

**NHS Trust - Schedule 1 - Schedule of Matters Reserved for the Board**

Previous Paragraph Reference	New Paragraph Reference	Area of Delegation	Delegated Matter	Retained by the Board Y/N	Delegated to	Reason for Amendment (if applicable)	Cross reference to legislation/Model SO's/Guidance
Footnote 5	Footnote 5	n/a	n/a	n/a	n/a	Assembly changed to <i>Welsh</i> Government	
1	1	General	Board may determine any matter for which it has statutory or delegated authority in accordance with SOs.	Y			
2	2	General	The Board must determine any matter that will be reserved for the whole Board. These are:  [Trust to insert details]	Y			
n/a	3	General	<b>Approve the Trusts Governance Framework</b>	Y		New requirement. The need for an overarching Governance Framework not previously recognised.  The Governance Framework will provide a broad overview, outline, or skeleton of interlinked items/principles/concepts which supports the approach ensuring standards of governance are maintained within the Trust. More detailed policies and procedures will underpin the Framework as appropriate.	
4	4	Operating arrangements	Approve, vary and amend - SOs; - SFIs; - Scheme of matters reserved to the Trust; - Scheme of delegation to Committees and others; and - Scheme of delegation to officers.  In accordance with any directions set by Welsh Ministers.	Y		Note : agreed with Board Secretaries that Scheme of Delegation should remain high level.	Regulation 23 - The Public Health Wales National Health Service (Membership and Procedure) Regulations 2009 and Regulation 19 - The National Health Service Trusts (Membership and Procedure) Regulations 1990
8	5	Operating arrangements	Ratify any urgent decision taken by the Chair and the Chief Executive in accordance with SO requirements	Y		No amendments  Note : agreed with Board Secretaries that Scheme of Delegation should remain high level.	Section B, Paragraph 2.1 - Chair's action on urgent matters, page 22 - Model Standing Orders
NEW	6	Operating arrangements	<b>Formal consideration of report of Board Secretary on any non-compliance with Standing Orders, making proposals to the Board on any action to be taken.</b>	N	Audit Committee	Wording not consistent with SOs which under xxx) which state non-compliance should be reported to the BS, who will ask the Audit Committee to formally consider the matter and make proposals to the Board on any action to be taken.	Section A, paragraph xxx), Applying Standing Orders, page 12 - Model Standing Orders
9	8	Operating arrangements	<b>Receive report and proposals regarding any non-compliance with Standing Orders, and where required ratify in public session any action required in response to failure to comply with SOs.</b>	Y		As above and section moved to improve flow of the Scheme of Delegation	Section A, paragraph xxx), Applying Standing Orders, page 12 - Model Standing Orders
15	9	Operating arrangements	Authorise use of the Trusts official seal	Y		Section moved to improve flow of Scheme of Delegation	Section B, Paragraph 9, page 46-47 - Signing and Sealing of Documents - Model Standing Orders
5	10	Operating arrangements	Approve the Trust's Values and Standards of Behaviour Framework <b>[Trust to insert title of the relevant policy]</b>	Y		A Framework is a broad overview, outline, or skeleton of interlinked items/principles/concepts which supports a particular approach to a specific objective, and serves as a structure that provides guidance which can be modified as required.  Note: The Board cannot delegate the approval of the 'Framework' but they can delegate approval of policies which fall out of this e.g. the Declarations of Interest Policy and Procedure  Section moved to improve flow of Scheme of Delegation	Regulation 24 - The Public Health Wales National Health Service (Membership and Procedure) Regulations 2009 and Regulation 20 - The National Health Service Trusts (Membership and Procedure) Regulations 1990  Section B, Paragraph 8 - Values and Standards of Behaviour, Pages 40-46 of Model Standing Orders

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Table of Amendments, Cross Reference to Legislation and Confirmation of Sections which are not for variation by NHS Body\*

18	11	Organisation Structure & Staffing	Require, receive and determine action in response to the declaration of Board members' interests, in accordance with advice received e.g. from Audit Committee or Board Secretary	N	Chair on behalf of Board/Vice-Chair on behalf of Board if Chair is declaring interest	Amended to reflect the wording within the SO's and moved to improve flow of Scheme of Delegation	Section B, para 8.2.7 - Dealing with Members' interests during Board meetings, page 43 of Model Standing Orders
