

Item: 8.1

Enclosure: Appendix 1

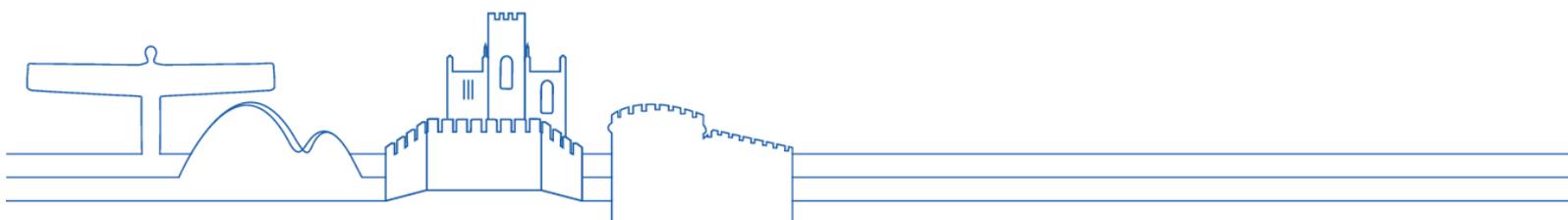


**North East &
North Cumbria**

NHS North East and North Cumbria Integrated Care Board

Scheme of Reservation and Delegation

Version 2-0, approved 31 January 2023 TBC



**Schedule of Matter Reserved to the North East and North Cumbria
Integrated Care Board and Scheme of Delegation**

1. Introduction

The arrangements made by the North East and North Cumbria Integrated Care Board (NENC ICB) for the reservation and delegation of decisions are set out in this scheme of reservation and delegation.

The NENC ICB remains accountable for all its functions, including those that it has delegated.

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Reference	Decision	Reserved to the ICB Board	Delegated to a Committee or Sub-Committee	Delegated to an Individual (Subject to the Financial Delegations/ Financial Limits)	Delegated to Others (Subject to the Financial Delegations/ Financial Limits)	Supporting Notes
Regulation and Control						
Constitution 1.6	Consideration and approval of applications to NHS England on any matter concerning changes to the ICB's constitution, including arrangements for taking urgent decisions, and standing orders	<p style="text-align: center;">✓</p> Approval of proposed changes		<p style="text-align: center;">✓</p> Chair and/or Chief Executive may periodically propose amendments to the constitution		
Constitution 1.6.2	Approve Constitution (including Standing Orders)	<p style="text-align: center;">✓</p> Approves (subject to NHSE approval)			<p style="text-align: center;">✓</p> NHSE	
Constitution 4.4.2	Approve the ICB scheme of reservation and delegation (SoRD) and amendments to the SoRD	<p style="text-align: center;">✓</p> Approves	<p style="text-align: center;">✓</p> Audit Committee (Recommends)	<p style="text-align: center;">✓</p> Chief Executive (recommends Prepares)		

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Constitution Appendix 2, Section 5	Suspension of Standing Orders			<p style="text-align: center;">✓</p> <p style="text-align: center;">Chair in discussion with at least two other members</p>		
Constitution Appendix 2, 4.9.4	Urgent Decisions			<p style="text-align: center;">✓</p> <p style="text-align: center;">Chair and Chief Executive (or relevant lead director in the case of committees)</p>		<p>In the first instance, every attempt will be made for the Board to meet virtually. Where this is not possible, the delegation to the Chair and Chief Executive (or relevant lead director in the case of committees) applies.</p> <p>The exercise of such powers shall be reported to the next formal meeting of the board for formal ratification and the Audit Committee for oversight</p>

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	Establish governance arrangements to support collective accountability between partner organisations for whole-system delivery and performance, underpinned by the statutory and contractual accountabilities of individual organisations.	✓				
Constitution 4.6	Approve terms of reference and membership for ICB Committees & Sub Committees	✓				Definition: A <u>Committee</u> is established by and accountable to the ICB Board. A <u>Sub-Committee</u> is accountable to its parent Committee. <u>Parent Committees</u> Audit Committee; Finance, Performance & Investment Committee; Quality & Safety Committee; Remuneration Committee; and Executive Committee
	Approve the ICB operating framework	✓ (Approves)		✓ Chief Executive (Recommends)		

Reference	Decision	Reserved to the ICB Board	Delegated to a Committee or Sub-Committee	Delegated to an Individual (Subject to the Financial Delegations/ Financial Limits)	Delegated to Others (Subject to the Financial Delegations/ Financial Limits)	Supporting Notes
	Approve the ICB operating structure	<p style="text-align: center;">✓ (Approves)</p>		<p style="text-align: center;">✓ Chief Executive (Recommends)</p>		
<p>Constitution 1.4</p> <p>Health & Care Act 14Z32 to 14Z44 & 14Z49</p>	<p>Approve the arrangements for discharging the ICB's functions including but not limited to:</p> <p>a) Having regard to and acting in a way that promotes the NHS Constitution (14Z32)</p> <p>b) Exercising its functions effectively, efficiently, and economically (14Z33)</p> <p>c) Securing continuous improvement in the quality of services (14Z34)</p> <p>d) Reducing inequalities (14Z35)</p> <p>e) Promote involvement of each patient (14Z36)</p> <p>f) Patient choice (14Z37)</p>	<p style="text-align: center;">✓</p>				

Official

Reference	Decision	Reserved to the ICB Board	Delegated to a Committee or Sub-Committee	Delegated to an Individual (Subject to the Financial Delegations/ Financial Limits)	Delegated to Others (Subject to the Financial Delegations/ Financial Limits)	Supporting Notes
	g) Obtaining appropriate advice (14Z38) h) Promote innovation (14Z39) j) Research (14Z40) k) Education & training (14Z41) l) Promote integration (14Z42) m) Duty to have regard to effect of decisions (14Z43) n) Duties as to climate change etc (14Z44) o) Duty to keep experience of members under review (14Z49)					
Constitution 3.3.1	Appointment of ICB Chair				✓ NHSE, with the approval of the Secretary of State	

