SO 7.3	Execution of documents on behalf of Scottish Ministers relating to property transactions	Finance, Procurement and Performance Committee	Chief Executive or Director of Finance (All signatures to be in accordance with the Property Transactions Manual)

5. SCHEME OF DELEGATION ARISING FROM THE STANDING FINANCIAL INSTRUCTIONS

A scheme of delegation operates for various Standing Financial Instructions (SFIs), each of which is described in the tables that follow the list below. The list below therefore includes a cross reference to the relevant section of the Standing Financial Instructions. The Scheme of Delegation should be read in conjunction with the SFIs.

Reference in SFIs	Area of Responsibility	Committee Approval Required	Delegated to
Section 1: General	SFIs are in place, up to date and observed	Finance, Procurement and Performance Committee and Board	Director of Finance
	Reporting SFI adverse events (breaches)	Finance, Procurement and Performance Committee and then on to relevant Committee.	Director of Finance
Section 4: Suspected Theft, Fraud and Other Irregularities	Notification to appropriate agency of discovered fraud/criminal offences	Audit and Risk Committee	Fraud Liaison Officer Approved Alternate Officer(s): Chief Executive
Section 5: Audit and Financial Performance Arrangements	Provision of Internal Audit Service as detailed in SFI 5.03	Audit and Risk Committee	Director Strategy, Performance and Service Transformation. Approved Alternate Officer(s): Director of Finance
	Provision of Service Audit as detailed in SFI 5.08	Audit and Risk Committee	Director of Finance

NHS National Services Scotland – Scheme of Delegation

			<p>Approved Alternate Officer(s):</p> <p>Director of Practitioner and Counter Fraud</p> <p>Director of Digital and Security</p> <p>Associate Director (Finance Operations)</p>
	Appointment of External Auditor	Scottish Ministers	<p>Director of Finance</p> <p>Approved Alternate Officer(s):</p> <p>Associate Director (Finance Operations)</p>
Section 6: Financial Planning and Budget Control	Prepare and submit financial plans in accordance with the requirements of Scottish Government (Revenue and Capital)	Finance, Procurement and Performance Committee and Board	<p>Director of Finance</p> <p>Approved Alternate Officer(s):</p> <p>Deputy Director of Finance</p> <p>Associate Director (Finance Operations)</p>
	Preparation and Submission of Budgets		<p>Director of Finance</p> <p>Approved Alternate Officer(s):</p> <p>Deputy Director of Finance</p>

NHS National Services Scotland – Scheme of Delegation

			Associate Director (Finance Operations)
	Devise, introduce and maintain systems of financial control		Director of Finance Approved Alternate Officer(s): Deputy Director of Finance Associate Director (Finance Operations)
	Delegation of Budgetary Control		Chief Executive Approved Alternate Officer(s): Director of Finance
	Authority to use non-recurring budget to fund recurring expenditure		Chief Executive Approved Alternate Officer(s): Director of Finance
	Approve expenditure not covered by an approved budget	Board, delegated to Finance, Procurement and Performance Committee, over £1m	Chief Executive up to £1m Director of Finance up to £500,000
	NSD Virement - allocation of revenue funds to national services		Director of National Specialist and Screening Division.
	Family Health Services – payments and performance	Finance, Procurement and Performance Committee	Director of Practitioner and Counter Fraud Services

NHS National Services Scotland – Scheme of Delegation

			<p>Approved Alternate Officer(s):</p> <p>Director of Finance</p>
	Family Health Services – financial governance and control	Finance, Procurement and Performance Committee	Director of Finance
Section 7: Staff Appointments, Remuneration and related matters	Staff employment contracts and appointments as set out in SFI 7.02	Remuneration and Succession Planning Committee and Board	Director of HR and Workforce Development
	Approval of a termination settlement under £75,000 and submission of annual report	Remuneration and Succession Planning Committee over £75,000	Chief Executive up to £75,000
	Ex gratia payments and annual reports.	Board, delegated to Finance, Procurement and Performance Committee, over £1m and Remuneration and Succession Planning Committee	<p>Chief Executive up to £1m</p> <p>Director of Finance up to £500,000</p>
Section 8: Non-Pay Expenditure	Procurement Strategy and professional advice.	Finance, Procurement and Performance Committee	<p>Director of National Procurement</p> <p>Approved Alternate Officer(s):</p> <p>National Procurement Operations Manager</p>
Section 9: Tenders, Quotations and Contracting Requirements	Maintenance of systems for the invitation, receipt, safe-keeping and		Director of National Procurement

