

# **STANDING FINANCIAL INSTRUCTIONS**

## **and**

# **SCHEME OF DELEGATION**

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<b>Governance or Assurance Committee</b>	<b>Audit and Risk Committee</b>
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<b>Responsible Person:</b>	<b>Chief Executive</b>

## STANDING FINANCIAL INSTRUCTIONS

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### NHS Golden Jubilee Values Statement

The NHS Golden Jubilee Values and Behaviours Framework explains what matters to us as an organisation. It sets out the values we stand for and the everyday behaviours that show those values in action.

The framework was created together with staff, volunteers, patients, and the public, so it reflects what is important to everyone we serve.

Our values are woven through all of our strategies, policies, and procedures, ensuring they guide every decision and action we take.



## STANDING FINANCIAL INSTRUCTIONS

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### CONTENTS

### Page No.

1.	Introduction, Code of Conduct, Terminology, Modification and Interpretation	4 – 7
2.	Key Responsibilities for Financial Governance	8 - 10
3.	Audit Arrangements	11 - 14
4.	Financial Management	15 - 17
5.	Commissioning/Providing Healthcare Services	18 - 19
6.	Aligned Pooled Budgets	20 - 21
7.	Pay Expenditure	22 - 26
8.	Non Pay Expenditure	27 - 37
9.	Capital Investment and Private Financing	38 - 40
10.	Asset Registers and Security of Assets	41 - 43
11.	Banking and Cash Handling	44 - 46
12.	Income, Fees, and Charges	47
13.	VAT	48
14.	Stock Control	49 - 51
15.	Acceptance of Financial Assistance, Gifts and Hospitality, Declaration of Interest	52 - 58
16.	Annual Accounts	59 - 60
17.	Losses and Special Payments	61 - 62
18.	Fraud, Bribery and Corruption	63 - 64
19.	Patients' Funds and Property	65
20.	Information Management and Technology	66 - 67
21.	Retention of Records	68
22.	Risk Management and Insurance	69
23.	Funds Held on Trust (Endowments)	70 – 71
	ANNEX A – Scheme of Delegation	72 - 99

## STANDING FINANCIAL INSTRUCTIONS

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### SECTION 1: INTRODUCTION, CODE OF CONDUCT, TERMINOLOGY, MODIFICATION AND INTERPRETATION

#### Introduction

- 1.1 These Standing Financial Instructions (SFI's) are issued in accordance with the financial directions provided by the Scottish Government Health and Social Care Directorate (SGHSCD) under National Health Service in Scotland (NHSiS) Statutes and Circulars. The SFI's are also in accordance with the Scottish Public Finance Manual and all other enabling powers for the regulation of the conduct of NHS Scotland Boards, their members, officers and agents in relation to all financial matters. References to key legislative or Scottish Government codes regulating business conduct are listed at the end of this section.
- 1.2 These SFI's are issued for the regulation of the conduct of NHS Golden Jubilee, its directors, officers and agents in relation to all financial matters. They shall have effect as if incorporated in the Standing Orders of the NHS Golden Jubilee Board.
- 1.3 They do not provide detailed procedural advice and should be read in conjunction with the detailed departmental and financial procedure notes. All financial procedures must be approved by the Executive Director of Finance.
- 1.4 Standing Orders, Scheme of Delegation and SFI's provide a comprehensive governance framework. All Executive Directors, non-Executive Directors, and all members of staff, should be aware of the existence of these documents and, where necessary, be familiar with the detailed provisions. The Scheme of Delegation supporting these SFIs is attached as Annex A.
- 1.5 It is the duty of the Chief Executive, directors, managers and heads of department, to ensure that existing members of the NHS Golden Jubilee Board and employees and all new appointees are notified of, and understand, their responsibilities within these instructions.
- 1.6 Should any difficulties arise regarding the interpretation or application of any of the SFI's then the advice of the Executive Director of Finance must be sought before acting. The user of these SFI's should also be familiar with and comply with the provisions of the NHS Golden Jubilee Standing Orders.
- 1.7 All members of the NHS Golden Jubilee Board and staff have a duty to disclose any non-compliance with these SFI's to the Executive Director of Finance as soon as possible. Failure to comply with SFI's will be deemed a disciplinary matter. It may also result in authority to conduct transactions on behalf NHS Golden Jubilee being revoked until assurance is obtained on full future compliance with the SFIs.
- 1.8 Minor, isolated and unintentional non-compliance of the SFI's will be logged by the Executive Director of Finance and dealt with as appropriate. For any other breaches full details of the non-compliance and any justification for non-compliance and the circumstances around the non-compliance shall be reported to the next formal meeting of the Audit and Risk Committee for referring action or ratification.

## STANDING FINANCIAL INSTRUCTIONS

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### Code of Conduct for Employees

- 1.9 The Code of Conduct under the Ethical Standards in Public Life (Scotland) Act 2000 is available to all Board Members on appointment and a condition of their appointment is acceptance of and compliance with the Code.
- 1.10 The Code of Conduct for Employees (the Code) incorporates the following documents:
- The Code of Conduct
  - The Whistleblowing Policy
  - The Fraud Policy.
- 1.11 The Code provides instruction and guidance on how employees should maintain strict ethical standards in the conduct of Board business. It forms part of the Board standard contract of employment and all employees are required to adhere to the Code.
- 1.12 Key principles underpinning the Code include the following:
- The Board of Directors is committed to the three essential public values:
- **Accountability** - everything done by those who work in the organisation must be able to stand the tests of parliamentary scrutiny, public judgments on propriety and meet professional codes of conduct.
  - **Probity** - Absolute honesty and integrity should be exercised in dealing with NHS patients, employees, assets, suppliers and customers.
  - **Openness** - The Board's activities should be sufficiently public and transparent to promote confidence between the Board and its patients, its employees and the public.
- 1.13 To achieve and hold these values, the following key principles should be followed by employees in all their official business:
- Employees should ensure that the interests of patients remain paramount at all times
  - Employees should be impartial and honest in the conduct of their business and should remain beyond suspicion at all times. The Bribery Act 2010 makes it an offence to:
    - Offer, promise or give a bribe or
    - Request, agree to receive or accept a bribe in return for improperly performing a function or activity.
  - Employees should use the public funds entrusted to them to the best advantage of the service, always ensuring value for money.
  - Employees should not abuse their official position for personal gain or to benefit their family and/or friends; or seek to advantage or further their private business or other interests in the course of their official duties.
- 1.14 In the first instance, employees should contact their Line Manager for advice on the application of the Code.

## STANDING FINANCIAL INSTRUCTIONS

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### Terminology

- 1.15 Any expression which has a meaning defined within a Health Service Act(s) or in the regulations made under the Acts shall have the same meaning in these Instructions; and:
- 1.15.1 "NHS Golden Jubilee" (NHSGJ) is the common name used to define the entity/organisation whose legal name is the National Waiting Times Centre Board (NWTC Board).
- 1.15.2 "Board of Directors" means the NHS Golden Jubilee Board (Defined as Executive and Non-Executive Directors as formally appointed by Scottish Ministers under relevant legislation) or such other Committee of the Board to which powers have been delegated.
- 1.15.3 "Budget" means an allocation of resources by the Board of Directors, Chief Executive or any other employee with delegated authority expressed in financial terms, for the purposes of carrying out, over a specific period, a function or group of functions of the Board.
- 1.15.4 "Executive Director of Finance" should also be read as Deputy Executive Director of Finance when the Executive Director of Finance has delegated certain functions to this post holder.
- 1.15.5 "Budget Holder" means the employee with delegated authority to manage finances (income and expenditure) for a specific area of the organisation.
- 1.15.6 "Scottish Government" means Scottish Government Health and Social Care Directorates.

### Modification and Interpretation

- 1.16 The Executive Director of Finance may make minor changes to terminology contained in, or presentation of, these SFIs as required, without seeking approval. Any material changes proposed require to be approved by the Audit and Risk Committee and the Board of Directors.
- 1.17 Wherever the title of Chief Executive is used in these Instructions, it will be deemed to include such other directors or employees who have been duly authorised to represent them under delegated authority.
- 1.18 Whenever the term "employee" is used it shall be deemed to include Directors of the Board of Management or employees of third parties contracted to the Board when acting on behalf of the Board.
- 1.19 All references in these Instructions to the singular form should also be read as the plural.
- 1.20 The Board of Directors has adopted use of the non-gendered pronoun 'they' and this shall be read as being applicable and inclusive of all gender identities.

## **STANDING FINANCIAL INSTRUCTIONS**

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- 1.21 Any reference to any legislation, provision or guidance should be construed as applying equally to any amendment or later publication of that legislation, provision or guidance.
- 1.22 Any authorisation to sign documents granted to an officer of the Board of Directors shall terminate upon that person ceasing (for whatever reason) from being an employee of the Board without further intimation or action by the Board.

## **STANDING FINANCIAL INSTRUCTIONS**

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### **SECTION 2: KEY RESPONSIBILITIES FOR FINANCIAL GOVERNANCE**

#### **NHS Golden Jubilee Board will exercise financial supervision and control by: -**

- 2.1. Formulating the financial strategy;
- 2.2. Requiring the submission and approval of annual budgets within approved allocations.
- 2.3. Approving Standing Financial Instructions;
- 2.4. Defining specific responsibilities placed on directors and employees as indicated in the Scheme of Delegation;

#### **The Chief Executive**

- 2.5. The Chief Executive is ultimately accountable to the NHS Golden Jubilee Board, and as Accountable Officer, to the Scottish Minister, for ensuring that the NHS Golden Jubilee Board meets its obligation to perform its functions within the available financial resources and in line with the principles of Best Value;
- 2.6. The Chief Executive has overall executive responsibility for NHS Golden Jubilee activities and is responsible to the Chairperson and the NHS Golden Jubilee Board for ensuring that its financial obligations and targets are met and has overall responsibility for NHS Golden Jubilee system of internal control;

#### **The Executive Director of Finance**

- 2.7. As specified in the Scheme of Delegation, the Executive Director of Finance, without prejudice to any other function of officers of NHS Golden Jubilee Board, shall exercise financial supervision and control by:
  - 2.7.1 requiring the submission and approval of financial plans to predetermined timetables;
  - 2.7.2 supervising the implementation of NHS Golden Jubilee's financial strategies and for co-ordinating any corrective action necessary to further these strategies;
  - 2.7.3 the design, implementation and supervision of systems of financial control incorporating the principles of separation of duties, internal checks and the need to obtain value for money and wider Best Value;
  - 2.7.4 defining the specific financial responsibilities placed on officers;
  - 2.7.5 setting NHS Golden Jubilee's accounting policies consistent with Scottish Government, Treasury guidance and generally accepted accounting practice, incorporating International Financial Reporting Standards;
  - 2.7.6 the provision of financial advice to other members of the NHS Golden Jubilee Board and employees;



## **STANDING FINANCIAL INSTRUCTIONS**

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- 2.7.7 ensuring that sufficient records are maintained to show and explain the NHS Golden Jubilee's transactions, in order to disclose, with reasonable accuracy, the financial position of NHS Golden Jubilee at any time;
- 2.7.8 The preparation and maintenance of such accounts, certificates, estimates, records and reports as NHS Golden Jubilee may require for the purpose of carrying out its statutory duties.
- 2.8 The Chief Executive and Executive Director of Finance can delegate their detailed responsibilities where appropriate but will remain accountable to the NHS Golden Jubilee Board for financial control.

### **All Directors and Employees**

- 2.9. All members of the NHS Golden Jubilee Board and employees, severally and collectively, are responsible for:
  - 2.9.1. The security of the property and resources of NHS Golden Jubilee;
  - 2.9.2. Avoiding loss;
  - 2.9.3. Exercising economy and efficiency in the use of resources;
  - 2.9.4. Conforming to the requirements of Standing Orders, Scheme of Delegation, Standing Financial Instructions and Financial Procedures;
  - 2.9.5. Securing Best Value;
  - 2.9.6. Being impartial and honest in their conduct of business, remaining beyond suspicion when committing NHS resources directly or indirectly;
  - 2.9.7. Demonstrating appropriate ethical standards of personal conduct.
- 2.10. All budget holders shall ensure that: -
  - Information is provided to the Executive Director of Finance to enable budgets to be compiled;
  - Budgets are only used for their stated purpose; and
  - Budgets are never exceeded.
- 2.11. When a budget holder expects their expenditure will exceed their delegated budget, they must secure an increased budget, or seek explicit approval to overspend before doing so.
- 2.12. Furthermore, employees shall not:
  - Abuse their official position for the personal gain or to the benefit of their family or friends;
  - Undertake outside employment that could compromise their NHS duties;
  - Seek to advantage or further their private business or interest in the course of their official duties.
- 2.13. All employees must protect themselves and NHS Golden Jubilee from any allegations of impropriety by seeking advice from their line manager, or from the appropriate contact point, whenever there is any doubt as to the interpretation of the Standing Orders, Scheme of Delegation, Standing Financial Instructions and Financial Procedures.

## **STANDING FINANCIAL INSTRUCTIONS**

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- 2.14 Any contractor or employee of a contractor who is empowered by NHS Golden Jubilee to commit expenditure or who is authorised to obtain income shall be covered by these SFI's. It is the responsibility of the Executive Director of Finance to ensure that such persons are made aware of this.

## STANDING FINANCIAL INSTRUCTIONS

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### SECTION 3: AUDIT ARRANGEMENTS

#### Audit and Risk Committee

- 3.1. An independent Audit and Risk Committee is the central means by which NHS Golden Jubilee ensures effective internal control mechanisms are in place. As required by statute and laid down in MEL 1994(80) the NHS Golden Jubilee Board shall formally establish an Audit and Risk Committee, with clearly defined terms of reference and following guidance from the [Audit and Risk Committee Handbook](#) to perform the following tasks:
  - 3.1.1. Ensuring that management, has established an effective internal audit function, that complies with Public Sector Internal Audit Standards and provides appropriate independent assurance to the Audit and Risk Committee, Chief Executive and NHS Golden Jubilee Board;
  - 3.1.2. Reviewing the work and findings of the external auditor appointed by Audit Scotland and considering the implications of and management's responses to their work;
  - 3.1.3. Reviewing the findings of other significant assurance functions, both internal and external to NHS Golden Jubilee, and considering the implication for the governance of the organisation;
  - 3.1.4. Ensuring that the systems for financial reporting to the NHS Golden Jubilee Board, including those of budgetary control, are subject to review as to completeness and accuracy of the information provided to the NHS Golden Jubilee Board;
  - 3.1.5. Reviewing financial and information systems and monitoring the integrity of the financial statements and reviewing significant financial reporting judgements;
  - 3.1.6. Reviewing the establishment and maintenance of an effective system of integrated governance, risk management and internal control, across the whole of the organisation's activities (both clinical and non-clinical), that supports the achievement of the organisation's objectives;
  - 3.1.7. Monitoring compliance with Standing Orders, Standing Financial Instructions and all related detailed Financial Procedures;
  - 3.1.8. Reviewing schedules of losses and compensations and making recommendations to the NHS Golden Jubilee Board.
  - 3.1.9. Reviewing the annual report and financial statements prior to submission to the NHS Golden Jubilee Board focusing particularly on:
    - The wording in the Governance Statement and other disclosures relevant to the Terms of Reference of the Committee;
    - Changes in, and compliance with, accounting policies and practices;
    - Unadjusted mis-statements in the financial statements;
    - Major judgmental areas;
    - Significant adjustments resulting from audit.