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Reference	Decision	Reserved to the ICB Board	Delegated to a Committee or Sub-Committee	Delegated to an Individual (Subject to the Financial Delegations/ Financial Limits)	Delegated to Others (Subject to the Financial Delegations/ Financial Limits)	Supporting Notes
Constitution 3.4.1 & 3.4.2	Appointment of ICB Chief Executive			<p>✓</p> <p>Appointed by ICB Chair in accordance with any guidance issued by NHS England*</p>		*Appointment subject to approval of NHSE in accordance with any procedure published by NHS England
	Exercise or delegation of those functions of the ICB which have not been retained as reserved by the ICB Board, delegated to a committee or sub-committee or specified individual			<p>✓</p> <p>ICB Chief Executive</p>		
Constitution 3.5.4, 3.6.5, 3.7.4	Appointment of Partner Member/s: <ul style="list-style-type: none"> • Trusts • Primary Medical Services • Eligible Local Authorities 			<p>✓</p> <p>Approval ICB Chair*</p>		*Supported by an Appointment Panel

Official

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Constitution 3.8.3, 3.9.3, 3.10.3, 3.12.3	Appointment of: <ul style="list-style-type: none"> Executive Medical Director Executive Chief Nurse Executive Director of Finance Other Executive Board Members 			<p>✓</p> <p>Appointed by ICB Chief Executive*</p> <p>✓</p> <p>Approval ICB Chair</p>		*Supported by an Appointment Panel
Constitution 3.11.2	Appointment of Independent Non-Executive Member/s			<p>✓</p> <p>Approved by ICB Chair*</p>		*Supported by an Appointment Panel
	Approve the System Collaboration and Financial Management Agreement	<p>✓</p> <p>(Approves)</p>	<p>✓</p> <p>Finance, Performance & Investment Committee (Recommends)</p>			In consultation with partners
Constitution 1.7.3 (c)	Approve Standing Financial Instructions (SFIs), Financial Delegations and Financial Limits	<p>✓</p> <p>(Approves)</p>	<p>✓</p> <p>Finance, Performance & Investment Audit Committee (Recommends)</p>	<p>✓</p> <p>Executive Director of Finance (Prepares)</p>		

Reference	Decision	Reserved to the ICB Board	Delegated to a Committee or Sub-Committee	Delegated to an Individual (Subject to the Financial Delegations/ Financial Limits)	Delegated to Others (Subject to the Financial Delegations/ Financial Limits)	Supporting Notes
	Approval of individual funding requests in accordance with the ICB policy		<p style="text-align: center;">✓</p> <p style="text-align: center;">IFR Panels¹</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">Chief Executive up to £2,999,999</p> <p style="text-align: center;">Executive Medical Director up to £500,000</p> <p style="text-align: center;">Medical Directors Up to £250,000</p>	<p style="text-align: center;">Individual members appointed as decision makers (as approved by the Executive Medical Director) to make decisions on behalf of the ICB via individual funding requests, in line with ICB Policy²</p>	<p>¹The IFR Panels are sub-committees of the Executive Committee (as approved by Board). A panel may support and advise the authoriser in their deliberations; however, the panel has no authority to approve individual funding requests.</p> <p>²Appointed decision makers may make decisions not reserved to the IFR Panels.</p>
Standing Orders, Section 6	Set out who can execute a document by signature / use of the seal	<p style="text-align: center;">✓</p> <p style="text-align: center;">In approving Standing Orders</p>		<p style="text-align: center;">✓</p> <p>Authorised to authenticate the use of the seal by their signature:</p> <ul style="list-style-type: none"> - ICB Chair - Chief Executive - Executive Director of Finance 		

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Constitution 4.7	Approve terms of reference for place based partnership arrangements	<p style="text-align: center;">✓</p> Approval ICB Board and Partners		<p style="text-align: center;">✓</p> Proposed by Executive Area Director		
	Appoint ICB: <ul style="list-style-type: none"> • Caldicott Guardian • Conflicts of Interest Guardian • Senior Information Risk Officer • Data Protection Officer • Chief Information Officer • EPRR Accountable Emergency Officer 			<p style="text-align: center;">✓</p> ICB Chief Executive		
	Approve Patient Group Directions			<p style="text-align: center;">✓</p> ICB Medical Director, following review by the Quality & Safety Committee		

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Strategy and Planning						
	Agree the vision, values, and overall strategic direction of the ICB	✓				
	Approving the strategy for improving population health and reducing health inequalities	✓				Having regard to the Integrated Care Partnership, Integrated Care Strategy
	Approve the Commissioning Strategy	✓ (Approves)	✓ Executive Committee (Recommends)			
Health & Social Care Act 2022, 14Z52	Agree a system plan [with partner trusts] to meet the health and healthcare needs of the population within the North East and North Cumbria	✓ (Approves)	✓ Executive Committee* (Recommends)			*The Executive Committee will consult the Finance, Performance & Investment Committee in the development of the plan
	Complementary to the System Plan, agree a plan to meet the health and healthcare needs of the population within each place	✓ (Approves)		✓ Executive Area Director (Recommends)		

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	Approval of the ICB's non-programme budgets	✓ (Approves)	✓ Finance, Performance & Investment Committee (Recommends)			
	Approval of the ICB's programme budgets	✓ (Approves)	✓ Executive Committee (Recommends)			
	Develop an approach to distribute ICB resources through commissioning and direct allocation to drive agreed change based on the ICB strategy	✓ (Approves)	✓ Finance, Performance & Investment Committee (Recommends)	✓ Executive Directors (Implement their agreed resource allocation)		