25	12	Strategy and Planning	Determine the Trusts strategic aims, objectives and priorities	Y		Section moved to improve flow of Scheme of Delegation	Section B, para 4, Page 20 of Model Standing Orders
30	13	Strategy and Planning	Approve the Trusts key strategies and programmes related to:  - The development and delivery of patient and population centred health and care/clinical services for their population - Improving quality and patient safety outcomes - Workforce and organisational development - Infrastructure, including IM&T, Estates and Capital (including major capital investment and disposal plans)	Y		Language modernised to refer to health and care and section moved to improve flow of Scheme of Delegation  Note: Trusts are not required to develop a population needs assessment.	Clinical Services Strategy to be approved by Board (p 13) NHS Wales Planning Framework 2020-2023
NEW	14	Strategy and Planning	Agreement of Well-being objectives in accordance with the requirements of the Well-being and Future Generations (Wales) Act 2015	Y	TRUSTS BUT EXCLUDING WAST	Added to reflect introduction of legislation  Note: Applicable to Trusts excluding Welsh Ambulance Services NHS Trust	Section 9 of the Well-being and Future Generations (Wales) Act 2015
26	15	Strategy and Planning	Approve the Trusts Integrated Medium Term Plan, including the balanced Medium Term Financial Plan	Y		Section moved to improve flow of Scheme of Delegation	Schedule 4 of the NHS (Wales) Act 2006 and NHS Finance (Wales) Act 2014 regarding requirement to produce balanced plan.
31	16	Strategy and Planning	Approve the Trusts budget and financial framework (including overall distribution of the financial allocation and unbudgeted expenditure)	Y		Section moved to improve flow of Scheme of Delegation	Approve Trust Framework - Para 5.1.1, Schedule 2, Standing Financial Instructions
6	17	Operating arrangements	Approve the Trusts framework and strategy for performance management, risk and assurance	Y		Combined Framework and Strategy for Performance and risk and assurance but have in separate sections for performance and risk and assurance  Section moved to improve flow of Scheme of Delegation	Section B, para 1.4.1 - Role page 20 of Model Standing Orders
27	18	Strategy and Planning	Approve the Trusts framework and strategy for risk and assurance	Y		See above, also previously read 'risk management strategy and plans'. Reworded for consistency and section moved to improve flow of Scheme of Delegation	
11	19	Operating arrangements	Approve Ratify policies for dealing with raising concerns, complaints and incidents in accordance with the Putting Things Right and health and safety requirements.	Y	Committee of the Board may approve policies for formal ratification by Board	Need to be clear re definition of 'policy' - A written statement of intent, describing the broad approach or course of action that the organisation is taking with a particular issue. Policies are underpinned by evidenced based procedures and guidelines and are mandatory. The formulation of policies allows the organisation to produce formal agreements, which clearly defines the commitment of the organisation and the obligations of individual staff.  Reference made to the Putting Things Right requirements and to allow delegation of policies to an appropriate committee. Section also moved to improve flow within Scheme of Delegation	The NHS Redress (Wales) Measure 2008, The NHS Redress (Wales) Measure 2008 (Commencement) Order 2011

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3	20	Operating arrangements	Agree the arrangements for ensuring the adoption of the standards of governance and performance (including the quality and safety of healthcare, and the patient experience) to be met by the Trust, including standards/requirements determined by Welsh Government, regulators, professional bodies/others, e.g. National Institute of Health and Care Excellence (NICE) Royal Colleges	Y		Amended to allow the Board to consider the various standards and determine delegation arrangements. Not all standards will be adopted in their entirety but it is important for decision making regarding this to be clear. Practical example = the arrangements for organisations to consider Royal College Guidance during the COVID-19 pandemic and reflect provisions where/if appropriate.  Section moved to improve flow of Scheme of Delegation.	