## STANDING FINANCIAL INSTRUCTIONS

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- Reviewing the annual financial statements and recommending their approval to the NHS Golden Jubilee Board;
  - Reviewing the external auditors report on the financial statements and the annual management letter;
  - Conducting a review of the NHS Golden Jubilee major accounting policies;
  - Reviewing any incident of fraud or corruption or possible breach of ethical standards or legal or statutory requirement that could have a significant impact on NHS Golden Jubilee published financial accounts or reputation;
  - Reviewing any objectives and effectiveness of the internal audit services including its working relationship with external auditors;
  - Reviewing major findings from internal and external audit reports and ensuring appropriate action taken;
  - Reviewing 'value for money' audits reporting on the effectiveness and efficiency of the selected departments or activities;
  - Investigating any matter within its terms of reference, having the right of access to any information relating to the particular matter under investigation;
  - Reviewing waivers to Standing Orders, Standing Financial Instructions, and Scheme of Delegation.
- 3.2. The minutes of the Audit and Risk Committee meetings shall be formally recorded and submitted to the NHS Golden Jubilee Board. The Chair of the Committee shall draw to the attention of the Board any issues that require disclosure to the full NHS Golden Jubilee Board or require executive action. The Committee will report to the NHS Golden Jubilee Board annually on its work in support of the Governance Statement, specifically commenting on the fitness for purpose of the Assurance Framework, the extent to which a comprehensive risk management process is embedded in the organisation, the integration of governance arrangements and the self-assessment of the effectiveness of the Audit and Risk Committee.
- 3.3. Where the Audit and Risk Committee feels there is evidence of ultra vires transactions, evidence of improper acts, or if there are other important matters that the Committee wish to raise, the Chairperson of the Audit and Risk Committee should refer the matter to a full meeting of the NHS Golden Jubilee Board. Exceptionally, the matter may need to be referred to the Scottish Government Health and Social Care Directorate.

### Executive Director of Finance

- 3.4. The Executive Director of Finance is responsible for: -
- 3.4.1. Ensuring there are arrangements to review, evaluate and report on the effectiveness of internal control including the establishment of an effective internal audit function;
  - 3.4.2. Ensuring that Internal Audit is adequate and meets the mandatory audit standards;
  - 3.4.3. Deciding at what stage to involve the police in cases of fraud, misappropriation, and other irregularities;
  - 3.4.4. Ensuring that Internal Audit prepares the following for approval by the Audit and Risk Committee [and the NHS Golden Jubilee Board]:
    - A clear statement on the effectiveness of internal control;
    - Major internal control weakness discovered;
    - Progress on the implementation of internal audit recommendations;
    - A strategic audit plan;

## STANDING FINANCIAL INSTRUCTIONS

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- A detailed plan for the coming year.
- 3.5. The Executive Director of Finance or designated internal auditors are entitled without necessarily giving prior notice to require and receive: -
- Access to all records, documents and correspondence relating to any transactions, including documents of a confidential nature;
  - Access at all reasonable times to any land, premises or employee of the organisation;
  - The production of any cash, stores or other property of each organisation under an employee's control;
  - Explanations concerning any matter under investigation.

### Internal Audit

- 3.6. Internal audit is an independent and objective appraisal service within the organisation which provides:
- an independent assurance to the Accountable Officer, the NHS Golden Jubilee Board and the Audit and Risk Committee on the whole system of internal control by measuring and evaluating its effectiveness in achieving the organisation's agreed objectives. The whole system of internal control comprises the procedures and operations established for the assessment of risk, the achievement of objectives, the reliability of internal and external reporting and accountability processes, compliance with applicable laws and regulations, and the behavioural and ethical standards set for the organisation.
  - an independent objective consulting activity to support line management in adding value and improving an organisation's internal control system. This is done by bringing a systematic and disciplined approach to the evaluation and improvement of the risk management, control and governance processes which are intended to support the achievement of organisational objectives. Such consultancy work contributes to the assurance which internal audit provides on the whole system of internal control.

### External Auditors

- 3.7. The External Auditor is concerned with providing an independent assurance of the organisation's financial stewardship including value for money, probity, material accuracy, compliance with guidelines and accepted accounting practice for NHS accounts. Responsibility for securing the audit of the NHS Golden Jubilee Board rests with Audit Scotland. The appointed External Auditor's statutory duties are contained in the Public Finance and Accountability (Scotland) Act 2000.
- 3.8. The appointed auditor has a general duty to satisfy themselves that:
- The organisations' accounts have been properly prepared in accordance with directions given under the Public Finance and Accountability (Scotland) Act 2000;
  - Proper accounting practices have been observed in the preparation of the accounts;
  - The organisation has made proper arrangements for securing economy, efficiency and effectiveness in the use of its resources.

## STANDING FINANCIAL INSTRUCTIONS

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- 3.9. In addition to these responsibilities, Audit Scotland's Code of Audit Practice requires the appointed auditor to consider whether the statement of accounts presents a true and fair view of the financial position of the organisation;
- 3.10. The Audit and Risk Committee provides a forum through which non-executive Directors can secure an independent view of any major activity within the appointed auditor's remit. The Audit and Risk Committee has a responsibility to ensure that NHS receives a cost-effective service and that co-operation with senior managers and Internal Audit is appropriate.
- 3.11. The appointment of external auditors for patients' funds and endowment funds requires to be approved by the Audit and Risk Committee.

## STANDING FINANCIAL INSTRUCTIONS

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### SECTION 4: FINANCIAL MANAGEMENT

This section applies to both revenue and capital budgets.

#### 4.1. Allocations

4.1.1. The Executive Director of Finance of NHS Golden Jubilee will:

- At least on a six-monthly basis review the basis and assumptions used for distributing allocations and ensure that these are reasonable and realistic and secure NHS Golden Jubilee's entitlement to funds;
- prior to the start of each financial year submit to the NHS Golden Jubilee Board for approval a report showing the total allocations received and their proposed distribution including any sums to be held in reserve; and
- regular updates are provided to the NHS Golden Jubilee Board and the Finance and Performance Committee on significant changes to the initial allocation and the uses of such funds as part of the monthly financial plan.

#### 4.2 Activity Planning

4.2.1 The Chief Executive shall be responsible for leading an inclusive process, involving staff and partner organisations, to secure the compilation and approval by NHS Golden Jubilee Board of the ADP (or equivalent). They will compile and submit to the NHS Golden Jubilee Board an ADP which takes into account financial targets; forecast limits of available resources and spending proposals. The plan will contain:

- a statement of the significant assumptions on which the plan is based;
- details of major changes in workload, delivery of services or resources required to achieve the plan;
- any potential risks to achieving the plan

By concisely describing the key health and healthcare issues facing NHS Golden Jubilee, by setting out succinctly how these will be tackled and by whom, and by setting clear priorities, key milestones and other qualified improvement targets over time, the AOP will help to secure understanding of important health issues, a shared approach to taking action, and a common commitment to achieving results.

#### 4.3. Budgetary Control

4.3.1. The Executive Director of Finance shall, on behalf of the Chief Executive, prepare and submit to the NHS Golden Jubilee Board for its approval, an annual financial plan for all revenue funds and capital where applicable, within the limits of available funds as determined by the notified allocations.

4.3.2. The Financial Plan shall be submitted to the NHS Golden Jubilee Finance and Performance Committee for detailed scrutiny and risk assessment. Thereafter, the financial plan requires endorsement from the NHS Golden Jubilee Board prior to seeking formal approval from Scottish Government.

4.3.3. The Financial Plan shall be a component of the ADP, and shall be reconcilable to an annual update of the financial planning returns which the Executive Director of

## STANDING FINANCIAL INSTRUCTIONS

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Finance will prepare and submit to the Scottish Government Health and Social Care Directorate, in accordance with guidance or direction issued from time to time.

- 4.3.4. The Executive Director of Finance shall ensure that adequate financial and statistical systems are in place to monitor and control income and expenditure and to facilitate the compilation of financial plans, estimates and any investigations which may be required from time to time.
- 4.3.5. The Executive Director of Finance shall devise and maintain systems of budgetary control and all officers, whom the NHS Golden Jubilee Board and Executive Leadership Team may empower to engage staff or otherwise incur expenditure or to collect or generate income, shall comply with the requirements of those systems. The systems of budgetary control shall incorporate the reporting of (and investigation into) financial, activity or workforce variances from budget. The Executive Director of Finance shall be responsible for providing budgetary information and advice to enable the Chief Executive and other officers to carry out their budgetary responsibilities.
- 4.3.6. The Chief Executive may, within limits approved by the NHS Golden Jubilee Board, delegate authority for a budget or a part of a budget to the individual officer or group of officers who will be responsible for the activities provided for within that budget.
- 4.3.7. The terms of delegation shall include a clear definition of individual and group responsibilities for: -
- The amount of budget;
  - The purpose(s) of each budget heading;
  - Control of expenditure;
  - Exercise of virement;
  - Achievement of planned levels of service; and
  - The provision of regular monitoring reports.

Upon the discharge of those delegated functions to the Chief Executive.

- 4.3.8. Responsibility for overall budgetary control, however, shall remain with the Chief Executive as Accountable Officer.
- 4.3.9. Except where otherwise approved by the Chief Executive, taking account of the advice of the Executive Director of Finance, budgets shall be used only for the purpose for which they were provided.
- 4.3.10. Any budgeted funds not required for their designated purpose shall revert to the immediate control of the Chief Executive, unless covered by powers of virement delegated by the Chief Executive.
- 4.3.11. Significant expenditure for which no provision has been made within the financial plan shall only be incurred after authorisation by the Executive Director of Finance, Chief Executive, the Finance and Performance Committee, and NHS Golden Jubilee Board, subject to their limits specified within the Scheme of Delegation.
- 4.3.12. The Executive Director of Finance shall keep the Chief Executive and the NHS Golden Jubilee Board informed of the financial consequences of changes in policy,



## **STANDING FINANCIAL INSTRUCTIONS**

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pay awards, and other events and trends affecting budgets, and shall advise on the financial and economic aspects of future plans and projects.

- 4.3.13. There is a duty requiring the Chief Executive, other officers and all employees of NHS Golden Jubilee not to exceed approved budgetary limits.
- 4.3.14. Any substantial funds arising from inability to action, or delay in the implementation of projects approved by NHS Golden Jubilee Board, shall be reported in the first instance by the Chief Executive, together with advice on the use of such funds, to the NHS Golden Jubilee Corporate Management Team, who shall report to the NHS Golden Jubilee Board.
- 4.3.15. The Executive Director of Finance shall ensure the issue of timely, accurate and comprehensive advice, and monthly financial reports to each budget holder, covering the areas for which they are responsible.
- 4.3.16. The Executive Director of Finance shall produce a regular Financial Report for submission to NHS Golden Jubilee Board. This report shall highlight any significant in-year variance from the Financial Plan together with a forecast of the outturn position for the financial year concerned and shall recommend any proposed corrective action.
- 4.3.17. The Executive Director of Finance of NHS Golden Jubilee shall prepare such reports as required by the Scottish Government Health and Social Care Directorate.
- 4.3.18. In order to fulfil these responsibilities, the Executive Director of Finance shall have right of access to all budget holders on budgetary related matters.

## STANDING FINANCIAL INSTRUCTIONS

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### SECTION 5: COMMISSIONING/PROVIDING HEALTHCARE SERVICES

#### 5.1. Entering agreements to Provide Services to other NHS bodies

- 5.1.1. It is expected that NHS organisations will collaborate to share services to make more efficient use of resources and provide more robust patient care. Entering in to an agreement to provide new or extend existing services to an NHS body requires a business case proportionate to the size and complexity of the arrangement. This should consider the cost of providing the service including any increased demand on support services, the ability to staff and accommodate the expanded service, any associated risks and the fair division of responsibilities for risk management.
- 5.1.2. The principles of Regional Planning circular HDL (2004) 46 shall be taken into account in charging for the service and resolving disputes.
- 5.1.3. Officers have the same level of delegated authority to commit to provide services to other NHS bodies as they do for committing to receiving services for other NHS bodies.

#### 5.2. Entering agreements to Provide Services to non NHS public sector bodies

- 5.2.1. Joint planning and integrated services between community planning partners and sharing support services with other local public sector bodies is desirable to promote efficiency and provide better public services. Services should only be provided to non NHS public sector bodies in circumstances where they are a good fit with NHS activities and capabilities.
- 5.2.2. A business case proportionate to the size and complexity of the arrangement is required. This should consider the cost of providing the service including any increased demand on support services and the contribution to overheads, the ability to staff and accommodate the expanded service, a fair division of risk and clarity on respective responsibilities and which terms, conditions and procedures will be followed. The business case should be signed off by the relevant Executive Director and Deputy Director of Finance.
- 5.2.3. Any arrangement with a lifetime value of more than £2m is required to be discussed by the Executive Leadership Team and signed by the Chief Executive.

#### 5.3. Entering agreements to Provide Services to non NHS bodies

- 5.3.1. Services should only be provided to non NHS bodies in circumstances where they are a good fit with NHS activities and capabilities. The purposes of the NHS Golden Jubilee Board are set out in the National Health Service (Scotland) Act 1978 and it is important that no activity is entered into that would be dissonant with that purpose or otherwise bring an unjustifiable reputational risk to the NHS Golden Jubilee Board. It is important that the provision of these services do not impact on the ability to provide NHS services.

## **STANDING FINANCIAL INSTRUCTIONS**

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- 5.3.2. A business case proportionate to the size and complexity of the arrangement is required. This should consider the cost of providing the service including any increased demand on support services and the contribution to overheads and, the ability to staff and accommodate the expanded service. Risks should be identified through our standard risk management approach. There should be a financial assessment signed off by the Deputy Director of Finance and appropriate Executive Director which clearly sets out the assumptions and models the impact of identified risks. At a minimum, these risks should cover penalty clauses, the impact of early termination and exit strategy at the end of the agreement.
- 5.3.3. Legal advice should be sought on the agreement to ensure the respective obligations are clearly expressed and do not impose an unduly onerous burden on the NHS.
- 5.3.4. Any arrangement with a lifetime value of more than £1m is required to be discussed by the Executive Leadership Team and signed by the Chief Executive. Any arrangement with a lifetime value of more than £2m requires NHS Golden Jubilee Board approval (where funding has been included within the approved Financial Plan this requirement is deemed as approved).