Official

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	Approve all ICB programme costs	<p style="text-align: center;">✓</p> <p style="text-align: center;">Approved by the Board or as delegated in accordance with financial delegations and financial limits</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">Executive Committee*</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">Refer to financial delegations*</p>		<p>*Contracts will be approved by either the ICB Board, Executive Committee, or relevant individual in accordance with the financial delegations and financial limits</p>
	Approve all ICB non programme costs	<p style="text-align: center;">✓</p> <p style="text-align: center;">Approved by the Board or as delegated in accordance with financial delegations and financial limits</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">Finance, Performance & Investment Committee*</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">Refer to financial delegations*</p>		<p>* Non-programme contracts will be approved by either the ICB Board, Finance, Performance & Investment Committee, or relevant individual in accordance with the financial delegations and financial limits</p>

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	Approve the strategic financial framework of the ICB, and manage overall resources, manage financial risk, monitor system financial performance and report material exceptions to the Board	<p style="text-align: center;">✓ (Approves the strategic financial framework)</p>	<p style="text-align: center;">✓ Finance, Performance & Investment Committee (Recommends)</p>			
	Approve a Performance and Outcomes Framework for Providers	<p style="text-align: center;">✓ (Approves)</p>	<p style="text-align: center;">✓ Executive Committee (Recommends)</p>			
	Monitor provider performance against contract and report material exceptions to the Board		<p style="text-align: center;">✓ Executive Committee</p>			
	Agree arrangements regarding the System Oversight Framework		<p style="text-align: center;">✓ Executive Committee</p>			

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	Approval of variations to annual planned budgets	<p style="text-align: center;">✓</p> <p>Approved by the Board or as delegated in accordance with financial delegations and financial limits</p>	<p style="text-align: center;">✓</p> <p>Finance, Performance & Investment Committee*</p>	<p style="text-align: center;">✓</p> <p>Refer to financial delegations*</p>		<p>*Variations to budgets will be approved by the Board, or Finance, Performance & Investment Committee, or an individual, in accordance with financial delegations and financial limits</p>
	Approval of variations to <u>non-programme</u> contracts	<p style="text-align: center;">✓</p> <p>Approved by the Board or as delegated in accordance with financial delegations & limits</p>	<p style="text-align: center;">✓</p> <p>Finance, Performance & Investment Committee*</p>	<p style="text-align: center;">✓</p> <p>Executive Director*</p>		<p>*Variations to non-programme contracts will be approved by the Board, or Finance, Performance & Investment Committee, or an Executive Director, in accordance with financial delegations and financial limits</p>

Official

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	Approval of variations to <u>programme contracts</u>	✓ Approved by the Board or as delegated in accordance with financial delegations & limits	✓ Executive Committee*	✓ Executive Director*		*Variations to programme contracts will be approved by the Board, or Executive Committee, or an Executive Director, in accordance with financial delegations and financial limits
	In accordance with ICB policy, lead significant service reconfiguration programmes to achieve agreed outcomes	✓ (Approves)	✓ Executive Committee (Assurance)	✓ Executive Director (Recommends)		In leading service reconfiguration, the ICB will work with providers at scale and place
	Planning and commissioning of services (to include Procurement & Evaluation Strategies and Recommended Bidder Reports).	✓ Approved by the Board or as delegated in accordance with financial delegations & limits	✓ Executive Committee*	✓ Executive Director*		* Approval by the Board, or Executive Committee, or an Executive Director. in accordance with financial delegations and financial limits

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Delegation agreement	<p><u>Specialist Commissioning delegation from NHSE</u></p> <p>Approve decisions on the review, planning and procurement of specialist commissioned services (consistent with the terms of the delegation agreement with NHSE)</p>		<p>✓</p> <p>Executive Committee</p>			
Delegation agreement	<p><u>Primary Medical Services delegation from NHSE</u></p> <p>Approve decisions on the review, planning and procurement of primary medical services (consistent with the terms of the delegation agreement with NHSE)</p>		<p>✓</p> <p>Executive Committee</p> <p>(Except for those items delegated to the Executive Area Director as shown in Appendix 2)</p>	<p>✓</p> <p>Executive Area Director</p> <p>(Except for those items delegated to the Executive Committee, or other ICB Committee, as shown in Appendix 2)</p>		
	Workforce planning		<p>✓</p> <p>Executive Committee</p>			

Official

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	Agree <u>system</u> implementation of people priorities including delivery of the People Plan and People Promise by aligning partners across the ICS to develop and support 'one workforce' including through closer collaboration across the health and care sector, with local government, the Voluntary and Community Sector (VCS) and volunteers	<p style="text-align: center;">✓ (Approves strategy)</p>	<p style="text-align: center;">✓ Executive Committee (Monitors)</p>	<p style="text-align: center;">✓ Executive Chief People Officer (System leadership)</p>		
	Agree system-wide strategy and action on data and digital: working with partners across the NHS and with local authorities to put in place smart digital and data foundations to connect health and care services	<p style="text-align: center;">✓ (Approves strategy)</p>	<p style="text-align: center;">✓ Executive Committee (Monitors)</p>	<p style="text-align: center;">✓ Executive Chief Digital and Information Officer (System leadership)</p>		
	Agree joint work on estates, procurement, supply chain and commercial strategies to maximise value for money across the system and support wider goals of development and sustainability	<p style="text-align: center;">✓ (Approves strategy)</p>	<p style="text-align: center;">✓ Finance Committee</p>	<p style="text-align: center;">✓ Executive Director (System leadership)</p>		

Reference	Decision	Reserved to the ICB Board	Delegated to a Committee or Sub-Committee	Delegated to an Individual (Subject to the Financial Delegations/ Financial Limits)	Delegated to Others (Subject to the Financial Delegations/ Financial Limits)	Supporting Notes
Annual Report and Accounts						
	Approval of the ICB's annual report and annual accounts	✓ (Approves)	✓ Audit Committee (Assurance)			
Human Resources						
	Code of Conduct for staff (titled: Standards of Business Conduct Policy/Conflicts of interest policy and procedures)	✓ Approves	✓ Executive Committee (Recommends)			
Constitution3 .14	Approve the <u>arrangements</u> for determining the terms and conditions, remuneration and travelling or other allowances for Board members, employees and others who provide services to the ICB, including pensions and gratuities	✓ In approving Terms of reference of Remuneration Committee			✓ NHSEI (Terms of appointment of the Chair will be determined by NHS England)	