NHS National Services Scotland – Scheme of Delegation

	selection of tenders and quotations		
	Approval of tenders for goods, services or works outwith the Directorate budget or business plan.	Board, delegated to Finance, Procurement and Performance Committee, over £1m	Chief Executive up to £1m Director of Finance up to £500,000
	Annual Report – Sole source justification	Finance, Procurement and Performance Committee	Chief Executive or Director of Finance Approved Alternate Officer(s): Director of National Procurement
	Awarding Contracts as per SFI 9.03 and contract extensions.	Board, delegated to Finance, Procurement and Performance Committee, over £1m	Chief Executive up to £1m Director of Finance up to £500,000 Director up to £100,000
	Procurement Strategy and professional advice.	Finance, Procurement and Performance Committee (Board when Committee assess this is required due to reputational risk)	Director of National Procurement Approved Alternate Officer(s): National Procurement Operations Manager
	Contract/Framework agreements on behalf of Scottish Ministers NHSS or combinations of public bodies	Contracts Approvals Board	Chief Executive more than £5m+ (following the PCF Approval Board) Up to £5m Director of Finance, Director

NHS National Services Scotland – Scheme of Delegation

			<p>of Practitioner and Counter Fraud Services, Director of National Procurement and for IT approvals the Director of Digital and Security (following the PCF Approval Board)</p> <p>Up to £2m</p> <p>Director of Practitioner and Counter Fraud Services, Director of National Procurement and for IT approvals the Director of Digital and Security (following the PCF Approval Board)</p>
	To act as a proxy for NHS Scotland Health Board Capital Expenditure Procurements		<p>Director of National Procurement Above £500,000</p> <p>Head of Strategic Sourcing Up to £500,000</p> <p>Relevant Category Manager Less than £100,000</p>
	Maintain a public register for all contracts in excess of £50,000		Director of National Procurement
Section 10: Tenders, Quotations and Contracting Requirements for Research	Approval of research services outwith Directorate budget		Director of Finance
	Approval and variation of	Board, delegated to Finance,	Chief Executive up to £1m

NHS National Services Scotland – Scheme of Delegation

	research contract award (including collaborative agreements)	Procurement and Performance Committee, over £1m, following approval of CE.	Director of Finance up to £500,000 Director up to £100,000
	Notification of research contract with an estimated expenditure of more than £1m (in total)	Finance, Procurement and Performance Committee	Director of Finance
Section 11: Appointment of advisers and non-permanent staff	Departure from contract of employment and fee aligned to an established job description		Director of HR and Workforce Development and Director of Finance.
Section 12: Income Generation and Intellectual Property	Entering Income Agreements that does not meet authority criteria set out in SFI 12.02		Director of Finance and/or Chief Executive
	Determination of charges outwith directorate income generation strategy (or externally governed)		Director of Finance and/or Chief Executive
	Approval of proceeding with participation or investment in any legal entity (e.g. joint venture)		Director of Finance
Section 13: Capital Investment, Private Financing, Fixed Asset Registers	Approval of Capital of expenditure	Board, delegated to Finance, Procurement and Performance Committee, over £1m	Chief Executive up to £1m Director of Finance up to £500,000
	Implementation of Capital Investment Procedures		Director of Finance
	Approve Asset Control Procedures		Director of Finance
	Approve arrangements of receipts		Director of Finance

NHS National Services Scotland – Scheme of Delegation

Section 14: Banking arrangements	Approval of subsidiary bank accounts and banking procedures including corporate purchasing cards		Director of Finance
Section 15: Stocks and Stores	Approve the management, control and safety of stocks		Director of Finance
	Purchase replenishment stock and issue stock		Director of National Procurement Director of Scottish National Blood Transfusion Service Director of Digital and Security
	Purchase replenishment stock and issue stock from the Scottish Government Health Resilience Unit Pandemic Stock for the following sectors: Healthcare Sector, Acute Hospital Sector, Independent Sector, GP, Scottish Ambulance Service, Social Care Sector		Director of National Procurement
Section 16: Annual Report and Accounts	Preparation of Annual Report and Accounts	Audit and Risk Committee Board	Director of Finance Approved Alternate Officer(s): Associate Director (Finance Operations)
	Preparation of the governance statement		Director of Finance