## STANDING FINANCIAL INSTRUCTIONS

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### SECTION 6: INVESTMENT APPRAISALS and EVALUATION

6. The Executive Director of Finance and Executive Director of Transformation, Strategy, Planning and Performance are jointly responsible for developing guidance on business cases.
- 6.1. The lead Director is responsible for ensuring all Scottish Capital Investment Manual ([SCIM](#)) or Scottish Public Finance Manual ([SPFM](#)) requirements are adhered to regarding major investment projects i.e. greater than £3m.
- 6.2. The key principles of this guidance should however be adopted in relation to all investment projects.
- 6.3. For projects under this level local guidance will be developed jointly by the Executive Director of Finance and Executive Director of Transformation, Strategy, Planning and Performance.
- 6.4. An appropriate Senior Responsible Owner must be appointed at the earliest possible stage of a project and all project roles, responsibilities and delegated authorities must be clearly identified, agreed and documented prior to commencement.
- 6.5. Accountable Officers must be kept informed of progress and any developments that could undermine the business case for the project.
- 6.6. Arrangements must be put in place to identify and evaluate benefits and to capture lessons learned from the project's delivery.
- 6.7. Appraisal and evaluation are essential parts of good financial management. The general principles should apply to any proposal - whether project, programme or policy related - with implications for expenditure/use of resources.
- 6.8. Appraisal is normally the starting point for any proposal and should normally include the following steps:
  - define the objectives;
  - consider a range of options;
  - identify, quantify and value the costs, benefits, risks and uncertainties associated with each option, including considerations of public private partnerships and the scope for shared services arrangements with other public bodies, optimism bias and distributional implications;
  - analyse the information;
  - decide what evaluation should be performed at a later stage; and present the results.
- 6.9. Evaluation examines the outturn of a project, programme or policy against its objectives. It adds value by providing lessons from experience to help future management or development of a specific project, programme or policy. Evaluation should be planned from the outset of the project, and should normally include the following steps:

## **STANDING FINANCIAL INSTRUCTIONS**

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- establish exactly what is to be evaluated and how past outturns can be measured;
- choose alternative states of the world and/or alternative management decisions as counterfactuals;
- compare the actual outturn with the target outturn, and with the effects of the chosen alternative states of the world and/or management decisions;
- draw up the results and recommendations; and
- disseminate and use the results and recommendations.

## **STANDING FINANCIAL INSTRUCTIONS**

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### **SECTION 7: PAY EXPENDITURE**

#### **Remuneration Committee**

- 7.1 The Remuneration Committee of the NHS Golden Jubilee Board shall approve any changes to the remuneration, allowances and conditions of service of Chief Executive and other Executive Directors in accordance with the Code of Corporate Governance.
- 7.2 The Committee will:
- Agree all terms and conditions of employment of Executive Directors of NHS Golden Jubilee in the following respects:
    - (i) content and format of job descriptions;
    - (ii) terms of employment including tenure;
    - (iii) pay;
    - (iv) benefits including motor cars;
    - (v) annual salary review.
  - Ensure for all senior managers on executive pay scales that arrangements, compliant with Scottish Government guidance, are in place for the assessment of the performance against pre-determined criteria linked to service objectives and for determining annual pay uplifts and pay progression.
  - Approve NHS Golden Jubilee's arrangements for the grading of posts and to oversee these arrangements by receiving regular reports from the Executive Director of People and Culture.
  - Approve for all other terms and conditions of service issues not covered by Direction or Regulation (such as Discretionary Points for Medical Staff).
- 7.3 After approval by the Remuneration Committee, the Executive Director of People and Culture, through the Scheme of Delegation will personally authorise for payment the Performance Related Pay (PRP) agreed by the Remuneration Committee.
- 7.4 NHS Golden Jubilee will pay allowances to the Chairperson and non-executive directors of the Board in accordance with instruction issued by the Scottish Minister.
- 7.5 All early retirements or severance packages for Executive Directors which result in additional costs being borne by the employer will be submitted to the Remuneration Committee for approval prior to final approval from Scottish Government. All other early retirements or severance packages shall be authorised by the Executive Director of Finance and Executive Director of People and Culture, prior to final approval from Scottish Government once the budget has been agreed by the Executive Leadership Team.

#### **Funded Establishment**

- 7.6 The workforce plans incorporated within the annual budget shall form the funded establishment.

## STANDING FINANCIAL INSTRUCTIONS

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- 7.7 The funded establishment of any department may not be varied in a way that increases costs (taking account of future pay progression) beyond the delegated budget for that department unless authorised to do so by the Executive Director of Finance, Chief Executive or Finance and Performance Committee dependent upon the value of the funding request in line with delegated approval limits.

### Staff Appointments

- 7.8 Directors and managers, authorised to do so, may engage, re-engage or re-grade employees, either on a permanent or temporary nature, or hire agency staff, or agree changes in any aspect of remuneration providing:
- they are authorised to do so by the Chief Executive; and
  - it is within the limit of their approved budget and funded establishment;
  - the remuneration is in line with NHS terms and conditions, pay circulars and the outcomes of NHS Golden Jubilee job evaluation systems.

An electronic Vacancy Approval Form (eVAF) must be completed for all vacancies.

- 7.9 The Chief Executive will approve procedures presented by the Executive Director of People and Culture for the determination of commencing pay rates, condition of service, etc., for employees.

### Processing Payroll

- 7.10 The Executive Director of Finance is responsible for:
- (a) specifying timetables for submission of properly authorised time records and other notifications;
  - (b) the final determination of pay and allowances.
- 7.11 All managers and staff will ensure that strict confidentiality is maintained with regard to staff payroll information and that it is held securely when not in authorised use. Details of an employee's salary shall not be divulged to a third party except in the course of duties or with authority from the employee concerned.
- 7.12 Through the Electronic Employee Support System (eESS), workforce shall be notified immediately of new start employees and upon the effective date of any change in state of employment or personal circumstances of an employee, including terminations.
- 7.13 The Executive Director of People and Culture and the Executive Director of Finance shall be jointly responsible for ensuring that rates of pay and relevant conditions of service are in accordance with current agreements. The Chief Executive, or NHS Golden Jubilee Board in appropriate circumstances, shall be responsible for the final determination of pay but subject to the statutory duty of the Executive Director of Finance/Executive Director of People and Culture who shall issue instructions regarding:
- verification and documentation of data;

## STANDING FINANCIAL INSTRUCTIONS

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- the timetable for receipt and preparation of payroll data and the payment of employees and allowances;
  - maintenance of subsidiary records for superannuation; income tax, National Insurance and other authorised deductions from pay;
  - security and confidentiality of payroll information in accordance with the principle of the Data Protection Act 2018/UK General Data Protection Regulation (UK GDPR);
  - checks to be applied to completed payroll before and after payment;
  - authority to release payroll data under the provisions of the Data Protection Act 2018/UK GDPR;
  - methods of payment available to various categories of employees and officers;
  - procedures for payment by cheque, bank credit, or cash to employees and officers;
  - procedures for the recall of cheques and bank credits;
  - pay advances and their recovery;
  - maintenance of regular and independent reconciliation of pay control accounts;
  - separation of duties of preparing records and handling cash; and
  - a system to ensure the recovery from leavers of sums of money and property due by them to NHS Golden Jubilee.
  - A system to ensure recovery or write-off of payment of pay and allowances.
- 7.14 Appropriately nominated managers have delegated responsibility for:
- submitting time records, and other notifications in accordance with agreed timetables;
  - completing time records and other notifications in accordance with the Executive Director of Finance's instructions and in the form prescribed by the Executive Director of Finance; and
  - submitting termination forms in the prescribed form immediately upon knowing the effective date of an employee or officer's resignation, termination or retirement. Where an employee fails to report for duty or to fulfil obligations in circumstances that suggest they have left without notice, the Executive Director of Finance must be informed immediately.
- 7.15 The Executive Director of Finance shall ensure payments and processes are supported by appropriate (contracted) terms and conditions, adequate internal controls and audit review procedures and that suitable arrangements are made for the collection of payroll deductions and payment of these to appropriate bodies.
- 7.16 The Executive Director of Finance shall ensure salaries and wages are paid on the currently agreed dates but may vary these when necessary due to special circumstances (e.g. Christmas and other Public Holidays). Payment to an individual shall not be made in advance of normal pay except:-
- As authorised by the Chief Executive or Executive Director of Finance to meet special circumstances and limited to the net pay due at the time of payment.
- 7.17 All employees shall be paid by bank credit transfer monthly unless otherwise agreed by the Executive Director of Finance.
- 7.18 Staff will receive an electronic payslip accessed through self-service Payroll, unless otherwise agreed with the Finance Department.
- 7.19 Responsibilities of Employees -



## STANDING FINANCIAL INSTRUCTIONS

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- 7.19.1 All staff have the responsibility to ensure they receive their payslip in order to check that they are being paid correctly. This includes tax being deducted appropriately. If an employee believes they are being paid incorrectly i.e. either underpaid / over paid or tax being deducted incorrectly, they should report the matter to their line manager in the first instance. There then may be a requirement to contact the Payroll Department using the contact information contained on their payslip. If the query relates to HMRC then the employee may have to contact them directly.
- 7.19.2 A failure to check that salary is being paid correctly will not provide an employee with justification for refusing to repay any amount overpaid.

### Contracts of Employment

- 7.20 The Board shall delegate responsibility to the Executive Director of People and Culture for:
- ensuring that all employees are issued with a Contract of Employment in a form approved by the Board and which complies with employment legislation; and
  - dealing with variations to, or termination of, contracts of employment.

### Claims for Expenses

- 7.21 The Executive Director of Finance shall ensure that all expense claims by employees of NHS Golden Jubilee or outside parties are reimbursed in line with the relevant regulations or HR policies and that all such claims should be supported by receipts wherever possible. Relocation expenses will be limited to the amount specified by the HMRC as being tax free (currently £8,000), except with the express approval of the Remuneration Committee, and be in accordance with NHS Golden Jubilee's current Relocation Policy.
- 7.22 All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses will be submitted to the Payroll Department duly certified in an approved format, by a specified day each month. The names of officers authorised to sign such records or approve electronic claims through the eExpenses system, will be held by the Finance Department, together with specimen signatures and will be amended on the occasion of any change.
- 7.23 The Chairperson shall personally authorise all expense claims from the Chief Executive. The Chief Executive shall personally authorise all expense claims from the Chairperson and Executive Members of NHS Golden Jubilee Board with appropriate arrangements in place in the event of their absence.
- 7.24 The Chairperson shall authorise all expense claims from Non-Executive Directors though may delegate this duty to the Board Secretary.
- 7.25 The certification by or on behalf of the Director of a service, or Head of Department shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by NHS Golden Jubilee.

## **STANDING FINANCIAL INSTRUCTIONS**

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- 7.26 The Executive Director of Finance shall issue additional guidance on the submission of expense claims, specifying the documentation to be used, the timescales to be adhered to and the required level of authorisation.
- 7.27 Claims submitted more than 3 months after the expenses were incurred, either on paper or through E-expenses, will be rejected and will require submission to the appropriate Director, acting in line with guidance supplied by the Executive Director of Finance and the Executive Director of People and Culture, who will only authorise payment if there is an appropriate justification for the delay and it is an isolated occurrence. Claims more than 1 year old will not be considered.

## STANDING FINANCIAL INSTRUCTIONS

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### SECTION 8: NON-PAY EXPENDITURE

- 8.1 The NHS Golden Jubilee Board as part of the Annual Financial Plan will approve the level of non-pay expenditure on an annual basis and the Chief Executive will determine the level of delegation to budget managers.
- 8.2 The Chief Executive shall set out procedures on the seeking of professional advice regarding the supply of goods and services.
- 8.3 The Executive Director of Finance shall:
- advise the NHS Golden Jubilee Board regarding the setting of thresholds above which quotations (competitive or otherwise) or formal tenders must be obtained; and once approved, the thresholds should be incorporated in the Scheme of Delegation and regularly reviewed;
  - prepare procedural instructions or guidance in line with the Scheme of Delegation on the obtaining of goods, works and services incorporating the thresholds;
  - be responsible for the prompt payment of all properly authorised accounts and claims.

### Procurement, Tenders, Contracts

- 8.4 The SFIs specify the arrangements for the award of contracts and for the purchase of supplies and equipment. Procurement shall take place in line with the principles set out in NHS circular [CEL5\(2012\)](#) and NHS Golden Jubilee's [Procurement-Strategy](#).
- 8.5 The Procurement Reform Act 2014 and the Public Contracts (Scotland) Regulations 2015 shall have effect as if incorporated in these Standing Financial Instructions.
- 8.6 Unless otherwise agreed by the Procurement Department, NHS Golden Jubilee's Standard Terms and Conditions must be used when contracting with a supplier. The current versions are available on the NHS Golden Jubilee Website.
- 8.7 NHS Golden Jubilee shall comply with the Scottish Capital Investment Manual, Capital Accounting Manual and other Scottish Government Health and Social Care Directorate guidance on contracting and purchasing.
- 8.8 Equipment and assets with a value in excess of £5,000 (including VAT) is funded through Capital Funds and must be approved by the Medical Equipment Group and Strategic Capital Planning Group (SCPG) before proceeding to the procurement stage.

### Pre-Market Engagement

Prior to any procurement process commencing there may be a need to engage with suppliers in a particular market segment in order to:

- Understand the availability of products and services relating to a business requirement and capabilities of suppliers in a market or industry
- Gain a high level understanding of costs to assess budget implications or to inform a potential business case

## STANDING FINANCIAL INSTRUCTIONS

- To help build a specification for a potential procurement activity that would inform a procurement strategy to ensure sufficiency of competition, and in turn, Best Value
- To engage the market openly and transparently about future procurement activity.

Pre-market engagement must be undertaken in accordance with the [Pre-Market Engagement Procedure](#).

Prior to all pre-market engagement, advice should be sought from the Procurement Department.

### Formal Competitive Tendering

#### Competitive Tendering Procedures

- 8.9 There are a significant number of local, regional and national contracts and frameworks in place. These should be utilised in the first instance to satisfy a purchasing requirement. A list of available national frameworks/contracts is available on the Procurement Department intranet page or by contacting the procurement department. In the main, the frameworks utilised by NHS Scotland Boards are let by Scottish Procurement, National Procurement (our sectoral centre of expertise) or Crown Commercial Service. There are other framework organisations available, but their use should be consistent with Scottish Government advice set out in [SPPN 03/2017](#).
- 8.10 Where a requirement cannot be satisfied through an existing Scottish Government or NSS National Procurement contract (our sectoral 'centre of expertise'), the process to be followed is defined by value thresholds based on the lifetime value of the proposed contract including extension options (excluding VAT) as set out in the table below. The Values relate to the lifetime value of the contract, not the annual amount. Deliberate attempts to disaggregate the contract value into smaller portions of work to avoid the limits below will be a breach of the Standing Financial Instructions. Where there is a legitimate business reason for breaking a larger requirement into separate lots this should be discussed with the procurement department before proceeding.

#### Supplies and Services

Contract Value (full lifetime value ex VAT)	Process
Up to £10,000	Minimum requirement to obtain a quote, ensuring Best Value is obtained.
£10,000 - £50,000	A Competitive Quotations process should be followed using the Public Contracts Scotland Quick Quote system. The successful supplier should be selected on the basis of lowest cost bid or most economically advantageous tender.
Over £50,000	Requirement exposed to open competition (inviting tenders) using the Public Contracts Scotland portal in accordance with relevant procurement legislation.

## STANDING FINANCIAL INSTRUCTIONS

### Works

<b>Contract Value (full lifetime value ex VAT)</b>	<b>Process</b>
Up to £10,000	Minimum requirement to obtain a quote, ensuring Best Value is obtained.
£10,000 - £250,000	A Competitive Quotations process should be followed using the Public Contracts Scotland Quick Quote system. The successful supplier should be selected on the basis of lowest cost bid or most economically advantageous tender.
Over £250,000	Requirement exposed to open competition (inviting tenders) using the Public Contracts Scotland portal in accordance with relevant procurement legislation where applicable.