Official

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Constitution 3.14	Approve the terms and conditions, remuneration and travelling or other allowances for <u>Board</u> members, including pensions and gratuities (subject to Prime Minister limit)	✓ (The Panel of the Board determines Remuneration for Non-Executive Members)	✓ ICB Remuneration Committee (Approves all except those delegated to the Panel of the Board or NHSEI)		✓ NHSEI (Remuneration for the Chair will be set by NHS England)	The Panel of the Board comprises the Chair, Chief Executive and Executive Chief People Officer
	Approve the terms and conditions, remuneration and travelling or other allowances for <u>employees</u> of the ICB and to <u>other</u> persons providing services to the ICB		✓ ICB Remuneration Committee			
	Approve arrangements for staff appointments		✓ Executive Committee (Approves)	✓ Executive Chief People Officer (Prepares)		

Official

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	Changes to staffing establishment, Tier 1			<p style="text-align: center;">✓ Director (Approves)</p>		<p>Tier 1 Definition Exact like-for-like replacement of a leaver or any changes to post, grade or WTE with positive financial implications (ie a reduction in cost). This can be approved by the relevant place-based or corporate Director (ie a Director who reports to an Executive Director)</p>
	Changes to staffing establishment, Tier 2			<p style="text-align: center;">✓ Executive Director (Approves)</p>		<p>Tier 2 Definition Backfill for maternity, secondments or sickness absence; temporary acting up where funding is already available; and hosted/seconded-in posts where funding is already available. These can be approved by the relevant Executive Director</p>

Reference	Decision	Reserved to the ICB Board	Delegated to a Committee or Sub-Committee	Delegated to an Individual (Subject to the Financial Delegations/ Financial Limits)	Delegated to Others (Subject to the Financial Delegations/ Financial Limits)	Supporting Notes
	Changes to staffing establishment, Tier 3		<p style="text-align: center;">✓ Executive Committee (Approves)</p>			<p>Tier 3 Definition Any changes to post, grade or WTE with negative financial implications (ie an increase in cost); permanent re-gradings; agency workers; and any other changes not covered in Tiers 1 or 2. Changes of this type can only be approved by the ICB Executive Committee.</p>
Quality and Safety						
	Approve arrangements to minimise clinical risk, maximise patient safety and to secure continuous improvement in quality and patient outcomes		<p style="text-align: center;">✓ Quality and Safety Committee</p>			
	Provide the ICB with assurance that it is delivering its functions in a way that delivers high quality safe patient care in commissioned services and secures continuous improvement in the quality of services		<p style="text-align: center;">✓ Quality and Safety Committee (assures the Board)</p>			Local Quality Groups will review quality & safety issues and escalate any concerns or issues to the Quality and Safety Committee

Reference	Decision	Reserved to the ICB Board	Delegated to a Committee or Sub-Committee	Delegated to an Individual (Subject to the Financial Delegations/ Financial Limits)	Delegated to Others (Subject to the Financial Delegations/ Financial Limits)	Supporting Notes
Operational and Risk Management						
	Approve the appointment of Internal Auditors	✓ (Approves)	✓ Audit Committee (Approves) (Consulted on recommendation)	✓ Executive Director of Finance (Recommends)		
	Approve the appointment of External Auditors	✓ (Approves)	✓ Auditor Panel (Recommends)			Note: the Auditor Panel is made up wholly of Audit Committee members (see Audit Committee Terms of Reference)
	Approve the ICB's counter fraud and security management arrangements	✓ (Approves)	✓ Audit Committee (Recommends)			
	Approve the ICB's risk management arrangements	✓ (Approves)	✓ Executive Committee (Recommends)			

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Reference	Decision	Reserved to the ICB Board	Delegated to a Committee or Sub-Committee	Delegated to an Individual (Subject to the Financial Delegations/ Financial Limits)	Delegated to Others (Subject to the Financial Delegations/ Financial Limits)	Supporting Notes
	Approve the ICB's arrangements for managing conflicts of interest	✓				In proposing ICB Constitution to NHSE
	Establish a comprehensive system of internal control across the ICB		✓ Executive Committee			
	Approve arrangements for action on litigation against or on behalf of the ICB		✓ Executive Committee			
	Approve arrangements for planning, responding to and leading recovery from incidents (EPRR), to ensure NHS and partner organisations are joined up at times of greatest need, including taking on incident coordination responsibilities as delegated by NHS England and NHS Improvement		✓ Executive Committee			
	Approve the ICB's arrangements for handling complaints		✓ Executive Committee			

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Reference	Decision	Reserved to the ICB Board	Delegated to a Committee or Sub-Committee	Delegated to an Individual (Subject to the Financial Delegations/ Financial Limits)	Delegated to Others (Subject to the Financial Delegations/ Financial Limits)	Supporting Notes
	Approve arrangements for ensuring the ICB has an integrated approach to the management standards of health and safety and has appropriate strategy and policies in place		<p style="text-align: center;">✓</p> <p style="text-align: center;">Executive Committee</p>			
	Approve arrangements for complying with the NHS Provider Selection Regime		<p style="text-align: center;">✓</p> <p style="text-align: center;">Executive Committee</p>			
	Approve Communications and Engagement Strategy	<p style="text-align: center;">✓</p> <p style="text-align: center;">(Approves)</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">Executive Committee (recommends)</p>			
	Approve and implement the ICB's information governance policies, including handling Freedom of Information requests, ensuring appropriate and safekeeping and confidentiality of records and for the storage, management and transfer of information and data		<p style="text-align: center;">✓</p> <p style="text-align: center;">Executive Committee</p>			