28	21	Strategy and Planning	Approve the Trusts citizen patient, public, staff, partnership and stakeholder engagement and co-production strategies -including- communication-	Y		Language modernised and merged into single area for delegation.  Section moved to improve flow of Scheme of Delegation	Also refer to Regulation 27 of the Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010, Guidance for Engagement and Consultation on Changes to Health Services, and Section 183 (duty of LHBs) of the NHS (Wales) Act 2006 and Section 242 of NHS (Wales) Act 2006 (for Trusts) Well-being of Future Generations (Wales) Act 2015 Social Services and Wellbeing (Wales) Act 2014
7	22	Operating arrangements	Approve the introduction or discontinuance of any significant activity or operation. Any activity or operation shall be regarded as significant if the Board determines it so based upon its contribution/impact on the achievement of the LHB's aims, objectives and priorities	Y		No amendment required. Reference to legislation and guidance provided.  Section moved to improve flow of Scheme of Delegation.	Also refer to Regulation 27 of the Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010, Guidance for Engagement and Consultation on Changes to Health Services, and Section 183 (duty of LHBs) of the NHS (Wales) Act 2006 and Section 242 of NHS (Wales) Act 2006 (for Trusts)
17	23	Organisation Structure & Staffing	Approve the appointment, appraisal, discipline and dismissal of any other Board level appointments and other senior employees, in accordance with Ministerial Instructions e.g. the Board Secretary	N	Remuneration and Terms of Service Committee  * NOTE; Welsh Ministers approval will be required in the exceptional event that remuneration needs to be above the maximum of the salary band range	Previously part of former paragraph 17  Section moved to improve flow of Scheme of Delegation	Para 14.1.4, Pay Expenditure, page 58, Schedule 2.1, Model Standing Financial Instructions and Chapter 6, Annex 2, NHS Manual for Accounts
16/17	24	Organisation Structure & Staffing	Ratify Appointment and manage appraisal, discipline and dismissal of the Chief Executive, Executive Directors and any other Board level appointments, e.g., the Board Secretary	N	Remuneration and Terms of Service Committee  For Chief Executive Committee to consist of Chair and non-officer members and for executive directors Committee to also include the chief executive.	Previously part of former paragraph 16/17  Amended to reflect provisions within Regulations.  Section moved to improve flow of Scheme of Delegation	Regulation 3(2), 21 & 22, The Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009/Regulation 3(3), 17 & 18 The National Health Service Trusts (Membership and Procedure) Regulations 1990 Section B, Paragraph 1.1.6, page 18, Appointment of Executive Directors - Model Standing Orders
16/17	25	Organisation Structure & Staffing	Termination of appointment and suspension officer members in accordance with the provisions of Regulations	N	Remuneration and Terms of Service Committee	Previously part of former paragraph 16/17  Amended to reflect provisions within Regulations.  Section moved to improve flow of Scheme of Delegation	Regulation 9, The Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009/Regulation 8 The National Health Service Trusts (Membership and Procedure) Regulations 1990

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16/17	26	Organisation Structure & Staffing	Consider appraisal of officer members of the Board (Chief Executive and Directors)	N	Remuneration and Terms of Service Committee	See above - sections split to reflect regulations and clarify arrangements.  Previously part of former paragraph 16/17  Section moved to improve flow of Scheme of Delegation	
n/a	27	Organisation Structure & Staffing	Consider and approve redundancy and Early Release Applications, noting that where the settlement is £50,000 or above subsequent agreement of Welsh Government is required.	N	Remuneration and Terms of Service Committee	Inserted to ensure clarity regarding redundancy and Early Release Applications.	Chapter 6, Annex 2, NHS Manual for Accounts
19	28	Organisation Structure & Staffing	Approve, arrange the review, and revise the LHB's top level organisation structure and corporate policies	Y		Section moved to improve flow of Scheme of Delegation	