### Social and Other Specific Services

<b>Contract Value (full lifetime value ex VAT)</b>	<b>Process</b>
Up to £10,000	Minimum requirement to obtain a single quote, ensuring Best Value is obtained.
£10,000 - £50,000	A Competitive Quotations process should be followed using the Public Contracts Scotland Quick Quote system. The successful supplier should be selected on the basis of lowest cost bid or most economically advantageous tender.
Over £50,000	Requirement exposed to open competition (inviting tenders) using the Public Contracts Scotland portal in accordance with relevant procurement legislation where applicable.

In these SFIs, references to Supplies, Services, Works, and Social and Other Specific Services are to be interpreted using the definitions set out in The Public Contracts (Scotland) Regulations 2015.

- 8.11 Advice on undertaking a competitive quotations exercise or regulated procurement (tender) must be sought from the Procurement Department. Instructions are set out in both the Competitive Quotations Procedure and Regulated Procurements Procedure.
- 8.12 Where competitive quotations are being sought, the list of suppliers approached should be based on market research as to who is likely to offer best value to the NHS. At each renewal consideration should be given to inviting other suppliers to bid to ensure quotations remain competitive.
- 8.13 Procurement Regulations make specific provisions for contracts concerning 'Works' and 'Social and Other Specific Services.' Advice must be sought from the

## STANDING FINANCIAL INSTRUCTIONS

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Procurement Department prior to proceeding with a procurement in either of these categories.

### Invitations to Tender

- 8.14 Sufficient time must be allowed to prepare for a competitive quotations exercise or regulated procurement. Failure to allow sufficient time in the planning process or project lifecycle is not a justifiable reason for requesting waiver of these Standing Financial Instructions. Advice should be sought from the Procurement Department in relation to specific requirements, however it is not unreasonable to assume that at least 6 months should be allowed for a regulated procurement (tender process) or 2 months for a competitive quotations process using the Public Contracts Scotland portal.
- 8.15 In specific circumstances it may be allowable for competitive procurement processes to be waived, such as:
- The supply of goods, services or works can only be provided by a particular supplier for well substantiated technical reasons.
  - Situations of extreme urgency which were not foreseeable.
  - Additional supplies or services are required from the original supplier and where a change of supplier would cause incompatibility or disproportionate technical difficulties.

Detailed procedures for requesting a waiver of the requirements at section 10 of these SFIs are set out in the [SFI Waiver Procedure](#).

- 8.16 Before an SFI waiver is granted both the Executive Director of Finance, Head of Procurement, and the relevant service/divisional/department director must be satisfied that there is no alternative approach that could meet the organisation's need. The advice of the Procurement Department will always be sought and at no time would a waiver be granted that would lead the organisation to be in breach of relevant legislation. The procurement department shall maintain a register of waivers. Waivers will be reported to the next available Audit and Risk Committee.
- 8.17 In any procurement process, if an employee involved in the decision making process has an interest in any of the bidders, they must declare this and, if the assessment of the Head of Procurement is that this could be deemed to be a conflict, they must remove themselves from the process.
- 8.18 If an employee is offered a gift or hospitality from a supplier, they must declare it in accordance with section 17. If, by size or nature, this could be construed as an inducement to award business this must be reported to the Fraud Liaison officer and Head of Procurement who will provide further advice.
- 8.19 For regulated procurement (typically any tender over £50,000) and competitive procurement process, all members of the evaluation panel must sign a formal declaration of interests.

### Admissibility and Acceptance of Formal Tenders

## STANDING FINANCIAL INSTRUCTIONS

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8.20 It may be necessary clarify aspects of tenders received before the award of a contract. Such clarifications are acceptable but must be appropriately recorded and adhere to the overriding principles of equal treatment and transparency. Procurement will advise on the appropriate responses to clarifications.

8.21 Post-tender negotiation (PTN) is permissible with a preferred bidder in order to further refine and improve aspects of its bid. If PTN takes place the following requirements must be observed:

- The justification for the use of post-tender negotiation;
- The aim of the negotiations and the methods used;
- A record of all exchanges, both written and oral (verbal);
- Management approval for the award of contract;
- Prior to commencement of PTN, approval must be obtained from the Executive Director of Finance or Head of Procurement.

In no circumstances should PTN result in an alteration of the economic balance in favour of the supplier.

8.22 The basis for the award of regulated tenders shall be the Most Economically Advantageous Tender (MEAT). Regulated tenders must not be awarded based solely on price or cost criteria.

8.23 The evaluation process must ensure equal treatment of all bidders and be supported with records sufficient to meet public sector transparency obligations. As a matter of best practice, price/cost and quality/technical elements of tenders should not be evaluated by the same evaluators.

8.24 In circumstances where a requirement has been exposed to competition through competitive quotations or as a regulated procurement and only one bid has been received, a tender outcome report should be prepared prior to contract award. This report should describe any circumstances which may have contributed to a single bid being received. These may include, but are not limited to:

- Whether the specification of requirements may have prevented other competent suppliers from submitting a bid.
- Whether the specification of requirements could have been re-framed to be more commercially attractive in order to stimulate competition.
- How competitive the relevant market segment is.

Where it is proposed a contract should be award on the basis of a single bid, a case should be made with supporting evidence demonstrating that receipt of a single bid was not a result of a distortion of competition. The process for seeking approval to proceed on the basis of a single bid is covered in the Single Bids Procedure.

8.25 Where approval has been given to award a contract by the Head of Procurement or delegated person for the related area on the basis of a single bid, the approval and the reasons should be documented and reported to the Audit and Risk Committee.

## Unsuccessful Tenders

8.26 Following completion of the tender evaluation, tenderers shall be notified of the outcome and a 'standstill' period observed where required by legislation, regulation,



## STANDING FINANCIAL INSTRUCTIONS

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or these SFIs. Where a standstill period is observed no contract shall be formed until it has elapsed or NHS Golden Jubilee has addressed any legal challenges arising during the standstill period.

### Quotations

- 8.27 Where competitive quotations are required by these SFIs they should be obtained from at least three suppliers based on specifications or terms of reference prepared by, or on behalf of NHS Golden Jubilee.

### Acceptance and Award of Contracts

- 8.28 The limits for delegation for the acceptance of tenders / award of contracts shall be approved by NHS Golden Jubilee Board in line with the annual review of the Standing Financial Instructions and Scheme of Delegation or earlier if required.
- 8.29 No quotation or tender shall be accepted, nor any contract awarded, which will commit expenditure in excess of that which has been allocated by NHS Golden Jubilee and which is not in accordance with the Scheme of Delegation except with the authorisation of either the Chief Executive or Executive Director of Finance.

### Contracts

- 8.30 NHS Golden Jubilee may only enter into contracts within their statutory powers and shall comply with:-
- Standing Orders;
  - Standing Financial Instructions;
  - UK and Scottish legislation and regulations, and other statutory provisions;
  - Any relevant directions including the Scottish Capital Investment Manual and guidance on the Use of Management Consultants;
  - NHS Golden Jubilee's Standard Terms and Conditions.
- 8.31 Where specific contract conditions are considered necessary by the lead officer appointed by the Chief Executive or Executive Director of Finance, or by the NHS Golden Jubilee Board, where appropriate, advice shall be sought from suitably qualified persons. Where this advice is deemed to be legal advice, this must ordinarily be sought from the Central Legal Office of National Services Scotland. Where highly specialist legal advice is required an external legal advisor may be utilised subject to approval by the Chief Executive or Executive Director of Finance.
- 8.32 Where appropriate, contracts shall be in or embody the same terms and conditions of contract as was the basis on which tenders or quotations were invited.
- 8.33 Employees must ensure that all contracts, leases, tenancy agreements, property transactions and other commitments they enter into on behalf of NHS Golden Jubilee are within their delegated authority and that a funding source has been identified before the commitment has been made. If no funding source has been identified but the commitment regarded as essential the relevant service/department/divisional director must take this to the Chief Executive or Executive Director of Finance.



## STANDING FINANCIAL INSTRUCTIONS

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- 8.34 The Head of Procurement shall maintain an organisation wide contracts register. All contracts must be advised to the Head of Procurement for inclusion in the contracts register.
- 8.35 The Executive Director of Finance shall ensure there is an annual audit of compliance with the Property Transactions Handbook and that the results are considered by the Audit and Risk Committee.

### Contract Management

- 8.36 Contract management is recognised as being integral to the delivery of NHS Golden Jubilee's requirements as well as effective financial control. Unless otherwise specified within a procurement strategy, day-to-day contract management shall be the responsibility of the department or directorate benefiting from the goods, services or works provided under the contract. Contract management must be performed in accordance with the principles set out in NHS Golden Jubilee's current [Procurement Strategy](#) and Contract Management guidelines.

### Appointment of Management Consultants

- 8.37 The bespoke nature of many consultancy services and the degree of interest in the amount of public money spent on this area means additional procedures are needed for procuring consultancy services to ensure they are used sparingly, effectively and only where their use is unavoidable to deliver business objectives. NHS Scotland Boards are directed by the Scottish Public Finance manual [Consultancy procedures](#) to regard the Scottish Government "Use of Consultancy" procedures as best practice.
- 8.38 A business case, establishing the need for consultancy services should be completed at the outset and sent to the Deputy Executive Director of Finance.
- 8.39 Business cases up to £50,000 (excluding VAT) over the life of the consultancy agreement can be approved by the relevant Executive Director. Business cases in excess of £50,000 (excluding VAT) requires approval from Scottish Government.
- 8.40 Appointment of Consultants should in the first instance utilise National Contracts and, where this is not possible, by competitive tender. The reasons and approval for waiving the requirement to tender should be clearly documented and submitted to the Executive Leadership Team.
- 8.41 Where successive assignments beyond the scope and terms of an appointment made by competitive tender arise, these should also be subject to tender arrangements. Where it is expected that there may be follow-on assignments, it may be more appropriate for the tendering exercise to appoint one or more Consultants under a call-off arrangement.
- 8.42 On completion of the assignment a post project evaluation should be required for all consultancy appointments. These should be submitted by the relevant Executive Director to the Executive Director of Finance. Those for assignments costing more than £50,000 will be presented to the Audit and Risk Committee.

## STANDING FINANCIAL INSTRUCTIONS

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### Official Orders

- 8.43 No goods, services or works other than works and services executed in accordance with a contract, goods and services acquired via the approved Purchasing Cards and purchases from petty cash shall be ordered except on an official order, whether hardcopy or electronic, and contractors shall be notified that they should not accept orders unless on an official order form or processed via an approved secure electronic medium. Oral (Verbal) orders shall be issued only by an officer designated by the Chief Executive and only in cases of emergency or urgent necessity. These shall be confirmed by an official order issued no later than the next working day and clearly marked "Confirmation Order". National and NHS Golden Jubilee contracts should be used where available/appropriate. A limited list of exceptions will be maintained and communicated by the Deputy Executive Director of Finance.
- 8.44 Orders may be processed and transmitted by approved electronic methods.
- 8.45 Official order/requisition forms shall only be issued to and signed (signature may be replaced by electronic authorisation) by officers authorised by the Chief Executive. Lists of authorised officers shall be maintained by Procurement and a copy of such lists supplied to the Executive Director of Finance.
- 8.46 Orders shall not be placed in a manner devised to avoid the financial thresholds specified by NHS Golden Jubilee. Deliberate attempts to disaggregate the order value into smaller portions of work to avoid the limits set in the Scheme of Delegation will be a breach of the Standing Financial Instructions. Where there is a legitimate business reason for breaking a larger requirement into separate orders this should be discussed with the procurement department before proceeding.
- 8.47 Goods e.g. medical equipment shall not be taken on trial or loan in circumstances that could commit NHS Golden Jubilee to a future uncompetitive purchase. In such cases an indemnity agreement should be signed by the Executive Director of Finance or head of service/division/department.

### New Suppliers

Addition of new suppliers to both the e purchasing system and/or financial ledger system must adhere to the Supplier Adoption procedures, to ensure only appropriate suppliers are adopted.

### Payment

- 8.48 The Executive Director of Finance shall be responsible for the payment of all accounts, invoices and contract claims in accordance with contractual terms and/or the Better Payment Practice Code. Payment systems shall be designed to avoid payments of interest arising from non-compliance with the Late Payment of Commercial Debt (Interest) Act 1998 or other contractual requirements where payment conditions may be more onerous.
- 8.49 All requests for payment should, wherever possible, have relevant original VAT invoices or contract payment vouchers attached and shall be authorised for payment by an approved officer from a list of authorised signatories agreed by NHS Golden Jubilee. These should also be addressed to NHS Golden Jubilee.

## STANDING FINANCIAL INSTRUCTIONS

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- 8.50 The Executive Director of Finance shall be responsible for designing and maintaining systems for the verification, recording and payment of all amounts payable, including monies relating to clinical services. The system shall provide for certification that:-
- goods have been duly received, examined, are in accordance with specification and order, are satisfactory and that the prices are correct;
  - Work done or services rendered have been satisfactorily carried out in accordance with the order; that where applicable the materials used were of the requisite standard and that the charges are correct;
  - In the case of contracts based on the measurement of time, materials or expenses, the time charged is in accordance with the time sheets, that the rates of labour are in accordance with the appropriate rates, that the materials have been checked as regards quantity, quality and price and that the charges for the use of vehicles, plant and machinery have been examined;
  - Where appropriate, the expenditure is in accordance with regulations and that all necessary authorisation have been obtained;
  - The account/claim is arithmetically correct;
  - The account /claim is in order for payment;
  - VAT has been recovered as appropriate;
  - Clinical services to patients have been carried out satisfactorily in accordance with Service Level Agreements (SLAs) and Unplanned Activity arrangements (UNPACs);
  - A timetable and system for submission to the Executive Director of Finance of accounts for payment; provision shall be made for early submission of accounts subject to cash discounts or otherwise requiring early payment; and
  - Instruction of staff regarding the handling, checking and payment of accounts and claims within NHS Golden Jubilee Finance Department.
- 8.51 The Executive Director of Finance shall ensure that payment for goods and services is only made once the goods and services are received other than under the terms of a specific contractual arrangements.
- 8.52 Where an officer certifying accounts or claims relies upon other officers to do preliminary checking they shall, wherever possible, ensure that those who check delivery or execution of work act independently of those who have placed order and negotiated prices and terms. Budget Managers must therefore ensure that there is effective separation of duties between:
- The person placing the order; and
  - The person authorising the order
- Additionally,
- The person certifying receipt of goods and services, and
  - The person authorising the invoice.
- And no one person should undertake all these functions.
- 8.53 In the case of contracts for building or engineering works which require payment to be made on account during progress of the works, the Executive Director of Finance shall make payment on receipt of a certificate from the technical consultant or officer. Without prejudice to the responsibility of any consultant or works officer appointed to

## STANDING FINANCIAL INSTRUCTIONS

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a particular building or engineering contract, a contractor's account shall be subject to such financial examination by the Executive Director of Finance and such general examination by a works officer as may be considered necessary before the person responsible for the contract issues the final certificate. To assist financial control, a contracts register should be created.