Reference	Decision	Reserved to the ICB Board	Delegated to a Committee or Sub-Committee	Delegated to an Individual (Subject to the Financial Delegations/ Financial Limits)	Delegated to Others (Subject to the Financial Delegations/ Financial Limits)	Supporting Notes
Policies						
	Approval of policies <u>not</u> specified elsewhere in this scheme of reservation and delegation	✓				
	Approve human resources policies for employees and for other persons working on behalf of the ICB	✓ (Approves)	✓ Executive Committee (Recommends)	✓ Executive Chief People Officer (Prepares)		
	Approve clinical, quality and safety policies		✓ Quality and Safety Committee			
	Approve ICB Corporate Policies (unless specified elsewhere)		✓ Executive Committee			
	Approve ICB Standard Operating Procedures (SOPs)		✓ Executive Committee	✓ Directors, as relevant to their function		

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Reference	Decision	Reserved to the ICB Board	Delegated to a Committee or Sub-Committee	Delegated to an Individual (Subject to the Financial Delegations/ Financial Limits)	Delegated to Others (Subject to the Financial Delegations/ Financial Limits)	Supporting Notes
	Approve the ICB's risk management policy		✓ Executive Committee			
	Determine the ICB pay policy (including the adoption of pay frameworks such as Agenda for Change)		✓ Remuneration Committee			
	Approve the ICB's complaint's policy		✓ Executive Committee			
	Approve health and safety policies		✓ Executive Committee			
	Approve information governance policies		✓ Executive Committee			
	Approve Value Based Commissioning Policy	✓ (Approves)				

Reference	Decision	Reserved to the ICB Board	Delegated to a Committee or Sub-Committee	Delegated to an Individual (Subject to the Financial Delegations/ Financial Limits)	Delegated to Others (Subject to the Financial Delegations/ Financial Limits)	Supporting Notes
Partnership Working						
Integrated care boards Guide to developing a SoRD, page 9	Approve arrangements for coordinating supra* commissioning arrangements with other ICBs or with local authorities, where appropriate	✓ (Approves)	✓ Executive Committee (Recommends)			*Where one service provider spans more than one ICB
Constitution 4.3.2 – 4.3.3 and 4.7	Authorisation of arrangements made under section 65Z5 or section 75 of the 2006 Act	✓ Approved by the Board or as delegated in accordance with financial delegations and financial limits	✓ Executive Committee*	✓ Refer to financial delegations*		*Arrangements will be approved by either the ICB Board, Executive Committee, or relevant individual in accordance with the financial delegations and financial limits See Table 1
	Approve decisions that individual members or employees of the ICB participating in joint arrangements on behalf of the ICB can make	✓				Such delegated decisions must be disclosed in this scheme of reservation and delegation

FOOT NOTES

1. ~~Under section 65Z5 of the 2006 Act, the ICB may arrange with another ICB, an NHS trust, NHS foundation trust, NHS England, a local authority, combined authority or any other body prescribed in Regulations, for the ICB’s functions to be exercised by or jointly with that other body or for the functions of that other body to be exercised by or jointly with the ICB. Where the ICB and other body enters such arrangements, they may also arrange for the functions in question to be exercised by a joint committee of theirs and/or for the establishment of a pooled fund to fund those functions (section 65Z6). In addition, under section 75 of the 2006 Act, the ICB may enter partnership arrangements with a local authority under which the local authority exercises specified ICB functions or the ICB exercises specified local authority functions, or the ICB and local authority establish a pooled fund. Where arrangements are made under section 65Z5 or section 75 of the 2006 Act the board must authorise the arrangement, which must be described as appropriate in the SoRD.~~

Table 1: Key legislative mechanisms for collaborative working

Mechanism for collaboration	Organisations	Description of mechanism
<p>Section 65Z5 delegation</p>	<p>NHS England, ICBs, NHS trusts and foundation trusts</p>	<p>This is a voluntary arrangement whereby NHS organisations listed under s65Z5 delegate responsibility for carrying out specific functions to other listed NHS organisations and/or to LAs and/or to CAs.</p> <p>There are some constraints on what functions can be delegated and how these delegations are made, which are set out in the 2022 Regulations and in Annex E of this statutory guidance.</p> <p>HS organisations cannot delegate their functions to non- statutory, non-public organisations (that is, independent or voluntary sector providers).</p> <p>LAs and CAs cannot delegate their functions to statutory NHS organisations using this mechanism – although they can receive delegated responsibility for the functions of NHS organisations under s65Z5 arrangements. For delegation of LA</p>

Mechanism for collaboration	Organisations	Description of mechanism
		functions, see s75 arrangements below.
Sections 65Z5 and 65Z6 joint exercise arrangements	NHS England, ICBs, NHS trusts and foundation trusts	<p>Two or more NHS organisations within the scope of s65Z5 can choose to come together (including via a joint committee) to make legally-binding decisions and pool funds across agreed functions.</p> <p>Any constraints on how these arrangements are made and which functions can be part of them are set out in the 2022 Regulations and in Annex E of this statutory guidance.</p> <p>LAs and CAs can be part of these arrangements – but they cannot include their own functions in any joint decision- making using this mechanism. Joint working between LAs and NHS organisations, including for LA functions, can be achieved using s75 and s65Z5 arrangements.</p>
Section 75 partnership arrangements	NHS England and/or ICBs with LAs and/or CAs NHS trusts and/or foundation trusts with LAs and/or CAs	<p>Section 75 partnership arrangements are a longstanding collaboration mechanism under the 2006 Act.</p> <p>These enable collaborative working between at least one NHS organisation (NHS England/ICB or NHS trust/foundation trust) and at least one LA to exercise or delegate a range of the NHS organisation’s functions and the LA’s health-related functions.</p> <p>Any delegation/joint exercise of health-related LA functions to/with NHS organisations will continue to be achieved using the powers in s75 of the 2006 Act and the associated partnership arrangement regulations. The 2022 Act requires ICPs to consider the use of section 75 arrangements in preparing their strategy for their system.</p>
Conferral of discretions	NHS England, ICBs, NHS trusts and foundation trusts	This provision has been included to make clear the lawful scope of contractual arrangements between commissioners and providers. It confirms that a commissioner can lawfully give providers a wide degree of latitude as to the services they provide under a contract, both in terms of which services are delivered and how

