

## West Yorkshire Integrated Care Board Scheme of Reservation and Delegation

### Introduction

1. The constitution of NHS West Yorkshire Integrated Care Board and this Scheme of Reservation and Delegation create the framework for the ICB to delegate much decision-making authority and resources to committees of the ICB in our places – Bradford District and Craven, Calderdale, Kirklees, Leeds and Wakefield.
2. As set out in the constitution at paragraph 1.1.5, it is also recognised that there are significant benefits in working together across a wider footprint and that local plans need to be complemented with a common vision and shared plan for West Yorkshire as a whole. Three tests will be used to determine when to work at this level:
  - to achieve a critical mass beyond local population level to achieve the best outcomes;
  - to share best practice and reduce variation; and
  - to achieve better outcomes for people overall by tackling ‘wicked issues’ (i.e., complex, intractable problems).
3. All decisions and responsibilities set out in this document will be carried out with regard to **ICB function 9**:

Through joint working between health, social care and other partners including police, education, housing, safeguarding partnerships, employment and welfare services, ensure that the NHS plays a full part in achieving wider goals of social and economic development and environmental sustainability. (Interim Guidance on the functions and governance of the ICB, August 2021 (updated March 2022)).

Approved by the West Yorkshire ICB Board 01.07.22

Reference	Decision / Responsibilities	Reserved to the Board	Delegated to Committee or Sub Committee	Delegated to Chair or officer
<b>Regulation and Control</b>				
Constitution 1.6 <sup>1</sup>	Consider and approve applications to NHS England on changes to the Constitution	✓		
Constitution 4.6.1	Establish and approve terms of reference for ICB Committees. <sup>2</sup>	✓		
Constitution 3	Approve the appointment of Board members.			Chair <sup>3</sup>
Constitution 4.6.6	Approve the appointment of members of committees and sub-committees that exercise ICB commissioning functions.			Chair
Constitution 8.1.3	Approve the membership of the Remuneration and Nomination Committee.	✓		
Constitution 1.7.3	Approve the ICB scheme of reservation and delegation (SoRD) which sets out those decisions reserved to the Board, committees and sub-committees, individuals or specified persons.	✓		
Constitution 1.7.3	Approve the ICB operational scheme of delegation, which sets out those key operational decisions delegated to individuals or specified persons.	✓		
Standing Orders 1.12.4	Definition and taking of 'urgent decisions' on behalf of the Board.			Chair, Chief Executive, Relevant Executive Director, Non-Executive member
Constitution 4.7	Agree any functions delegated to other statutory bodies.	✓		

<sup>1</sup> References are to the ICB constitution v1.0.

<sup>2</sup> As per constitution 4.6.4, terms of reference for sub-committees will be approved by the parent committee.

<sup>3</sup> The Chief Executive appointment is subject to approval by NHS England.

Reference	Decision / Responsibilities	Reserved to the Board	Delegated to Committee or Sub Committee	Delegated to Chair or officer
Constitution 1.4	Approve the arrangements for discharging the ICB's functions including but not limited to a) Having regard to and acting in a way that promotes the NHS Constitution b) Exercising its functions effectively, efficiently and economically. c) Duties in relation to children including safeguarding and promoting welfare. d) Adult safeguarding and carers (the Care Act 2014) e) Equality, including the public-sector equality duty f) Information law g) Provisions of the Civil Contingencies Act 2004. h) Improvement in quality of services. i) Reducing inequalities. j) Obtaining appropriate advice. k) Duty to have regard to effect of decisions. l) Public involvement and consultation. m) Financial duties. n) Having regard to assessments and strategies	✓		
Constitution 1.7.3	Exercise or delegate those functions of the ICB which have not been retained as reserved by the ICB Board or delegated to its Committees and sub-committees or delegated to named other individuals as set out in this document.			Chief Executive
ICB 4 <sup>4</sup>	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.	✓	Assured by Finance, Investment and Performance Committee	
ICB 4	Establish governance arrangements to support collective accountability between partner organisations for place-based system delivery and performance, underpinned by the statutory and contractual accountabilities of individual organisations.		Place Committees	
Constitution 1.4.7 (f)	Approve the arrangements for discharging the ICB's statutory financial duties.	✓		

<sup>4</sup> Functions of the ICB as set out in the Interim Guidance on the functions and governance of the ICB - August 2021 (as updated March 2022).