- 8.54 The Executive Director of Finance may authorise advances on the imprest system for petty cash and other purposes as required. Individual payments must be restricted to the amounts authorised by the Executive Director of Finance and appropriate vouchers obtained and retained in accordance with the policy on culling and retention of documents.

- 8.55 NHS Golden Jubilee officers responsible for commissioning work (e.g. contractors including those who were previously employees of NHS Golden Jubilee) must, before any work assignment is agreed, carry out an employee status assessment (IR35) using the HMRC tool that confirms their status to ensure that NHS Golden Jubilee is not held liable for Income Tax and National Insurance by the HMRC.

This applies to workers who are engaged by or seconded from a company or other organisation, or engaged through their own limited company (a personal service company).

Further guidance can be found at -  
[Check employment status for tax - GOV.UK](https://gov.uk/guidance/check-employment-status-for-tax)

This HMRC assessment must be retained by the officers responsible for commissioning the self employed contractors and submitted to the Executive Director of Finance.

- 8.56 Advance/Prepayments for supplies, equipment or services shall not normally be permitted other than in exceptional circumstances, e.g. advance booking of courses, ordering literature subscriptions and goods supplied on pro forma invoices. Should other exceptional circumstances arise any proposal must be submitted to the Executive Director of Finance at the earliest opportunity. The Executive Director of Finance shall take appropriate advice in determining a course of action.
- 8.57 The budget holder is responsible for ensuring that all items due under a payment in advance contract are received and they must inform the Executive Director of Finance or Chief Executive immediately problems are encountered.
- 8.58 Managers and officers must ensure that they comply fully with the guidance and limits specified by the Executive Director of Finance and that:
- all contracts (except as otherwise provided for in the Scheme of Delegation), leases, tenancy agreements and other commitments which may result in a liability are notified to the Executive Director of Finance in advance of any commitment being made;
  - no order shall be issued for any item or items to any firm which has made an offer of gifts, reward or benefit to directors or employees, other than:
    - isolated gifts of a trivial character or inexpensive seasonal gifts, such as calendars;
    - conventional hospitality, such as lunches in the course of working visits;

## STANDING FINANCIAL INSTRUCTIONS

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- no commitment shall be made to any suppliers for goods and services by non-procurement staff outwith procurement guidelines.
- 8.59 Payments to local authorities and voluntary organisations made under NHS (Scotland) Act 1978 shall comply with procedures laid down by the Executive Director of Finance which shall be in accordance with that Act.

### Purchase from Petty Cash

- 8.60 Purchases from Petty Cash will be restricted in value and by type of purchase and records maintained in accordance with instructions issued by the Executive Director of Finance and shall not be placed in a manner devised to avoid the financial thresholds specified.

### Construction Industry Scheme

- 8.61 The scheme is to be administered in accordance with guidance supplied by the H.M. Revenue and Customs guidance CIS340 or online at [www.hmrc.gov.uk/cis](http://www.hmrc.gov.uk/cis).
- 8.62 The Director of Facilities and Capital Projects is responsible for ensuring that all necessary documentation is obtained from contractors/subcontractors and is supplied to the Finance Department in support of payment requests.
- 8.63 Before any payment is made for work carried out under CIS the subcontractor needs to be verified with HMRC, who will instruct NHS Golden Jubilee how to pay them, which could be Gross, standard deduction (20%) or higher rate (30%).
- 8.64 The Executive Director of Finance is responsible for remitting to the HMRC any tax deducted for payments made to sub-contractors. The Executive Director of Finance must ensure that this is done in accordance with the timetable(s) set out in H.M. Revenue and Customs guidance CIS340 or online at [www.hmrc.gov.uk/cis](http://www.hmrc.gov.uk/cis).

## STANDING FINANCIAL INSTRUCTIONS

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### SECTION 9: CAPITAL INVESTMENTS AND PRIVATE FINANCING

#### Capital Investment

9.1 The Executive Director of Finance:

- (a) shall ensure that there is an adequate appraisal and approval process in place for determining capital expenditure priorities and the effect of each proposal upon financial plans;
- (b) shall ensure that the capital investment is not undertaken without full approval and the availability of resources to finance all revenue consequences, including capital charges.

9.2 The relevant Executive Director is responsible for the management of all stages of capital schemes within their directorates and for ensuring that schemes are delivered on time and to cost.

9.3 For every capital expenditure proposal the Executive Director of Finance through the operations of the Strategic Capital Planning Group (SCPG) shall ensure:

- (a) That the appropriate procurement route is identified at the outset.
- (b) That the appropriate guidance is followed for business case development (in line with the guidance contained within the Scottish Capital Investment Manual and NHS Golden Jubilee local procedures in respect of medical and other equipment purchases). At a minimum there should be a business case setting out:
  - (i) an option appraisal of potential benefits compared with known costs to determine the option with the highest ratio of benefits to costs;
  - (ii) appropriate project management and control arrangements;
  - (iii) appropriate risk assessment and management.
- (c) that the costs and revenue consequences detailed in the business case can be accommodated within the Financial Plan.
- (d) that it is consistent with Corporate Objectives and Activity Operational Plan.

## STANDING FINANCIAL INSTRUCTIONS

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- 9.4 On approval of a capital investment scheme, in accordance with the Scheme of Delegation, the Executive Director of Finance through Strategic Capital Programme Board shall issue the following to the manager responsible for the capital investment project:
- specific authority to commit expenditure;
  - authority to proceed to tender or proceed under the Frameworks Scotland contractual arrangements;
  - approval to accept a successful tender or target price from preferred supply chain partner in respect of contracts let under Frameworks Scotland.
- 9.5 The Executive Director of Finance shall issue procedures governing the financial management, including variations to contract, of capital investment projects and valuation for accounting purposes. These procedures shall fully take into account the delegated limits for capital schemes.
- 9.6 In the case of large capital schemes a system shall be established for progressing the scheme and authorising necessary payments up to completion. Provision should be made for regular reporting of actual expenditure against authorised level of capital expenditure.
- 9.7 Where capital assets are sold, scrapped, lost or otherwise disposed of, their value must be removed from the accounting records and each disposal must be validated by reference to authorisation documents and invoices (where appropriate). Where land and property is disposed of the requirements set out in the Scottish Government Property Transactions Handbook, together with any subsequent amendments, shall be followed.
- 9.8 There is a requirement to achieve best value when disposing of assets. Competitive tendering should normally be undertaken in line with the requirements of the tendering procedure.
- 9.9 Competitive Tendering or Quotation procedures shall not apply to the disposal of:
- Any matter in respect of which a fair price can be obtained only by negotiation or sale by auction as determined (or pre-determined in a reserve) by the Chief Executive or nominated office;
  - Obsolete or condemned articles and stores, which may be disposed of in accordance with the supplies policy;
  - Items to be disposed of with an estimated sale value of less than £1,000, this figure to be reviewed annually;
  - Items arising from works of construction, demolition or site clearance, which should be dealt with in accordance with the relevant contract;
  - Land or buildings concerning which Scottish Office guidance has been issued but subject to compliance with such guidance.



## STANDING FINANCIAL INSTRUCTIONS

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### Third Party Funding

9.10 NHS Golden Jubilee shall follow Scottish Government guidance when considering third party funding sources for capital procurement. When NHS Golden Jubilee proposes to use finance which is to be provided other than through its Capital Allocation, the following procedures shall apply:

- The Executive Director of Finance shall demonstrate that the capital procurement route represents value for money and genuinely transfers significant risk to the private sector;
- Where the sum involved exceeds delegated limits, the business case must be referred to the Scottish Government Health and Social Care Directorate or in line with any current guidelines;
- The proposal must be specifically agreed by the NHS Golden Jubilee Board.



## STANDING FINANCIAL INSTRUCTIONS

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### SECTION 10: ASSET REGISTERS AND SECURITY OF ASSETS

#### Asset Registers

- 10.1 The Executive Director of Finance is responsible for the maintenance of registers of assets, taking account of the advice of the Director of Facilities and Capital Projects, Head of Procurement, Director of Digital Services, and Head of Medical Physics, concerning the form of any register and the method of updating, and arranging for a physical check of assets against the asset register to be conducted once a year.
- 10.2 NHS Golden Jubilee shall maintain an asset register recording fixed assets and right of use assets (i.e. leases). The minimum data set to be held within the register shall be as specified in the Scottish Capital Accounting Manual as issued by the Scottish Government Health and Social Care Directorate.
- 10.3 The organisation shall maintain a register of assets held under leases.
- 10.4 Additions to the fixed asset register must be clearly identified to an appropriate budget holder and be validated by reference to:
- properly authorised and approved agreements, architect's certificates, supplier's invoices and other documentary evidence in respect of purchases from third parties;
  - stores, requisitions and wages records for own materials and labour including appropriate overheads;
  - all lease agreements
- 10.5 Where capital assets are sold, scrapped, lost or otherwise disposed of, their value must be removed from the accounting records and each disposal must be validated by reference to authorisation documents and invoices (where appropriate).
- 10.6 All assets are disposed of in accordance with MEL (1996) 7 'Sale of surplus and obsolete goods and equipment' taking any due account of any potential liabilities that could arise from the sale and the need to ensure no confidential data is stored. For medical equipment the approval of the Medical Equipment Group is required before it can be sold. For all asset sales there must be written conditions of sale and signed documentation at the point of uplift and copies of that documentation must be passed to the debtors department so invoices can be raised and the proceeds secured.
- 10.7 Surplus assets may only be donated to charitable organisations which are registered with the Office of the Scottish Charity Regulator (OSCR), or an equivalent organisation, unless a request from an unregistered organisation is approved by the Executive Director of Finance (or their nominated deputy). For all asset donations there must be written and signed documentation excluding liability in favour of NHS Golden Jubilee. This documentation must be in NHS Golden Jubilee's required form which will be maintained by the Head of Procurement.

Where the disposal proceeds of the asset are likely to be in excess of £5,000 or the net book value is £5,000 or more the Chief Executive (or their nominated deputy) and the Executive Director of Finance (or their nominated deputy) must approve the disposal of the asset.

## STANDING FINANCIAL INSTRUCTIONS

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- 10.8 The Executive Director of Finance shall approve procedures for reconciling balances on fixed asset account in ledger against balances on fixed asset register.
- 10.9 The value of each asset shall be indexed to current values in accordance with methods specified in the Scottish Capital Accounting Manual issued by the Scottish Government Health and Social Care Directorate.
- 10.10 The value of each asset shall be depreciated using methods and rates as specified in the Scottish Capital Accounting Manual issued by Scottish Government Health and Social Care Directorate.
- 10.11 The Executive Director of Finance shall calculate and account for capital charges as specified in the Scottish Capital Accounting Manual issued by the Scottish Government Health and Social Care Directorate.

### Security of Assets

- 10.12 The overall control of fixed assets is the responsibility of the Chief Executive advised by the Executive Director of Finance.
- 10.13 Asset control procedures (including fixed assets, right of use assets (leases), cash, cheques and negotiable instruments, and also including donated assets) must be approved by the Executive Director of Finance. This procedure shall make provision for:
- Recording managerial responsibility for each asset;
  - Identification of additions and disposals;
  - Identification of all repairs and maintenance expenses;
  - Physical security of assets;
  - Periodic verification of the existence of, condition of, and title to, assets recorded;
  - Identification and reporting of all costs associated with the retention of an asset;
  - Reporting, recording and safekeeping of cash, cheques, and negotiable instruments.
- 10.14 All discrepancies revealed by verification of physical assets to fixed asset register shall be notified to the Executive Director of Finance.
- 10.15 Each employee has a responsibility to exercise a duty of care over the property of NHS Golden Jubilee and it shall be the responsibility of senior staff in all disciplines to apply appropriate routine security practices in relation to NHS property. Persistent breach of agreed security practices shall be reported to the Chief Executive.
- 10.16 Any damage to the NHS Golden Jubilee's premises, vehicles and equipment or any loss of equipment, stores or supplies must be reported by staff in accordance with the procedure for reporting losses.
- 10.17 On the closure of any facility, a check shall be carried out and a responsible officer will certify a list of items held showing eventual disposal. The disposal of fixed assets (including donated assets) will only be permitted if appropriate procedures are followed.

## **STANDING FINANCIAL INSTRUCTIONS**

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- 10.18 On the closure of any facility a check shall be carried out and a responsible officer will certify that all patient and other personally identifiable information has been removed from the facility under the NHS Golden Jubilee policy for Information Governance.
- 10.19 Where practical, assets should be marked as NHS Golden Jubilee property.

## STANDING FINANCIAL INSTRUCTIONS

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### SECTION 11: BANKING AND CASH HANDLING

- 11.1 The Executive Director of Finance shall be responsible for establishing bank accounts, as directed by the Scottish Government Health and Social Care Directorate.
- 11.2 All funds shall be held in the name of **National Waiting Times Centre Board** (legal name for NHS Golden Jubilee). The Executive Director of Finance shall report to the NHS Golden Jubilee Board as required on the details of all accounts maintained, including the conditions under which they are operating.
- 11.3 The Executive Director of Finance shall advise NHS Golden Jubilee's bankers of any alterations in the conditions of operation of the accounts that may be required by the financial regulations of the NHS in Scotland or by resolution of the NHS Golden Jubilee Board as required.
- 11.4 The Executive Director of Finance shall advise the bankers in writing of the officers authorised to release monies from and draw cheques on each bank account of NHS Golden Jubilee and provide specimen signatures to the bank. The Executive Director of Finance shall notify the bank promptly of any changes to such authorisations.
- 11.5 The Executive Director of Finance shall ensure that bank accounts are operated in accordance with the agreed conditions and as specified to the bank from time to time, that minimum balances are achieved where appropriate, that accounts are not overdrawn.
- 11.6 All cheques (which shall be crossed with "Not Negotiable – Account Payee only") are to be treated as controlled stationery in the charge of a duly designated officer controlling their issue.
- 11.7 All cheques, postal orders, cash etc., shall be banked intact and promptly, in accordance with the Executive Director of Finance approved procedures to the credit of the main account. Disbursements shall not be made from cash except under arrangements approved by the Executive Director of Finance.
- 11.8 All arrangements for the receipt and payment of monies using the Clearing Houses Automated Payment System (CHAPS) and the Bankers Automated Clearing Services (BACS) will be made by or under arrangements approved by the Executive Director of Finance.
- 11.9 All arrangements for payments to be made by Standing Order or Direct Debit from any NHS Golden Jubilee bank account will be made by or under arrangements approved by the Executive Director of Finance.

### Security of Cash, Cheques and other Negotiable Instruments

- 11.10 The Executive Director of Finance is responsible for:
  - Approving the form of all receipt books, agreement forms, or other means of officially acknowledging or recording amounts received or receivable;
  - Ordering and securely controlling any such stationery;

## STANDING FINANCIAL INSTRUCTIONS

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- The provision of adequate facilities and systems for employees whose duties include collecting and holding cash, including the provision of safes or lockable cash boxes, the procedures for keys and for coin operated machines;
- Prescribing systems and procedures for handling cash and negotiable securities on behalf of NHS Golden Jubilee.

- 11.11 All officers whose duty it is to collect or hold cash shall be provided with a safe or with a lockable cash box which will normally be deposited in a safe.