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Mechanism for collaboration	Organisations	Description of mechanism
		<p>they are delivered, so as to resolve any doubt on this issue. The commissioner will still set the broad scope of what the provider is expected to achieve (clinical outcomes, for example) under a contract.</p> <p>A contract that confers discretion on a provider in respect of some or all services under the contract may be a useful alternative or precursor to delegation to trusts or foundation trusts under s65Z6.</p>

[Extract from publication reference PR1560 - Statutory guidance: Arrangements for delegation and joint exercise of statutory functions, Guidance for integrated care boards, NHS trusts and foundation trusts (September 2022)]

Committee and Sub Committees of NHS North East and North Cumbria Integrated Care Board (ICB)

1. Committees

The ICB has determined to establish the following Committees

- Audit Committee
- Remuneration Committee
- Finance, Performance, and Investment Committee
- Quality and Safety Committee
- Executive Committee

2. Sub Committees

The ICB has determined to establish the following sub committees:

- Healthier and Fairer Advisory Group (sub committee)
- Individual Funding Requests Panel North (sub committee)
- Individual Funding Requests Panel South (sub committee)

Primary Medical Services:
Allocation of Roles & Responsibilities within the ICB

In accordance with its statutory powers under section 65Z5 of the NHS Act, NHS England hereby delegates the exercise of the Delegated Functions to the ICB to empower it to commission a range of services for the people of the Area, as described in the Delegation Agreement relating to Primary Medical Services.

The ICB Board has determined the following delegations within this Scheme of Reservation & Delegation.

Number	Responsibility and Decision Making Delegated to the Executive Management Committee (or other ICB Committee where stated)	Responsibility and Decision Making Delegated to the Executive Area Director	Recommendation by the Executive Area Director to the Executive Committee for Action/Decision
1	Decisions in relation to the commissioning and management of Primary Medical Services, unless delegated to the Executive Area Director		
2	Planning Primary Medical Services for the NE&NC, including carrying out needs assessments		Carrying out primary care needs assessments at place and making recommendations to the Executive Management Committee
3	Undertaking reviews of Primary Medical Services across the NE&NC		Undertaking reviews of Primary Medical Services at Place and escalating any material issues to the Executive Management Committee for consideration/action
4	Management of the Delegated Funds in relation to Primary Medical Services (See ICB Financial Limits for authorisation limits)		Management of delegated funds where these are delegated to the Executive Director of Place Based, within the limits shown in the ICB's Financial Limits.
5	Co-ordinating a common approach to the commissioning and delivery of Primary Medical Services with other health and social care bodies in respect of the NE&NC, where appropriate		
6	Identifying and implementing changes to		The Executive Area Director , identifies and

Number	Responsibility and Decision Making Delegated to the Executive Management Committee (or other ICB Committee where stated)	Responsibility and Decision Making Delegated to the Executive Area Director	Recommendation by the Executive Area Director to the Executive Committee for Action/Decision
	meet any unmet needs across the NE&NC which may be met through the delivery of Primary Medical Services		recommends to the Executive Management Committee any changes to meet any unmet needs at place which may be met through the delivery of Primary Medical Services
7	To manage the Primary Medical Services Contracts and perform all of NHS England's obligations under each of the Primary Medical Services Contracts in accordance with the terms of the Primary Medical Services Contracts as if it were named in the contract in place of NHS England		
8	Actively manage the performance of the Primary Medical Services Providers across the NE&NC in order to secure the needs of people who use the services, improve the quality of services and improve efficiency in the provision of the services including by taking timely action to enforce contractual breaches, serve notices or provide discretionary support	Actively manage the performance of the Primary Medical Services Provider at place Non-material performance lapses may be managed at place by the Executive Area Director	Actively manage the performance of the Primary Medical Services Provider at place Escalate to the Executive Management Committee any material performance issues for action
9	Ensure that the ICB obtains value for money on behalf of NHS England, and avoids making any double payments under any Primary Medical Services Contracts		
10	Notify NHS England immediately (or in any event within two (2) Operational Days) of any breach by the ICB of its obligations to perform any of NHS England's obligations under the Primary Medical Services Contracts		

Number	Responsibility and Decision Making Delegated to the Executive Management Committee (or other ICB Committee where stated)	Responsibility and Decision Making Delegated to the Executive Area Director	Recommendation by the Executive Area Director to the Executive Committee for Action/Decision
11	Undertake any investigations relating (among other things) to whistleblowing claims, infection control and patient complaints		
12	Keep a record of all of the Primary Medical Services Contracts that the ICB manages setting out the details shown in Schedule 2A of the para 2.4.6 of the delegation agreement		
13	Reviewing the performance of the relevant Primary Medical Services Contract, including in respect of quality standards, incentives and the QOF, observance of service specifications, and monitoring of activity and finance	<p>Reviewing the performance of the relevant Primary Medical Services Contract, at place including in respect of quality standards, incentives and the QOF, observance of service specifications, and monitoring of activity and finance</p> <p>Non-material performance lapses may be managed at place by the Executive Area Director</p>	<p>Reviewing the performance of the relevant Primary Medical Services Contract, at place including in respect of quality standards, incentives and the QOF, observance of service specifications, and monitoring of activity and finance</p> <p>Escalate to the Executive Management Committee any material performance issues for action</p>
14	<p><u>Delegated to ICB Quality & Safety Committee</u></p> <p>Assessing quality and outcomes (including clinical effectiveness, patient experience, patient safety and addressing inequalities)</p>	<p>Assessing quality and outcomes (including clinical effectiveness, patient experience, patient safety and addressing inequalities)</p> <p>Non-material performance issues relating to accessing quality and outcomes may be managed at place by the Executive Area Director</p>	<p>Assessing quality and outcomes (including clinical effectiveness, patient experience, patient safety and addressing inequalities)</p> <p>Escalate to the ICB Quality & Safety Committee any material performance issues for action</p>
15	Managing variations to the relevant Primary Medical Services Contract or services in accordance with national policy, service user needs and clinical developments		