NHS National Services Scotland – Scheme of Delegation

			<p>Approved Alternate Officer(s):</p> <p>Standards Officer</p>
Section 17: Information Governance	Implementation of financial governance systems.		<p>Director of Finance</p> <p>Approved Alternate Officer(s):</p> <p>Deputy Director of Finance</p>
	Information governance, freedom of information and data protection	Audit and Risk Committee	<p>Director of Digital and Security</p> <p>Approved Alternate Officer(s):</p> <p>Head of Information & Cyber Security</p>
Section 18: Losses and Special Payments	Writing off of losses	Board, delegated to Finance, Procurement and Performance Committee, over £1m	<p>Chief Executive up to £1m</p> <p>Director of Finance up to £500,000</p> <p>Director All expenditure contained in Annual Financial Plan in accordance with SFIs</p>
	Maintenance of the Losses and Special Payments Register and associated reported requirements	Audit and Risk Committee	<p>Director of Finance</p> <p>Approved Alternate Officer(s):</p> <p>Associate Director (Finance Operations)</p>

6. SCHEME OF DELEGATION ARISING FROM OTHER AREAS OF CORPORATE GOVERNANCE

Clinical Governance – Table 6.1

Staff Governance – Table 6.2

Risk Management and Emergency Planning – Table 6.3

Performance Management – Table 6.4

Information Governance – Table 6.5

CLINICAL GOVERNANCE – TABLE 6.1

Ref	Area of Responsibility	Committee Approval Required	Delegated to	Approved Alternate Officer(s)
6.1.1	Clinical Governance (includes Strategy/Framework; clinical adverse events; Duty of Candour; clinical risk; clinically related complaints)	NSS Clinical Governance and Quality Improvement Committee	Medical Director	Director of Nursing
6.1.2	Clinical Quality Improvement	NSS Clinical Governance and Quality Improvement Committee	Director of Nursing	NSS Medical Director
6.1.3	Compliance with clinical regulatory requirements (includes clinical professional regulations, medical device regulations, IR(ME)R)	NSS Clinical Governance and Quality Improvement Committee	NSS Medical Director	Director of Nursing
6.1.4	Research, Development and Innovation (including research governance, Intellectual Property)	NSS Clinical Governance and Quality Improvement Committee	NSS Medical Director	Director of Healthcare Science
6.1.5	Blood and Tissue Safety	NSS Clinical Governance and Quality Improvement Committee	Director, Scottish National Blood Transfusion Service (SNBTS)	Medical Director, SNBTS
6.1.6	Healthcare Associated Infection	NSS Clinical Governance and Quality Improvement Committee	Director of Nursing	NSS Medical Director

STAFF GOVERNANCE – TABLE 6.2

Ref	Area of Responsibility	Committee Approval Required	Delegated to	Approved alternate officer
6.2.1	Staff Governance Framework and compliance	Staff Governance Committee	Director of HR and Workforce Development	
6.2.2	Workforce Strategy	Staff Governance Committee	Director of HR and Workforce Development	
6.2.3	Equality and Diversity	Staff Governance Committee	Director of HR and Workforce Development	Associate Director, HR and Workforce Development
6.2.4	Whistleblowing	NSS Staff Governance Committee	Director of Nursing	Director Strategy, Performance and Service Transformation

RISK MANAGEMENT AND EMERGENCY PLANNING – TABLE 6.3

Ref	Area of Responsibility	Committee Approval Required	Delegated to	Approved alternate officer
6.3.1	Risk Management – including risk framework, governance, risk appetite and internal controls	Audit and Risk Committee	Director Strategy, Performance and Service Transformation	Head of Planning & Performance
6.3.2	Statutory and Regulatory Compliance	Audit and Risk Committee	Director Strategy, Performance and Service Transformation	Associate Director Strategy, Performance and Communications
6.3.3	Business Continuity and Emergency Planning	Finance, Procurement and Performance Committee	Director Strategy, Performance and Service Transformation	Head of Planning & Performance
6.3.5	Health and Safety	Staff Governance Committee	Director of HR and Workforce Development	Head of Healthy Working Lives
6.3.6	Fire Safety	Staff Governance Committee	Director of NHS Scotland Assure	Head of Estates & Facilities