Reference	Decision / Responsibilities	Reserved to the Board	Delegated to Committee or Sub Committee	Delegated to Chair or officer
Constitution 5.2	Approve the ICB's standing financial instructions.	✓	Recommended by Finance Investment and Performance Committee	
Constitution 1.4.7 (f)	Approve the ICB's corporate budgets and financial plan that meet the ICB's financial duties.	✓		
<b>Annual report and accounts</b>				
Constitution 7.4	Approve the ICB Annual Report and Annual Accounts	✓		
Constitution 7.4	Approve the timetable for the preparation and approval of the ICB's annual report and annual accounts		Audit Committee	
Constitution 4.6.8	Approve the appointment of the ICB's external auditor.	✓	Recommended by Auditor Panel	
<b>Strategy and Planning</b>				
ICB 1	Agree a plan to meet the health and healthcare needs of the population within West Yorkshire, having regard to the Partnership integrated care strategy and place health and wellbeing strategies.	✓ <sup>5</sup>		
ICB 1	Agree a plan to meet the health and healthcare needs of the population within each place, having regard to the Partnership integrated care strategy and place health and wellbeing strategies.		Place Committees <sup>6</sup>	
ICB 2	Allocate resources to deliver the plan across the system, determining what resources should be available to meet population need in each place and setting principles for how they should be allocated across services and providers (both revenue and capital)	✓		
ICB 2	Allocate resources to deliver the plan in each place, determining what resources should be available to meet population need and setting principles for how they should be allocated across services and providers (both revenue and capital)		Place Committees	

<sup>5</sup> Informed by Integrated Care Partnership and Health and Wellbeing Boards.

<sup>6</sup> Informed by Integrated Care Partnership and Health and Wellbeing Boards.

Reference	Decision / Responsibilities	Reserved to the Board	Delegated to Committee or Sub Committee	Delegated to Chair or officer
ICB 5	<p>Arrange for the provision of health services in line with the allocated resources across the ICS through a range of activities including:</p> <p>a) putting contracts and agreements in place to secure delivery of its plan by providers</p> <p>a) convening and supporting providers (working both at scale and at place) to lead major service transformation programmes to achieve agreed outcomes.</p> <p>b) support the development of primary care networks (PCNs) as the foundations of out-of-hospital care and building blocks of place-based partnerships including through investment in PCN management support, data and digital capabilities, workforce development and estates.</p> <p>c) working with local authority and voluntary, community and social enterprise (VCSE) sector partners to put in place personalised care for people, including assessment and provision of continuing healthcare and funded nursing care, and agreeing personal health budgets and direct payments for care</p>	<p>✓</p> <p>Matters that meet one or more of the '3 tests' for working at scale.<sup>7</sup></p>	Place Committees	
	Commission services that the Board agrees require acting at scale to deliver on the ICB's priorities and ambitions for people, including putting contracts and agreements in place to secure delivery of its plan by providers		Transformation Committee For matters that meet one or more of the '3 tests' for working at scale	
ICB 12	Approve decisions on the review, planning and procurement of primary medical care services (to reflect the terms of the delegation agreement with NHS England).	Matters that meet one or more of the '3 tests' for working at scale.	Place Committees	
	Approve the ICB operating structure.	✓		
	Approve the operating structure in each place.		Place Committees	
ICB 6	Agree system 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	✓	Advised by People Board	

<sup>7</sup> The 3 tests are as defined in the ICB constitution (para 1.1.5) and the Introduction to this document.

Reference	Decision / Responsibilities	Reserved to the Board	Delegated to Committee or Sub Committee	Delegated to Chair or officer
	closer collaboration across the health and care sector, with local government, the voluntary and community sector and volunteers.			
ICB 6	Agree implementation in place of people priorities.		Place Committees	
ICB 7 ICB 8	Agree system-wide 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 to put the citizen at the centre of their care.	✓ <sup>8</sup>		
ICB 7 ICB 8	Agree place 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 to put the citizen at the centre of their care.		Place Committees	
ICB 10	Agree joint work on estates, procurement, supply chain and commercial strategies to maximise value for money across West Yorkshire and support wider goals of development and sustainability.	✓		
ICB 10	Agree joint work on estates, procurement, supply chain and commercial strategies to maximise value for money in place and support wider goals of development and sustainability.		Place Committees	
ICB 11	Agree 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.	✓		
<b>Partnership Working</b>				
ICB 3	Agree joint working arrangements with partners across West Yorkshire that embed collaboration as the basis for delivery within the ICB plan.	✓		
ICB 3	Develop joint working arrangements with partners in place that embed collaboration as the basis for delivery within the ICB and place plan.		Place Committees	