Number	Responsibility and Decision Making Delegated to the Executive Management Committee (or other ICB Committee where stated)	Responsibility and Decision Making Delegated to the Executive Area Director	Recommendation by the Executive Area Director to the Executive Committee for Action/Decision
16	Agreeing information and reporting requirements and managing information breaches (which will include use of the NHS Digital Data Security and Protection Toolkit)		
17	<u>Delegated to the Finance, Performance & Investment Committee</u> Agreeing local prices, managing agreements or proposals for local variations and local modifications		
18	Conducting review meetings and undertaking contract management including the issuing of contract queries and agreeing any remedial action plan or related contract management processes		
19	Compliance with and implementing any relevant Mandated Guidance issued from time to time		
20	Information, Planning and Reporting Compliance with Delegation agreement Schedule 2A, Section 2.6 as it relates to Information, Planning and Reporting		
21	Primary Medical Services Contract Management Compliance with any future national Mandated Guidance on equitable funding as may apply from time to time		
22	Enhanced Services		

Number	Responsibility and Decision Making Delegated to the Executive Management Committee (or other ICB Committee where stated)	Responsibility and Decision Making Delegated to the Executive Area Director	Recommendation by the Executive Area Director to the Executive Committee for Action/Decision
	Compliance with actions in Delegation agreement Schedule 2A, Section 5 as it relates to Enhanced Services)		
23		<p>Local Enhanced Services</p> <p>The Executive Area Director may consider any local enhanced services entered into with Primary Medical Services Providers at place using NHS Standard Contracts. Where these would continue to be beneficial to the place, the ICB (at place) may manage the ongoing design and commissioning (including re-commissioning) of these services via a Local Incentives Scheme. This is to be in conjunction and coordination with the other Executive Area Director to ensure a consistent approach is taken across the ICB</p>	
24		<p>Local Enhanced Services design</p> <p>The Executive Area Director may design and offer Local Incentive Schemes for Primary Medical Services Providers and comply with the Delegation agreement Schedule 2A, Section 6 as it relates to Local Incentive Schemes. This is to be done in conjunction and coordination with the other Executive Area Director to ensure a consistent approach is taken across the ICB</p>	
25		Discretionary Payments	

Number	Responsibility and Decision Making Delegated to the Executive Management Committee (or other ICB Committee where stated)	Responsibility and Decision Making Delegated to the Executive Area Director	Recommendation by the Executive Area Director to the Executive Committee for Action/Decision
		<p>The Executive Area Director may make decisions on Discretionary Payments or Support (subject to available budget) and comply with the Delegation agreement Schedule 2A, Section 7 as it relates to discretionary payments. This is to be done in conjunction and coordination with the other Executive Area Director to ensure a consistent approach is taken across the ICB</p>	
26		<p>Making Decisions about Commissioning Urgent Care for Out of Area Registered Patients</p> <p>Design and commissioning of urgent care services (including home visits as required) for its patients registered out of area (including re-commissioning these services annually where appropriate) and compliance with the Delegation agreement Schedule 2A, Section 8. This to be done in conjunction and coordination with the other Executive Area Director to ensure a consistent approach is taken across the ICB</p>	
27	<p>Transparency and freedom of information</p> <p>Compliance with the Delegation agreement Schedule 2A, Section 9 as it relates to transparency and freedom of information</p>		
28	<p>Planning the Provider Landscape</p>	<p>Planning the Provider Landscape</p>	

Number	Responsibility and Decision Making Delegated to the Executive Management Committee (or other ICB Committee where stated)	Responsibility and Decision Making Delegated to the Executive Area Director	Recommendation by the Executive Area Director to the Executive Committee for Action/Decision
	<p>The ICB must plan the primary medical services provider landscape in the Area, including considering and taking decisions in relation to:</p> <p>Establishing new Primary Medical Services Providers in the NE&NC;</p> <p>The procurement or award of new Primary Medical Services Contracts (in accordance with any procurement protocol or Guidance issued by NHS England from time to time);</p> <p>Compliance with the Delegation agreement Schedule 2A, Section 10.2</p>	<p>Manage Primary Medical Services Providers providing inadequate standards of patient care at place</p> <p>Take decisions relating to closure of practices and branch surgeries at place</p> <p>Take decisions relating to dispersing the patient lists of Primary Medical Services Providers at place</p> <p>Take decisions relating to agreeing variations to the boundaries of Primary Medical Services Providers at place.</p>	
29	<p>Primary Care Networks</p> <p>Compliance with the Delegation agreement, Schedule 2A, Section 11</p>	<p>Supporting Primary Care Networks at place, subject to any budget allocation, in conjunction and coordination with the other Executive Area Director to ensure a consistent approach is taken across the ICB</p>	
30		<p>Approving Primary Medical Services Provider Mergers and Closures</p> <p>Compliance with the Delegation agreement, Schedule 2A, Section 12</p>	
31	<p>Making Decisions in relation to Management of Poorly Performing Primary Medical Services Providers</p> <p>Compliance with Delegation Agreement Schedule 2A, Section 13</p>		

Number	Responsibility and Decision Making Delegated to the Executive Management Committee (or other ICB Committee where stated)	Responsibility and Decision Making Delegated to the Executive Area Director	Recommendation by the Executive Area Director to the Executive Committee for Action/Decision
32	<p><u>Delegated to Finance Performance & Investment Committee</u></p> <p>Premises Costs Directions Functions</p> <p>Compliance with Delegation Agreement, Schedule 2A, Section 14</p>		
33	<p>Maintaining the Performers List</p> <p>Compliance with Delegation Agreement, Schedule 2A, Section 15</p>		
34	<p>Procurement and New Contracts</p> <p>Compliance with Delegation Agreement, Schedule 2A, Section 16</p>		
35	<p>Complaints</p> <p>Handle complaints made in respect of Primary Medical Services in accordance with the Complaints Regulations (Delegation agreement, Schedule 2A, Section 17)</p>		
36	<p>Commissioning ancillary support services</p> <p>Compliance with Delegation Agreement, Schedule 2A, Section 18.</p>		
37	<p>Finance</p> <p>Further requirements in respect of finance will be specified in Mandated Guidance</p>		
38	<p>Workforce</p>		