The officer concerned shall hold one key and all duplicates shall be lodged with the bank or such other officer authorised by the Executive Director of Finance, and suitable receipts obtained.

The loss of any key shall be reported immediately to the Executive Director of Finance (or nominated deputy).

The Executive Director of Finance shall, on receipt of a satisfactory explanation, authorise the release of the duplicate key.

The Executive Director of Finance shall arrange for all new keys to be despatched directly to him/her from the manufacturers and shall be responsible for maintaining a register of authorised holders of safe keys.

Keys should be held on the key holder's person or kept secure at all times. Keys should not be kept in, or on, desks (either hidden or otherwise).

- 11.12 All cash, cheques, postal orders and other forms of payments shall normally be received by more than one officer, neither of whom should be a cashier, and shall be entered immediately in an approved form of register, which should be signed by both. All cheques and postal orders shall be crossed immediately "Not negotiable – [appropriate account name]. The remittances shall be passed to the Cashier, from whom a signature shall be obtained.
- 11.13 The opening of coin-operated machines (including telephones) and the counting and recording of the takings shall normally be undertaken by two officers together, and the coin box keys shall be held by a nominated officer. The collection shall be passed to the Cashier, from whom a signature shall be obtained.
- 11.14 The Executive Director of Finance shall prescribe the system for the transportation of cash and shall approve, where appropriate, the use of the services of a specialist security firm.
- 11.15 Under no circumstances shall official monies be used for the encashment of private cheques or the making of loans of a personal nature.
- 11.16 All cheques, postal orders, cash, etc., shall be kept to a minimum and banked intact promptly, in accordance with the procedures established by the Executive Director of Finance. All prepayment certificates and prescription pads should be subject to the same security precautions and controls as is applied to cash items.
- 11.17 The safe key-holder shall not accept unofficial funds for depositing in any safe unless such deposits are in sealed envelopes or locked containers. It shall be made clear to

## STANDING FINANCIAL INSTRUCTIONS

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the depositor that NHS Golden Jubilee is not to be held liable for any loss, and written indemnity must be obtained from the organisation or individual absolving NHS Golden Jubilee from responsibility for any loss.

- 11.18 During the absence of the holder of a safe or cash box key, the officer who acts in their place shall be subject to the same controls as the normal holder of the key. There shall be written discharge for the safe and/or cash box contents on the transfer of responsibilities, and the discharge document must be retained for audit inspection.
- 11.19 All unused cheques, receipts and all other orders shall be subject to the same security precautions as are applied to cash: bulk stocks of cheques shall normally be retained by the Executive Director of Finance or his nominated officers or agents, and released by them only against authorised requisitions.
- 11.20 In all cases where NHS Golden Jubilee officers receive cash and/or cheques, empty telephone or other machine coin boxes etc., personal identity cards must be displayed prominently. On appointment staff shall be informed in writing, by the appropriate departmental or senior officers of their responsibilities and duties for the collection, handling or disbursement of cash, cheques etc.
- 11.21 Any loss or shortfall of cash, cheques or other negotiable instruments, or official controlled stationery, however occasioned, shall be reported immediately in accordance with the agreed procedure for reporting losses.

## **STANDING FINANCIAL INSTRUCTIONS**

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### **SECTION 12: INCOME, FEES AND CHARGES**

#### **Income Systems**

- 12.1 The Executive Director of Finance shall be responsible for designing and maintaining and ensuring compliance with systems for the proper recording, invoicing and collection and coding of all income due and the prompt banking of all monies received.
- 12.2 Details of new leases, new contracts and tenancy agreements require to be formally registered.

#### **Fees and Charges**

- 12.3 The Executive Director of Finance is responsible for approving and regularly reviewing the level of all fees and charges other than those determined by the Scottish Government Health and Social Care Directorate or by Statute. Independent professional advice on matters of valuation shall be taken as necessary.
- 12.4 All officers shall inform the Executive Director of Finance of money due to the Board arising from all transactions which they initiate, including all contracts, service level agreements (SLA's), leases, tenancy agreements, private patient undertakings and other transactions.

#### **Debt Recovery**

- 12.5 The Executive Director of Finance shall take appropriate recovery action on all outstanding debts. The Executive Director of Finance shall establish procedures for the write off of debts after all reasonable steps have been taken to secure payment or where circumstances dictate otherwise e.g. recovery of payroll errors. Where sums are to be written off to levels in line with the Scheme of Delegation, the Executive Director of Finance, subject to national guidelines on delegated authority will have authority to execute the write offs. Where the write off proposed is in excess of the delegated NHS Golden Jubilee Board level agreement will be sought from the Chief Executive prior to a Scottish Government approval request for write off.

## **STANDING FINANCIAL INSTRUCTIONS**

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### **SECTION 13: VAT**

- 13.1 The Executive Director of Finance is responsible for ensuring VAT is treated correctly within NHS Golden Jubilee and statutory returns to HMRC are completed accurately in line with the prescribed timetable.
- 13.2 NHS Golden Jubilee must keep a record of all the supplies that are made and received. Namely these will be copies of sales invoices and purchase invoices.
- 13.3 VAT must be considered when entering into any agreement, prior to that agreement being finalised. It is the responsibility of the individual approving these agreements to consider the VAT implications.
- 13.4 As VAT can be highly technical in areas, NHS Golden Jubilee has a dedicated VAT team and access to specialist advisors when required that should be contacted for advice in areas of uncertainty.
- 13.5 The Executive Director of Finance must be consulted if there remains any doubt.



## STANDING FINANCIAL INSTRUCTIONS

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### SECTION 14: STOCK CONTROL

- 14.1 Stock, defined in terms of controlled stores and departmental stores (for immediate use) should be:
- Kept to a minimum;
  - Subjected to annual or rolling stock take arrangement as appropriate;
  - Valued at the lower of cost and net realisable value.
- 14.2 The Chief Executive shall be responsible for the overall management of all NHS Golden Jubilee stockholdings and shall delegate effective and efficient management to designated officers.
- 14.3 The Executive Director of Finance shall be responsible for ensuring that the systems and internal controls in relation to stores are adequate.
- 14.4 The day to day management may be delegated to departmental officers and stores managers/keepers, subject to such delegation being entered in a record available to the Executive Director of Finance.
- 14.5 The control of other stocks such as pharmaceutical stocks shall be the responsibility of the relevant Department Head.
- 14.6 The responsibility for security arrangements and the custody of keys for all stockholding locations shall be clearly defined in writing by an officer delegated by the Chief Executive and agreed with the Executive Director of Finance. Wherever practicable stocks held outwith NHS Golden Jubilee locations shall be marked as health service property.
- 14.7 All stockholding and stock management records shall be in such form and shall comply with such system of control, as the Executive Director of Finance shall approve. This shall include inventory management systems with high turnover and pharmacy stockholdings.
- 14.8 In addition, all items of re-usable equipment, as determined by an appropriate officer and 'equipment' or 'assets' shall be properly registered, receipted and controlled. This includes the following:
- Equipment held at departmental level;
  - Equipment on loan; and
  - All contents of furnished lettings.

Wherever practicable, items of equipment shall be marked as NHS Golden Jubilee property.

- 14.9 The level of stockholding (measured in absolute terms and by stock duration in days) should be set as a "just in time" level to be agreed in conjunction with procurement, finance and individual stock areas. This will be reviewed on a rolling basis in terms of appropriate levels. It is the responsibility of stockholders to control stock within the agreed level.

## STANDING FINANCIAL INSTRUCTIONS

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- 14.10 The Executive Director of Finance shall approve the processes for validating stockholding during and / or at the end of each financial year, including investigation of any discrepancies where necessary.
- 14.11 Systems and procedures will be operated to ensure that:
- The quality and quantity of goods received is as required;
  - The goods are issued only for authorised use;
  - losses or other adjustments are accurately and promptly recorded and available for review or audit by the Executive Director of Finance; and
  - the range and level of stockholdings held are reviewed regularly.
  - Segregation of duties must be applied between ordering/receipting and payment.
- 14.12 Where a complete system of stockholding and management of stock is not justified, alternative arrangements shall require the approval of the Executive Director of Finance.
- 14.13 Stocks will be valued at the lower of cost or net realisable value. For this purpose, cost will be ascertained on a consistent basis set by the Executive Director of Finance. The cost of stock will be the purchase price without any overheads. The cost basis used must be clearly stated in any returns or accounts.
- 14.14 The Head of Procurement shall be responsible for a system approved by the Executive Director of Finance for a review of slow-moving and obsolete items for condemnation, disposal, and replacement of all unserviceable articles. The designated Officer shall report to the Executive Director of Finance any evidence of significant overstocking and of any negligence or malpractice. Procedures for the disposal of obsolete stock shall follow the procedures for the disposal of all surplus goods.
- 14.15 For goods supplied via centrally controlled stockholdings, the Executive Director of Finance will identify those authorised to approve, minimum operational stock retention levels within approved budgets, those staff who can requisition top up replacement and those staff who can accept/receipt goods. Detailed Ward Product Management procedures that capture, channel and replenish regularly used products shall be developed.
- 14.16 All goods received shall be checked as regards quantity and/or weight and inspected as to quality and specifications. A delivery note shall be obtained from the supplier at the time of delivery and shall be signed by the person receiving the goods. Instructions shall be issued to staff covering the procedure to be adopted in those cases where a delivery note is not available. Particulars of all goods received shall be entered on a goods received record or input to computer file on the day of receipt. Where goods received are seen to be unsatisfactory or short on delivery they shall be accepted only on the authority of the Designated Officer and the supplier shall be notified immediately.
- 14.17 All requirements shall be supported by an authorised requisition. Where a “topping-up” system is used, a record shall be maintained in a form approved by the Executive Director of Finance. Regular comparisons shall be made of the quantities issued to wards/departments, etc. and explanations recorded of significant variations.

## STANDING FINANCIAL INSTRUCTIONS

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- 14.18 Requisitions whether for stock or non stock items may be transmitted electronically and not held in paper form providing always that appropriate procedures for such transmissions are agreed by the Executive Director of Finance.
- 14.19 All transfers and returns shall be recorded on forms provided for the purpose and approved by the Executive Director of Finance.
- 14.20 Breakages and other losses of goods in stores shall be recorded as they occur, and a summary shall be presented to the Executive Director of Finance at quarterly intervals. Tolerance limits shall be established for all stores subject to unavoidable loss, e.g. shrinkage in the case of certain foodstuffs and natural deterioration of certain goods. These items shall be written down to their net realisable value. The write down shall be approved by the Executive Director of Finance or such delegated officer(s) and recorded.
- 14.21 For goods supplied via the National Distribution Centre central warehouse, the Chief Executive shall identify those authorised to requisition and accept goods from the store. The authorised person shall check receipt against the delivery note before forwarding this to the nominated officer who shall satisfy themselves that the goods have been received before accepting the recharge.
- 14.22 Instructions for stocktaking and basis of valuation will be issued at least once per year by the Executive Director of Finance.
- 14.23 Consignment stock are those items that remain the property of the supplier until used but remain within the department for practical reasons. Consignment stock held must have been approved in accordance with the delegated authority and must be kept to an agreed minimum level. Consignment stock must not be included in stock value, but separate records must be kept. Any documentation that sets out the terms and conditions of the consignment stock arrangements must be approved by Procurement.

## STANDING FINANCIAL INSTRUCTIONS

### SECTION 15: ACCEPTANCE OF FINANCIAL ASSISTANCE, GIFTS AND HOSPITALITY, AND DECLARATION OF INTEREST

- 15.1 The NHS Golden Jubilee Board is committed to ensuring that NHS Golden Jubilee and its employees maintain strict ethical standards in the conduct of NHS business and are protected from allegations of conflict of interest, acting improperly or breach of impartiality.
- 15.2 The following policies and legislation should act as a guide for all staff –
- [Scottish Public Finance Manual \(SPFM\)](#);
  - Managing Conflicts of Interests Policy
  - Code of Conduct
  - [Association of British Pharmaceutical Industry \(ABPI\) Code of Conduct](#)
  - The Legislative Framework is contained in the Prevention of Corruption Acts 1906 and 1916 and the Ethical Standards in Public Life (Scotland) Act 2000;
  - NHS Circulars - MEL (1994) 80 entitled Corporate Governance in the NHS, and MEL (2000) 13, entitled Fundraising, Income Generation and Sponsorship within the NHS, NHS Circular No 1989 (GEN) 32 entitled Acceptance of Financial Assistance, Gifts and Hospitality and Declaration of Interest;
  - Guidance contained in the Code of Accountability for Boards 1994 and A Common Understanding; Guidance on Joint working between NHS Scotland and the Pharmaceutical Industry 2003;
  - The Bribery Act 2010.
- 15.3 The responsibility for ensuring that a register is maintained for recording of interests in contracts or receipts of gifts/hospitality rests with the Chief Executive, delegated to the Head of Corporate Governance and Board Secretary, who may devolve responsibility for sections of it as set out in the Scheme of Delegation.
- 15.4 Managers and officers must ensure that they comply fully with the guidance and limits specified by the Executive Director of Finance, and that no order shall be issued for any item or items to any firm which has made an offer of gifts, reward or benefit to directors or employees.
- 15.5 The Executive Director of Finance shall be responsible for ensuring there are detailed procurement procedures for dealing with potential conflicts of interest. Where an employee supplies services to a potential bidder or where they, or any family member, could be seen to benefit from the award of business to a particular supplier they must be excluded from the procurement decision. In other circumstances any potential interest in a particular supplier must be declared and recorded and there must be a written risk assessment establishing there is no risk to fair process and the benefits of including them outweigh any perceptual issues.
- 15.6 It is the responsibility of staff to ensure that they do not place themselves in a position which risks, or appears to risk, conflict between their private interests and their NHS duties. This primary responsibility applies to all NHS staff but is of particular relevance to those who commit NHS resources directly (e.g. by the ordering of goods) or those who do so indirectly (e.g. by the prescribing of medicines).
- 15.7 Under the Bribery Act 2010 it is an offence for Health Service employees to corruptly accept any gifts or consideration as an inducement or reward for –

## STANDING FINANCIAL INSTRUCTIONS

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- doing, or refraining from doing, anything in their official capacity.
- showing favour or disfavour to any person in their official capacity.

15.8 The NHS must be impartial and honest in the conduct of its business and its employees should remain beyond suspicion. Under the Bribery Act 2010, it is an offence to request, agree to receive or accept a bribe in return for improperly performing a function or activity.

15.9 It should be clearly understood therefore that:-

- a breach of the provisions of the Acts renders staff liable to prosecution, will lead to disciplinary action and may provide grounds for dismissal
- anyone convicted of corruption may forfeit their superannuation rights
- anyone holding qualifications which are subject to registration by a statutory body may be subject to removal from the register if convicted of corruption, forfeiting their right to practise professionally

15.10 The Code of Conduct for NHS Staff provides instructions to staff in maintaining strict ethical standards in the conduct of NHS business. All staff are therefore required to adhere to the Code of Conduct for NHS Golden Jubilee Staff.

15.11 The key elements of the Code of Conduct are that the employees of NHS Golden Jubilee are expected to –

- ensure that the interest of patients remains paramount at all times;
- be impartial and honest in the conduct of their business;
- use the public funds entrusted to them to the best advantage of the service, always ensuring value for money.