PERFORMANCE MANAGEMENT – TABLE 6.4

Ref	Area of Responsibility	Committee Approval Required	Delegated to	Approved alternate officer
6.4.1	Approval of Performance Management Framework and oversight of the system.	Finance Planning and Performance Committee	Director Strategy, Performance and Service Transformation	Associate Director Strategy, Performance and Communications

INFORMATION GOVERNANCE – TABLE 6.5

Ref	Area of Responsibility	Committee Approval Required	Delegated to	Approved alternate officer
6.5.1	Oversight of Information Governance, Strategy and Systems	Audit and Risk Committee	Director Digital and Security	Head of Information & Cyber Security
6.5.2	ATOS (non eHealth) Services		Director of Digital and Security	Director of Cloud Engineering & Operations
6.5.3	eHealth Services		Director of Digital and Security	Director of Cloud Engineering & Operations
6.5.4	Data Protection Act	Audit and Risk Committee	Director of Digital and Security	Head of Information & Cyber Security
6.5.5	Freedom of Information Policy	Audit and Risk Committee	Director of Digital and Security	Head of Information & Cyber Security
6.5.6	Records Management Plan	Audit and Risk Committee	Director of Digital and Security	Head of Information & Cyber Security
6.5.7	Caldicott Guardian	Audit and Risk Committee	Medical Director	NSS Deputy Caldicott Guardian
6.5.8	Oversight of financial data governance	Audit and Risk Committee	Director of Finance	Deputy Director of Finance

APPENDIX 1 - DIRECTOR RESPONSIBILITIES

HR Directorate (Human Resources and Workforce Development)

Jacqui Jones – Director of Human Resources and Workforce Development

- Human Resources
- Workforce Development
- Learning & Development
- Healthy Working Lives
- Occupational Health

Finance Directorate

Carolyn Low – Director of Finance

- Payroll
- Finance

Strategy, Performance and Service Transformation Directorate

Lee Neary – Director of Strategy, Performance and Service Transformation

- Corporate Governance
- Executive Support
- Communications
- Planning
- Resilience
- Programme Management Services
- National Contact Centre

NHS Assure Directorate

Julie Critchley – Director of NHS Assure

- Engineering
- Research and Intelligence
- Property and Capital Planning
- Decontamination
- Sustainability
- ARHAI, Oxygen Therapy
- Mammography
- FM Services

National Procurement Directorate

Gordon Beattie – Director of National Procurement

- NP centre of expertise service for NHS Scotland
- National Commercial and Logistics Services
- NHS Scotland National Distribution Service, three warehouses stock over 9,000 product lines
- National frameworks inc. medicines, medical and general products, IT, workforce, community services, innovation and catering
- Procurement and Commercial services to NSS

National Specialist and Screening Directorate

Susan Buchanan – Director of National Specialist & Screening Division

- Screening programmes including breast screening etc.
- Specialist networks

Practitioner & Counter Fraud Services Directorate

Martin Bell – Director of Practitioner & Counter Fraud Services

- Practitioner Services
- Scottish Dental Practice Board (SDPB)
- Counter Fraud Services (CFS)
- Scottish Infected Blood Support Scheme (SIBSS)
- Mesh Compensation Scheme (Mesh)
- Clinical Negligence and Other Risks Indemnity Scheme (CNORIS).

Digital and Security Directorate

Steven Flockhart – Director of Digital and Security

- National Digital Programmes
- Service Management & Operations
- NSS Application Development & Support
- SWAN
- Microsoft 365

Central Legal Office

Jennifer Thompson – Legal Adviser to NHS Scotland

- Legal Services

Scottish National Blood Transfusion Services (SNBTS) Directorate

Marc Turner – Director of Scottish National Blood Transfusion Service

- Donor & Transport Services
- Tissues Cells and Advanced Therapeutics – Good Manufacturing Practice
- Tissues Cells and Advanced Therapeutics Development
- Manufacturing
- Quality & Regulatory Compliance
- Patient Services
- Planning, Performance & Business Support

Clinical Directorate

Lorna Ramsay – Medical Director

- Caldicott Guardian
- Clinical Governance
- Compliance with clinical regulatory requirements
- Research, Development and Innovation

Clinical Directorate

Jacqui Reilly – Director of Nursing

- Clinical Quality Improvement
- Healthcare Associated Infection
- Whistleblowing