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Number	Responsibility and Decision Making Delegated to the Executive Management Committee (or other ICB Committee where stated)	Responsibility and Decision Making Delegated to the Executive Area Director	Recommendation by the Executive Area Director to the Executive Committee for Action/Decision
	Compliance with Delegation Agreement, Schedule 2A, Section 20		

GLOSSARY

2006 Act	National Health Service Act 2006
2012 Act	Health and Social Care Act 2012 (this Act amends the 2006 Act)
Chief Executive	<p>An individual, as defined under paragraph 12 of Schedule 1A of the 2006 Act (as inserted by Schedule 2 of the 2012 Act), appointed by the NHS Commissioning Board, with responsibility for ensuring the ICB:</p> <ul style="list-style-type: none"> • complies with its obligations under: <ul style="list-style-type: none"> ○ sections 14Q and 14R of the 2006 Act (as inserted by section 26 of the 2012 Act), ○ sections 223H to 223J of the 2006 Act (as inserted by section 27 of the 2012 Act), ○ paragraphs 17 to 19 of Schedule 1A of the NHS Act 2006 (as inserted by Schedule 2 of the 2012 Act), and ○ any other provision of the 2006 Act (as amended by the 2012 Act) specified in a document published by the Board for that purpose. • exercises its functions in a way which provides good value for money.
Area	The geographical area that the ICB has responsibility for, as defined in Chapter 2 of the Constitution
Audit Committee	A committee of the Board
Board	<p>The body appointed under section 14L of the NHS Act 2006 (as inserted by section 25 of the 2012 Act), with the main function of ensuring that an ICB has made appropriate arrangements for ensuring that it complies with:</p> <ul style="list-style-type: none"> • its obligations under section 14Q under the NHS Act 2006 (as inserted by section 26 of the 2012 Act), and • such generally accepted principles of good governance as are relevant to it.
Board Member	Any member appointed to the Board of the ICB
Budget	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 ICB.
Budget Holder	The director or employee with delegated authority to manage finances (Income and Expenditure) for a specific area of the organisation.
Chair of the Board	The individual appointed by the ICB to act as chair of the Board

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<i>Executive Director of Finance</i>	The qualified accountant employed by the ICB with responsibility for financial strategy, financial management and financial governance
<i>Commissioning</i>	The process for determining the need for and for obtaining the supply of healthcare and related services by the ICB within available resources.
<i>Committee</i>	A committee created and approved by the ICB Board
<i>Sub-Committee</i>	A sub-committee created by ICB Board or a committee of the ICB Board, and approved by the Board
<i>Committee Members</i>	Persons formally appointed by the Board to sit on or specific committees.
<i>Constitution</i>	A Constitution is the set of principles and rules by which an organisation is governed and managed.
<i>Board Secretary</i>	A person appointed to act independently of the Board to provide advice on corporate governance issues to the Board and the Chair and monitor the ICB's compliance with the law, Standing Orders, and Department of Health guidance.
<i>Contracting and Procurement</i>	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.
<i>Director of Public Health</i>	A health care professional who is a specialist in Public Health or a Consultant in Public Health medicine who may hold the post of Director of Public Health.
<i>Financial Directions</i>	Any and all Directions made by the Secretary of State from time to time which relate to financial entitlements and or requirements.
<i>Financial Year</i>	This usually runs from 1 April to 31 March, but under paragraph 17 of Schedule 1A of the 2006 Act (inserted by Schedule 2 of the 2012 Act), it can for the purposes of audit and accounts run from when an ICB is established until the following 31 March.
<i>Health and Wellbeing Board</i>	The role of the Health and Wellbeing Board is to bring together the Local Authority, Voluntary Sector, Local Healthwatch, NHS and Public health to work together to improve the health and wellbeing of local people.
<i>Health and Wellbeing Strategy</i>	A strategy developed with Local Authorities for the purpose of purpose of advancing the health and wellbeing of the people in its area and implemented by the Health and Wellbeing Board

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<i>Healthcare Professional</i>	An individual who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.
<i>Integrated Care System (ICS)</i>	The ICS is a geographical partnership that brings together providers and commissioners of NHS services across the North East and North Cumbria.
<i>Non – Executive Members</i>	Independent members of the Board.
<i>NHS England</i>	NHS England (operating as the National Health Service Commissioning Board Authority prior to its formal establishment as a non-departmental public body).
<i>Officer</i>	Employee of the ICB or any other person holding a paid appointment or office with the ICB.
<i>Officer Member</i>	A member of the ICB who is either an officer of the ICB or is to be treated as an officer (i.e., the Chair of the ICB, or any person nominated by such a committee for appointment as an ICB member).
<i>Registers of Interests</i>	Registers an ICB is required to maintain and make publicly available under section 140 of the 2006 Act (as inserted by section 25 of the 2012 Act), of the interests of: <ul style="list-style-type: none"> • the members of the ICB. • the members of its Board. • the members of its committees or sub-committees and committees or sub-committees of its Board; and • its employees.
<i>Remuneration Committee</i>	A Committee of the Board
<i>Scheme of Reservation and Delegation</i>	Delegates powers and authority to the various elements of the ICB.
<i>Standing Orders</i>	The standing orders of the ICB
<i>Standing Financial Instructions</i>	They are part of the ICB’s control environment for managing the organisation’s financial affairs as they are designed to ensure regularity and propriety of financial transactions. They define the purpose, responsibilities, legal framework, and operating environment of the ICB.
<i>Vice-Chair</i>	The non-officer member appointed by the Board to take on the Chair’s duties if the Chair is absent for any reason.