<sup>8</sup> As recommended by Digital Board

Reference	Decision / Responsibilities	Reserved to the Board	Delegated to Committee or Sub Committee	Delegated to Chair or officer
Constitution 4.3.2	Approve arrangements for coordinating the commissioning of services with other ICBs or with local authorities, where appropriate.	✓		
Constitution 4.3.2	Approve arrangements for risk sharing and /or risk pooling with other organisations (for example arrangements for pooled funds with other ICBs or pooled budget arrangements under section 75 of the NHS Act 2006)	✓		
Constitution 4.3.2	Develop arrangements for risk sharing and /or risk pooling with other organisations (for example pooled budget arrangements under section 75 of the NHS Act 2006), for approval by the ICB Board		Place Committees	
<b>Employment and remuneration</b>				
Constitution Section 8	Have oversight of the ICB's responsibilities as an employer including adopting a Code of Conduct for staff	✓		
Constitution 8.1.6	Approve the terms and conditions, remuneration and travelling or other allowances for Board members, including pensions and gratuities.		Remuneration and Nomination Committee	
Constitution 8.1.6	Approve the terms and conditions, remuneration and travelling or other allowances for employees of the ICB and to other persons providing services to the ICB.		Remuneration and Nomination Committee	
Constitution 8.1.1	Approve human resources policies for ICB employees and for other persons working on behalf of the ICB.	✓	Executive Management Team (recommends to Board)	
Constitution 8.1.1	Approve arrangements for staff appointments			Chief Executive (WY) Place Lead (Place)
<b>Operational Business and Risk Management</b>				
Constitution 4	Approve a comprehensive system of internal control that underpins the effective, efficient and economic operation of the ICB.	✓		
Constitution 4	Approve ICB operational policies (excluding those defined as HR, clinical or finance)	✓		

Reference	Decision / Responsibilities	Reserved to the Board	Delegated to Committee or Sub Committee	Delegated to Chair or officer
Constitution 4	Approve ICB financial policies		Finance, Investment and Performance Committee	
Constitution 4	Agree clinical pathways, clinical thresholds, service specifications and service standards for matters that meet one or more of the '3 tests' for working at scale .		Transformation Committee	
Constitution 1.4.5 1.4.7	Approve system-level arrangements to minimise clinical risk, maximise patient safety and to secure continuous improvement in quality and patient outcomes.	✓	Assured by Quality Committee	
Constitution 1.4.5	Approve the ICB's arrangements for business continuity and emergency planning.	✓		
Constitution 6	Approve arrangements for managing conflicts of interest and for standards of business conduct.	✓		
Constitution 4	Approve ICB risk management arrangements	✓		
Constitution 4	Make arrangements to implement in place ICB risk management arrangements.		Place Committees	
7.2.4	Agree the ICB's arrangements for handling complaints.	✓		
Constitution 7.2.5	Agree the ICB's arrangements for dealing with Freedom of Information requests.	✓		
Constitution 7	Approve arrangements for complying with the NHS Provider Selection Regime.	✓		
Constitution 7	Agree implementation in place of the arrangements for complying with the NHS Provider Selection Regime.		Place Committees	

<b>Tenders and contracts</b>				
Constitution 7.3	Approve tenders and contracts.	As per thresholds set out in the Financial Scheme of Delegation	As per thresholds set out in the Financial Scheme of Delegation	As per thresholds set out in the Financial Scheme of Delegation.
<b>Audit</b>				
Constitution 4.6.8	Report and provide assurance to the Board on the effectiveness of ICB governance arrangements.		Audit Committee	
Constitution 4.6.8	Receive the annual governance letter from the External Auditor and advise the Board of proposed action		Audit Committee	
Constitution 4.6.8	Approve the internal audit, external audit and counter-fraud plans and any changes to the provision or delivery of related services.		Audit Committee	
Constitution 4.6.8	Approve the appointment (and where necessary change or removal) of the internal audit provider.		Audit Committee	