Employees should not –

- abuse their official position for personal gain or to benefit their family and/or friends;
- seek to advantage or further their private business or other interests, in the course of their official duties.

15.12 If staff follow these principles, NHS Golden Jubilee should be able to demonstrate that it adheres to the three essential public sector values –

Accountability – all work undertaken by NHS Golden Jubilee staff must be able to stand the test of scrutiny, public judgements on propriety and professional codes of conduct.

Probity - there should be an absolute standard of honesty in dealing with the assets of the NHS: integrity should be the hallmark of all personal conduct in decisions affecting patients, staff and suppliers and in the use of information acquired in the course of NHS duties.

Openness - there should be sufficient transparency about NHS activities to promote confidence between NHS Golden Jubilee, its staff and the public.

### 15.13 Acceptance of Gifts and Hospitality

## STANDING FINANCIAL INSTRUCTIONS

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The Managing Conflicts of Interest Policy for NHS Golden Jubilee staff includes instructions on the acceptance of gifts and hospitality and these Standards are incorporated into the contract of employment of each member of staff. Practices which may be accepted in the private sector are not permitted under the Standards. The key points in the Standards are as follows.

### 15.13.1 Anti-Bribery Policy

The NHS Golden Jubilee Board will uphold all laws relevant to countering bribery and corruption, including the Bribery Act 2010 (the Act). This commitment applies to every aspect of NHS Golden Jubilee's activity, including dealings with public and private sector organisations and the delivery of care to patients.

The Act recognises a number of offences including the following:-

- The offering, promising or giving of a bribe (active bribery);
- The requesting, agreeing to receive or accepting of a bribe (passive bribery).

Any employee who commits active or passive bribery will be subject to disciplinary action. In addition, the matter will be referred to relevant authorities for criminal investigation. The maximum sentence for any individual convicted of bribery is 10 years.

The Act also recognises a further offence of corporate liability for failing to prevent bribery on behalf of a commercial organisation. NHS Golden Jubilee has put in place a range of measures intended to prevent bribery and these are subject to formal and regular review to ensure they remain fit for purpose.

Staff should therefore be very cautious if faced with the offer of a gift. Casual gifts offered by contractors or others (for example, at the festive season) may not be in any way connected with the performance of duties so as to constitute an offence under the Bribery Act 2010. Such gifts should nevertheless be declined. Articles of small intrinsic value such as calendars or diaries, may however be accepted, where this would not breach the Managing Conflicts of Interest Policy.

Small gifts from patients or their families, to express their gratitude to members of staff, can be accepted by members of staff without breaching the Policy. The circumstances should allow sensible application of judgement. Such gifts will be of relatively low value (i.e. less than £25), for example, biscuits, chocolates, flowers. These gifts do not need to be registered within the set financial limits.

However:

- staff must not accept any offer of a gift or hospitality from any individual or organisation which stands to gain or benefit from a decision NHS Golden Jubilee may be involved in determining, or who is seeking to do business with NHS Golden Jubilee.
- staff must not accept any offer, by way of gift or hospitality, which could give rise to a reasonable suspicion of influence on their part to show favour, or disadvantage, to any individual, organisation or company.

## STANDING FINANCIAL INSTRUCTIONS

- staff should consider whether there may be a reasonable perception that any gift received by their spouse or partner or by any company in which they have an interest, or by a partnership of which they are a partner, can or would influence their judgement.

Note - the term 'gift' includes benefits such as relief from indebtedness, loan concessions, or provision of services at a cost below that generally charged to members of the public.

Where an unsolicited, inappropriate or high value gift is received and the individual is unable to return it or the donor refuses to accept its return, he/she should report the circumstances to the Head of Corporate Governance and Board Secretary for discussion with the Executive Director Finance, who will ensure that the donor is advised of the course of action.

Staff must never canvass or seek gifts or hospitality. Under no circumstances can staff accept personal gifts of cash. Financial donations to a department fund, which are to be used for the purposes of NHS Golden Jubilee (e.g. to support staff training) must be administered through the NHS Golden Jubilee Charity.

All unsolicited, inappropriate or high value gifts and hospitality, whether accepted or declined, must be entered on the Register of Interests, Gifts and Hospitality, which can be obtained by contacting the Head of Corporate Governance and Board Secretary.

Gifts of equipment not for individual use may be accepted, provided that:-

- they are in no way related to purchasing decisions and do not commit the NHS Golden Jubilee to any obligations with the supplier;
- they are entered in the Register of Interests, Gifts and Hospitality;
- a risk assessment is carried out before acceptance of NHS Golden Jubilee's potential liabilities of accepting the asset;
- the budget holder's approval to accepting the gift is sought – particularly if there are any costs - recurrent or non-recurrent – associated with accepting the gift;
- they are recorded under the procedures for accepting donated assets and details notified to the Head of Medical Physics.

### 15.13.2 Hospitality

The Ethical Standards in Public Life etc. (Scotland) Act 2000 states the following:

- As a general rule it is usually appropriate to refuse offers;
- You must not accept repeated hospitality from the same source;
- You must not accept any hospitality offer ... to show favour or disadvantage to any individual.

Modest hospitality may be acceptable provided it is normal and reasonable in the circumstances and within the set financial limits e.g. lunches in the course of a working visit. Any hospitality accepted should be similar in scale to that which the NHS as an employer would be likely to offer. All other offers of hospitality should be declined.



## STANDING FINANCIAL INSTRUCTIONS

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Hospitality in excess of what the NHS would be likely to provide should not normally be accepted. Such hospitality should be politely but firmly declined.

Should an individual wish to accept hospitality, then approval of the appropriate line manager/Head of Department/Director is required. All hospitality exceeding what the NHS would be likely to provide, whether accepted or declined, must be entered on the Register of Interests, Gifts and Hospitality.

It may not always be clear whether an individual is being invited to an event involving the provision of hospitality (e.g. formal dinner) in a personal/private capacity or as a consequence of the position which they hold within NHS Golden Jubilee.

- If the invitation is the result of the individual's position within NHS Golden Jubilee, only hospitality which is modest and normal and reasonable in the circumstances should be accepted. If the nature of the event dictates a level of hospitality which exceeds this, then the individual should ensure that their line manager/Head of Department/Director is fully aware of the circumstances and approves their attendance. An example of such an event might be an awards ceremony involving a formal dinner. If the line manager/Head of Department/Director grants approval to attend, the individual should declare their attendance for registration in the Register of Interests, Gifts and Hospitality.
- If the individual is invited to an event in a private capacity (e.g. as result of their qualification or membership of a professional body), they are at liberty to accept or decline the invitation without referring to his/her line manager/Head of Department/Director. The following matters should however be considered before an invitation to an individual in a private capacity is accepted.
- The individual should not do or say anything at the event that could be construed as representing the views and/or policies of NHS Golden Jubilee.
- If the body issuing the invitation has (or is likely to have, or is seeking to have) commercial or other financial dealings with NHS Golden Jubilee, then it could be difficult for an individual to demonstrate that their attendance was in a private and not an official capacity. Attendance could create a perception that the individual's independence had been compromised, especially where the scale of hospitality is lavish. Individuals should therefore exercise caution before accepting invitations from such bodies and must inform their line manager/Head of Department/Director.
- Where suppliers of clinical products provide hospitality it should only be accepted in association with scientific meetings, clinical educational meetings or equivalent, which must be modest, normal and reasonable in the circumstances and in line with what the NHS would normally provide and held in appropriate venues conducive to the main purpose of the event, e.g. the sponsorship is clearly disclosed in any papers relating to the meeting; products discussed should be described in relation to the Scottish Medicines Consortium, Formulary or equivalent clinical product catalogue and the active promotion of clinical products is restricted to those in NHS Golden Jubilee's Formulary and equivalent clinical product catalogues.

### Assessment and training visits for new equipment



## STANDING FINANCIAL INSTRUCTIONS

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It is not acceptable for individuals within NHS Golden Jubilee to accept offers of travel or overnight accommodation except where such visits do not relate to the purchase of equipment but are rather to do with training or familiarisation of equipment which it has already been determined will be purchased. In these circumstances it is acceptable for the cost to be met by the manufacturer or supplier.

Whilst it will be necessary for staff advising on the purchase of equipment to inspect such equipment in operation in other parts of the country or exceptionally overseas, acceptance of an offer by the manufacturer to meet the costs of such visits may cast doubts on the integrity of subsequent purchasing decisions. NHS Golden Jubilee will therefore meet the costs of any visits which are considered necessary. Any such visits will require to be authorised by the appropriate line manager.

### **Record of Hospitality and Gifts**

It is the responsibility of the recipients of gifts and hospitality to declare all reportable items received, whether accepted or declined, via the Declaration of Gifts, Hospitality and Interests that can be contacted by the Corporate Governance Department.

### **Competitions/Prizes**

Individuals should not enter competitions including free draws organised by bodies who have (or are seeking to have) financial dealings with NHS Golden Jubilee. Potential suppliers may use this as a means of giving money or gifts to individuals within the NHS Golden Jubilee in an effort to influence the outcome of business decisions.

### **Other Gifts/Promotional Offers**

There will be instances where staff have the opportunity to accept a gift or some other promotional offer from a supplier, manufacturer or contractor without it being obvious that it is intended as an inducement. The offer may be described as 'without strings'. Acceptance of such offers may however create a sense of obligation which could affect the impartiality of a member of staff on some future occasion, and could in any event cast doubt on his/her integrity, with damaging effect on his/her reputation and that of the organisation.

### **15.13.3 Register of Staff Interests**

To avoid conflicts of interest and to maintain openness and accountability, employees are required to register all interests that may have any relevance to their duties/responsibilities. These include any financial interest in a business or any other activity or pursuit that may compete for an NHS contract to supply either goods or services to the NHS or in any other way could be perceived to conflict with the interests of NHS Golden Jubilee. The test to be applied when considering appropriateness of registration of an interest is to ask whether a member of the public acting reasonably might consider the interest could potentially affect the individual's responsibilities to the organisation and/or influence their actions. If in doubt the individual should register the interest or seek further guidance from the Head of Corporate Governance and Board Secretary.

Interests that it may be appropriate to register include:

## STANDING FINANCIAL INSTRUCTIONS

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- Other employments;
- Directorships including Non-Executive Directorships held in private companies or public limited companies (whether remunerated or not);
- Ownership of, or an interest in, private companies, partnerships, businesses or consultancies.
- Shareholdings in organisations likely or possibly seeking to do business with the NHS (the value of the shareholdings need not be declared);
- Ownership of, or interest in land or buildings which may be significant to, of relevance to, or bear upon the work of NHS Golden Jubilee;
- Any position of authority held in another public body, trade union, charity or voluntary body;
- Any connection with a voluntary or other body contracting for NHS services.
- Any involvement in joint working arrangements with Clinical (or other) Suppliers

This list is not exhaustive and should not preclude the registration of other forms of interest where these may give rise to a potential conflict of interests upon the work of NHS Golden Jubilee. Any interests of spouses, partner or civil partner, close relative or associate, or persons living with the individual as part of a family unit, could also require registration if a potential conflict of interests exists.

All members of staff are responsible for entering their interests via the Declaration of Gifts, Hospitality and Interests that can be accessed from the Corporate Governance Department. Any changes to interests should be notified at the earliest opportunity, or within 4 weeks of the change occurring. A separate Register of Interests for NHS Golden Jubilee Board Members will be held by the Board Secretary.

The entries in the Register of Interests, Gifts and Hospitality will be retained in respect of any registration for a period of 5 years after the registration ceases or the member of staff leaves.

It is the responsibility of each individual to declare any relevant interest to the Chair of any NHS Golden Jubilee Board Standing Committee, Professional Advisory Committee, decision making group that they sit on so that the Chair is aware of any conflict which may arise. These Declarations of Interest must be recorded in the Minutes of the meeting.

## STANDING FINANCIAL INSTRUCTIONS

### SECTION 16: ANNUAL ACCOUNTS AND REPORTS

- 16.1 NHS Golden Jubilee is required under the terms of Section 86(3) of the National Health Service (Scotland) Act 1978 to prepare and submit Annual Accounts by the date advised by Scottish Government to Scottish Ministers.
- 16.2 Scottish Ministers have issued Accounts Directions in exercise of the powers conferred by Section 86(1) of the National Health Service (Scotland) Act 1978 which contain the following provisions:

#### Basis of Preparation

- 16.3 Annual Accounts shall comply with:
- The accounting and disclosure requirements of the Companies Act;
  - International Financial Reporting Standards, insofar as they are appropriate to the NHS and remain in force for the financial year for which the accounts are to be prepared;
  - The Scottish Government Annual Accounts Manual and HM Treasury Financial Reporting Manual
  - The historical cost convention modified by the inclusion of Property, Plant and Equipment at their fair value to the business by reference to current costs; and inventories at the lower of net current replacement cost (or historical cost if this is not materially different) and net realisable value.

#### Form of Accounts

- 16.4 The Annual Accounts shall comprise:

In accordance with the FReM, NHS Scotland Boards are required to prepare an annual report and accounts to comprise:

- The Performance Report
- The Accountability Report
- The Independent Auditor's Report
- The Financial Statements

Such notes as may be necessary for the purposes referred to below.

- 16.5 The Annual Accounts shall give a true and fair view of the operating costs, changes in taxpayers and other equity, statement of financial position, and statement of cash flows. Subject to the foregoing requirement, the Annual Accounts shall also contain any disclosure and accounting requirements which Scottish Ministers may issue from time to time.
- 16.6 The Executive Director of Finance shall keep proper accounting records which allow the timeous preparation of Annual Accounts, in accordance with the timetable laid down by the Scottish Government Health and Social Care Directorate, and which give a true and fair view of NHS Golden Jubilee and its financial position for the period in question.

## STANDING FINANCIAL INSTRUCTIONS

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- 16.7 The annual accounts and returns shall be prepared in accordance with all appropriate regulatory requirements and be supported by appropriate accounting records and working papers prepared to an acceptable professional standard.
- 16.8 Under the terms of the Public Finance and Accountability (Scotland) Act 2000, the Auditor General for Scotland has responsibility to appoint the external auditors to undertake the statutory audit of NHS Golden Jubilee.
- 16.9 The Executive Director of Finance shall agree with the External Auditor a timetable for the production, audit, adoption by NHS Golden Jubilee and submission of annual accounts to the Auditor General for Scotland and the Scottish Government Health and Social Care Directorate. The timetable shall be consistent with the requirements of the Scottish Government Health and Social Care Directorate.
- 16.10 Annual Accounts shall be prepared in accordance with the relevant Accounts Direction and Accounts manual issued by the Scottish Government Health and Social Care Directorate.
- 16.11 The Chief Executive shall be responsible for preparing a Governance Statement in respect of NHS Golden Jubilee and in so doing shall seek appropriate assurance, including that of the Internal Audit, with regard to the adequacy of internal control throughout the organisation.
- 16.12 The Annual Accounts of NHS Golden Jubilee shall be reviewed by the Audit and Risk Committee, which has responsibility for recommending adoption of the annual accounts by NHS Golden Jubilee Board.
- 16.13 Under the terms of the Public Finance and Accountability (Scotland) Act 2000, Annual Accounts may not be placed in the public domain, prior to them being formally laid before Parliament.
- 16.14 Following the formal approval of the motion to adopt the Accounts by NHS Golden Jubilee Board the Annual Accounts and relevant certificates shall be duly signed on behalf of the Board and submitted to the External Auditor for completion of the relevant audit certificates.
- 16.15 Signed sets of the Annual Accounts shall then be submitted by NHS Golden Jubilee Board to the Scottish Government Health and Social Care Directorate, and by the External Auditor to the Auditor General for Scotland.
- 16.16 The Chief Executive shall arrange for the production and circulation of an Annual Report for NHS Golden Jubilee in such form and on such a timescale as may be determined by the Scottish Government Health and Social Care Directorate.