20	29	Organisation Structure & Staffing	Appoint, arrange the review, revise and dismiss Trust Committees directly accountable to the Board.	Y		Section moved to improve flow of Scheme of Delegation	Regulation 19 & 20, The Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009/Regulation 15 & 16 The National Health Service Trusts (Membership and Procedure) Regulations 1990  Section B, Paragraph 3, pages 24 - 26 - Model Standing Orders
21	30	Organisation Structure & Staffing	Appoint, equip, review and (where appropriate) dismiss the Chair and members of any Committee or group set up by the Board	Y		Section moved to improve flow of Scheme of Delegation	As above
22	31	Organisation Structure & Staffing	Appoint, equip, review and (where appropriate) dismiss the individuals appointed to represent the Board on outside bodies and groups.	Y		Section moved to improve flow of Scheme of Delegation	As above
23	32	Organisation Structure & Staffing	Approve the standing orders and terms of reference and reporting arrangements of all Committees and groups established by the Board			Amended to reflect the wording within the SO's  Section moved to improve the flow of the Scheme of Delegation	Regulation 19 & 20, The Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009/Regulation 15 & 16 The National Health Service Trusts (Membership and Procedure) Regulations 1990  Section B, Paragraph 3, pages 24 - 26 - Model Standing Orders
10	33	Operating arrangements	Approve arrangements relating to the discharge of the Trusts responsibility as a Bailee for patients' property	N	Audit Committee	No specific requirement for approval by the Board. See Section 19 of SFI's regarding responsibilities of Trust, Chief Executive and Director of Finance.  Section moved to improve the flow of the Scheme of Delegation	Section 19, Para 19.1.1, Patients Property, pages 75 - 76, Schedule 2.1, Standing Financial Instructions. Responsibility delegated to Director of Finance
12	34	Operating arrangements	Approve individual compensation payments in line with SFI's the provisions of Annex 4 to Chapter 6 of the Welsh Government Manual for Accounts	Y	Y - except where Chapter 6 specifies appropriate to delegate to a committee, Chief Executive or Officers .	Added reference to the Manual for Accounts and need to ensure delegated in accordance with provisions of Manual for Accounts.  Section moved to improve the flow of the Scheme of Delegation	Annex 4, Chapter 6 of the Welsh Government Manual for Accounts
13	35	Operating arrangements	Approve individual cases for the write off of losses or making of special payments above the limits delegated to the Chief Executive and Officers	Y	Y - except where Chapter 6 specifies appropriate to delegate to a committee, Chief Executive or Officers .	Section moved to improve flow of Scheme of Delegation	Para 17, Disposal, Condemnations, Losses and Special Payments, pages 70 - 72, Schedule 2.1, Model Standing Financial Instructions and Annex 4, Chapter 6 of the Welsh Government Manual for Accounts
14	36	Operating arrangements	Approve proposals for action on litigation on behalf of the Trust	Y		Section moved to improve flow of Scheme of Delegation	
24	37	Organisation Structure & Staffing	Approve the arrangements relating to the discharge of the LHB's responsibilities as a corporate trustee of funds held on trust in accordance with the provision of Paragraph 20 of the Standing Financial Instructions.	Y		Crossed referenced to SFI's  Section moved to improve flow of Scheme of Delegation	Paragraph 20, Funds Held on Trust (Charitable Funds), pages 77 - 78, Schedule 2.1, Model Standing Financial Instructions
29		Strategy and Planning	Approve the LHB's partnership and stakeholder engagement and involvement strategies	Y		See 21 above - merged with previous 28	

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32	38	Strategy and Planning	Approve individual contracts (other than NHS contracts) above the limit delegated to the Chief Executive set out in the Standing Financial Instructions	Y		Section moved to improve flow of Scheme of Delegation	Paragraph 10, Non-Pay Expenditure, pages 35 - 38, Schedule 2.1, Model Standing Financial Instructions
33	39	Performance and Assurance	Approve the Trusts audit and assurance arrangements.	Y		Whilst Board must approve overarching arrangements some functions can be delegated to the relevant Committee  Section moved to improve flow of Scheme of Delegation	Section B, Paragraph 10, pages 47-49 - Model Standing Orders
34	40	Performance and Assurance	Receive reports from the Trusts Executive on progress and performance in the delivery of the Trusts strategic aims, objectives and priorities and approve action required, including improvement plans <b>as appropriate</b> .	Y		Added ' <i>as appropriate</i> ' as some activities, such as approval of improvement plans may be delegated to a committee.  Section moved to improve flow of Scheme of Delegation	Section B, Paragraph 11, pages 49-50, Model Standing Orders
35	41	Performance and Assurance	Receive reports from the Trusts Committees, groups and other internal sources on the Trusts performance and approve action required, including improvement plans <b>as appropriate</b> .	Y		Added ' <i>as appropriate</i> ' as some activities, such as approval of improvement plans may be delegated to a committee.  Section moved to improve flow of Scheme of Delegation	Section B, Paragraph 3.6, page 26 and Paragraph 10.2.2, pages 49 - Model Standing Orders
36	42	Performance and Assurance	Receive reports on the Trusts performance produced by external regulators and inspectors (including, e.g. <b>Audit Wales</b> , HIW, etc.) that raise <b>significant</b> issue or concerns impacting on the Trusts ability to achieve its aims and objectives and approve action required, including improvement plans, taking account of the advice of Board Committees (as appropriate).	Y		WAO changed to Audit Wales and added ' <i>significant</i> ' as it is appropriate for Committees to discharge in some instances.  Section moved to improve flow of Scheme of Delegation	Section B, Paragraph 10.3, pages 49 - Model Standing Orders
37	43	Performance and Assurance	Receive the annual opinion of the Trusts Chief Internal Auditor and approve action required, including improvement plans	Y		Section moved to improve flow of Scheme of Delegation	Section B, Paragraph 10.1, page 48, Model Standing Orders
38	44	Performance and Assurance	Receive the annual management <del>letter</del> <b>report</b> from the Auditor General for Wales and approve action required, including improvement plans.	Y		Amended 'letter' to read ' <i>report</i> '  Section moved to improve flow of Scheme of Delegation	Section B, Paragraph 10.3, page 49, Model Standing Orders
39	45	Performance and Assurance	<del>Receive the annual opinion</del> <b>assurance regarding the Trusts performance against the Health and Care Standards for Wales and the arrangements for approving</b> required action, including improvement plans.	Y		The Quality and Safety Committee will be responsible for having oversight and ensuring the standards within in the Health and Care Standards are maintained.  Amended title of standards and added reference to Board requiring assurance.  Section moved to improve flow of Scheme of Delegation	Section B, Paragraph 11, pages 49-50, Model Standing Orders
40	46	Performance and Assurance	Approve the Trusts Reporting Arrangements, including reports on activity and performance locally, to citizens, partners and stakeholders and nationally to the <del>Assembly</del> <b>Welsh Government where required</b> .	Y		Assembly changed to <i>Welsh Government</i> and ' <i>where required</i> ' added  Section moved to improve flow of Scheme of Delegation	Section B, Paragraph 11, pages 49-50, Model Standing Orders
41	47	Performance and Assurance	Receive, approve and ensure the publication of Trust reports, including its Annual Report and annual financial accounts <b>in accordance with directions and guidance issued</b>	Y		Added 'in accordance with directions and guidance issued'  Where there is not a specific requirement for the Board to receive reports can be delegated to Committees.  Section moved to improve flow of Scheme of Delegation	Section B, Paragraph 11, pages 49-50, Model Standing Orders
*Note: Any decision to reserve a matter, and the manner in which that retained responsibility is carried out will be in accordance with any regulatory and/or Welsh Government requirements.							