## STANDING FINANCIAL INSTRUCTIONS

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### SECTION 17: LOSSES AND SPECIAL PAYMENTS

- 17.1 The Executive Director of Finance must prepare procedural instructions on the recording of and accounting for losses, and special payments.
- 17.2 Any officer discovering or suspecting a loss of any kind must directly notify his head of department, who will immediately, or without undue delay, dependent on the seriousness of the loss, inform the Executive Director of Finance. Where a criminal offence is suspected, the Theft and Fraud Policy and Response Plan must be applied.
- 17.3 The Executive Director of Finance shall notify Scottish Government of all discovered frauds and any loss arising from criminal or suspected offences perpetrated by employees; Circular CEL10(2010) refers. Enhanced Reporting of Fraud.
- 17.4 NHS Golden Jubilee must always pursue recovery of overpayments, irrespective of how they came to be made taking into account any factors as set out in SPFM, NHS Circulars and local partnership agreements.
- 17.5 There will be both practical and legal limits to how cases should be handled. Each case should therefore be dealt with on its merits. When deciding on appropriate action, taking legal advice, organisations should consider:
  - whether the recipient accepted the money in good or bad faith;
  - the cost-effectiveness of recovery action;
  - any relevant personal circumstances of the payee, including defences against recovery;
  - the length of time since the payment in question was made; and
  - the need to deal equitably with overpayments to a group of people in similar circumstances.
- 17.6 The Scottish Government has delegated authority to the NHS Scotland Board to write-off losses and make special payments up to certain limits as set out in the CEL10(2010). For payments to be made above the levels specified Scottish Government authority must be obtained.
- 17.7 NHS Golden Jubilee Board in turn will delegate responsibility to the Executive Director of Finance to approve write-off and authorise special payments up to the values specified in the Scheme of Delegation.
- 17.8 The Executive Director of Finance shall maintain a losses and compensation register in which details of all losses shall be recorded as they are known. Write-off action shall be recorded against each entry in the register. The Register will form the basis of the return, which is included in the Annual Report and Accounts.
- 17.9 The exercise of powers of delegation in respect of losses and special payments will be subject to the submission of reports to Audit and Risk Committee identifying which powers have been exercised and the amount involved. These reports will subsequently be remitted to the NHS Golden Jubilee Board for approval, in summary, on an annual basis. Losses will be recorded on the electronic risk management system (DATIX) that will enable trend analysis reporting.

## STANDING FINANCIAL INSTRUCTIONS

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- 17.10 The Executive Director of Finance shall be authorised to take any necessary steps to safeguard the interests of the Board in bankruptcies, company liquidations and receiverships.
- 17.11 For any loss, the Executive Director of Finance shall consider whether any insurance claim can be made against insurers.
- 17.12 The Executive Director of Finance must prepare detailed procedures for the disposal of assets including condemnations, and ensure that these are notified to managers.
- 17.13 When it is decided to dispose of a NHS Golden Jubilee asset, the Head of Department or authorised deputy will determine and advise the Executive Director of Finance of the estimated market value of the item taking account of professional advice where appropriate.
- 17.14 All unserviceable articles shall be:
- Condemned or otherwise disposed of by an employee authorised for that purpose by the Executive Director of Finance.
  - Recorded by the Condemning Officer in a form approved by the Executive Director of Finance which will indicate whether the articles are to be converted, destroyed or otherwise disposed of. All entries shall be confirmed by the countersignature or a second employee authorised for the purpose by the Executive Director of Finance.
- 17.15 The Condemning Officer shall satisfy themselves as to whether or not there is evidence of negligence in use and shall report any such evidence to the Executive Director of Finance who will take the appropriate action.

## STANDING FINANCIAL INSTRUCTIONS

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### SECTION 18: FRAUD, BRIBERY AND CORRUPTION

- 18.1 This section should be read in conjunction with the NHS Golden Jubilee Fraud and Theft Policy and Response Plan, the NHS Golden Jubilee Board members Code of Conduct, the Bribery Act 2010 and the national [Whistleblowing Policy](#).
- 18.2 Guidance on the approach to various forms of irregularities is contained in Scottish Government Health and Social Care Directorate Circular NHS HDL (2005) 5, as updated by DL (2016) 3, and Counter Fraud Services (CFS) Partnership Agreement, which draws a clear distinction between treatment of suspected (a) theft and (b) fraud, embezzlement, corruption, and other irregularities (hereafter referred to as “fraud, etc.”). For practical purposes fraud may be defined as the use of deception with the intention of obtaining an advantage, avoiding an obligation or causing loss to another party. This includes bribery and theft where deception is involved. NHS Golden Jubilee operates a zero tolerance approach to bribery committed by any person working for or providing services to NHS Golden Jubilee. Any allegation of bribery will be investigated in accordance with relevant processes and procedures and may be reported to the authorities, as appropriate.
- 18.3 If concerns are raised through the Whistleblowing process regarding fraud, details should be passed onto NHS Golden Jubilee’s Fraud Liaison Officer (FLO) within two working days in line with existing arrangement. The FLO will assess and if appropriate pass on these concerns to NHS Counter Fraud Services. If there is a fraud investigation being undertaken the FLO will be able to confirm if it would be appropriate to carry out any concurrent investigations.
- 18.4 The Executive Director of Finance shall, through staff briefings and intranet links ensure there is clear information to employees on what to do if they suspect fraud.
- 18.5 Where any officer has grounds to suspect that fraud, etc. has occurred, they should notify their line manager without delay. If the employee feels unable to notify their line manager they should contact the Fraud Liaison Officer (FLO) direct, whistleblowing champion or contact an executive or non-executive director or use a route outside the organisation such as the Counter Fraud Services.
- 18.6 Any line manager or director receiving an allegation of fraud should immediately notify the FLO who should ensure that the Executive Director of Finance and Director of People and Culture (if the allegation involves staff) is advised.
- 18.7 The FLO will carry out only such preliminary investigations, as deemed necessary to establish whether or not there is a prima facie case of fraud, etc. If the Executive Director of Finance agrees there is a prima facie case, the FLO will inform CFS and the Chief Executive as Accountable Officer. Restitution of funds or property is not a reason for not proceeding with an investigation.
- 18.8 The Counter Fraud Services (CFS) is a central resource for carrying out all fraud investigations, and a centre of expertise for investigations into potential frauds. The operations of CFS are outlined in the Partnership Agreement between NHS Golden Jubilee and CFS.
- 18.9 With the permission of the Chief Executive, Executive Director of Finance or Deputy Executive Director of Finance CFS staff may require and receive access to:



## **STANDING FINANCIAL INSTRUCTIONS**

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- All records, documents and correspondence relating to their investigation
  - At all reasonable times to any premises or land of NHS Golden Jubilee
  - The production or identification by any employee of any cash, stores or other property under the employee's control
- 18.10 Where the CFS is involved in the investigation of potential frauds, and where prima facie grounds exist for thinking that a criminal offence has been committed, CFS in consultation with the FLO and the Chief Executive will decide whether to report to the Procurator Fiscal.
- 18.11 It is not the duty of an employing authority or its officers to decide whether a suspected person should be prosecuted. The question of whether proceedings should be taken is a matter solely for the Crown Authorities. It follows that no suspected person should ever be told whether or not he will be prosecuted, except where a decision has already been made by the Crown authorities.
- 18.12 If however, CFS has referred a case to the Crown Office or the Procurator Fiscal in order to seek a Search Warrant, the decision, as to whether or not a criminal investigation of the case will proceed, will effectively pass to the Crown Office or the Procurator Fiscal concerned.
- 18.13 Whether or not the Crown authorities determine that there are sufficient grounds on which to institute criminal proceedings, it remains open to NHS Golden Jubilee to consider pursuing disciplinary and other relevant proceedings.
- 18.14 Whether or not criminal proceedings are taken, or a criminal conviction is obtained, the public debt is not eliminated, and recovery of the debt should be pursued by any means available. Internal management action must not, of course, prejudice any criminal proceedings but should continue with reference to effect management of employee conduct policy. The systems of control should subsequently be evaluated to prevent recurrence.
- 18.15 The FLO shall also prepare a report for the Audit and Risk Committee, setting out the circumstances of the incident and any implications for management including changes to internal control systems which may require to be made.
- 18.16 Careful consideration should be given to payment and claims which arise from organisations or individuals who are under investigation or against whom proceedings are being taken for suspected fraud, etc. Legal advice shall be sought where necessary.
- 18.17 NHS Frauds will be reported to Scottish Government in line with the guidance in NHS Circular CEL10 (2010).



## STANDING FINANCIAL INSTRUCTIONS

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### SECTION 19: PATIENTS' FUNDS AND PROPERTY

- 19.1 The NHS Golden Jubilee Board has a responsibility (NHS Circular 1976 (GEN) 68, Mental Health Act Scotland and Adults with Incapacity (Scotland) Act 2000 refer) to provide safe custody for money and other personal property (hereafter referred to as "property") handed in by patients, in the possession of unconscious patients or patients with impaired capacity, or found in the possession of patients dying in hospital or dead on arrival.
- 19.2 The Chief Executive is responsible for ensuring that patients or their guardians, as appropriate, are informed before or at admission that NHS Golden Jubilee will not accept responsibility or liability for patients' monies and personal property brought into NHS premises, unless it is handed in for safe custody and a copy of an official patients' property record is obtained as a receipt. Patients or their guardians will be informed before or on admission by the following methods:
- Notices and information booklets;
  - Hospital admission documentation and property records;
  - The oral advice of administrative and nursing staff responsible for admissions and recorded in the notes.
- 19.3 Staff will be informed, on appointment, by the appropriate officer, of their responsibilities and duties for the administration of the property of patients.
- 19.4 The disposal of property of deceased patients is governed by the terms of NHS Circular GEN (1992) 33. All property including cash, watches, jewellery, clothing, etc. and all other documents which the patient had in his/her possession in the hospital, will, as soon as practicable after his/her death, be collected together, identified as being his/her belongings and kept in safe custody until disposal.

## STANDING FINANCIAL INSTRUCTIONS

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### SECTION 20: INFORMATION MANAGEMENT AND TECHNOLOGY

- 20.1 The Executive Director of Finance shall be responsible for the accuracy and security of the financial data of NHS Golden Jubilee and shall:
- devise and implement any necessary procedures to ensure adequate (reasonable) protection of NHS Golden Jubilee data, programs and computer hardware for which the Director is responsible from accidental or intentional disclosure to unauthorised persons, deletion or modification, theft or damage, after taking account of the Data Protection Act 2018, UK General Data Protection Regulation (UK GDPR), the Computer Misuse Act 1990, and any other relevant legislation or Scottish Government publications.
  - ensure that adequate (reasonable) controls exist over financial data entry, processing, storage, transmission and output to ensure security, privacy, accuracy, completeness, and timeliness of the data, as well as the efficient and effective operation of the system.
  - Ensure that adequate controls exist such that the computer operation is separated from development, maintenance and amendment.
  - Ensure that an adequate management (audit) trail exists through the computerised system and that such computer audit reviews as the Director may consider necessary are being carried out.
- 20.2 The Executive Director of Finance shall ensure that new financial systems and amendments to current financial systems are developed in a controlled manner and thoroughly tested prior to implementation. Where this is undertaken by another organisation, assurances of adequacy must be obtained from them prior to implementation.
- 20.3 The Executive Director of Finance will ensure compliance with the Freedom of Information (FOI) Publication Scheme or adopt a model Publication Scheme approved by the Information Commissioner for the purposes of the release of financial data. A Publication Scheme is a complete guide to the information routinely published by a public body. It describes the classes or types of information about NHS Golden Jubilee that we make publicly available.
- 20.4 The Executive Director of Finance shall ensure that contracts for computer services for financial applications with another Health Organisation or any other agency shall clearly define the responsibilities of all parties for the security, privacy, accuracy, completeness, and timeliness of data during processing, storage and transmission. The contract or agreement should also ensure rights of access for audit purposes.
- 20.5 Where another NHS Scotland Board or any other agency provides a computer service for financial applications, the Executive Director of Finance shall periodically seek assurances that adequate controls are in operation.
- 20.6 Where computer systems have an impact on corporate financial systems the Executive Director of Finance shall need to be satisfied that:
- Systems acquisition, development and maintenance are in line with corporate policies such as the e-health strategy;
  - Data produced for use with financial systems is adequate, accurate, complete and timely, and that a management (audit) trail exists;

## **STANDING FINANCIAL INSTRUCTIONS**

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- That Finance staff have access to such data;
- Such computer audit reviews as are considered necessary are being carried out.

## **STANDING FINANCIAL INSTRUCTIONS**

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### **SECTION 21: RETENTION OF RECORDS**

- 21.1 The Chief Executive shall be responsible for maintaining archives for all documents required to be retained under the directions contained in current guidance and in line with NHS Golden Jubilee's Records Management Policy. This covers arrangements for both clinical and non-clinical records.
- 21.2 The Chief Executive shall ensure that the rules contained within the Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR) are applied.
- 21.3 The documents held in archives shall be capable of retrieval by authorised persons.
- 21.4 Documents held shall only be destroyed at the express instigation of the Chief Executive; records shall be maintained of documents so destroyed and shall comply with CEL 31 (2010) which supersedes CEL 2008 (28) for clinical records and HDL 2006 (28) for administration records and any subsequent relevant circulars or guidance.
- 21.5 A detailed breakdown of the minimum retention periods for records, including finance records, is covered in the Retention and Destruction guidelines included in NHS Golden Jubilee's Records Management Policy.
- 21.6 Financial records shall be managed in accordance with NHS Golden Jubilee's record management plan submitted under the Public Records (Scotland) Act 2011.

## STANDING FINANCIAL INSTRUCTIONS

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### SECTION 22: RISK MANAGEMENT AND INSURANCE

- 22.1 The Chief Executive shall ensure that NHS Golden Jubilee has a programme of risk management which will be approved and monitored by the NHS Golden Jubilee Board, Audit and Risk Committee and Executive Leadership Team.
- 22.2 The programme of risk management shall include:
- a process for identifying and quantifying risks and potential liabilities
  - engendering among all levels of staff a positive attitude towards the control of risk
  - the implementation of a programme of risk awareness training
  - management processes to ensure that all significant risks and potential liabilities are addressed, including effective systems of internal control, cost effective insurance cover, and decisions on the acceptable level of retained risk; All significant risk and action taken to manage the risks will be reported to the Executive Leadership Team
  - the maintenance of an organisation wide risk register
  - contingency plans to offset the impact of adverse events
  - audit arrangements including internal audit, clinical audit, health and safety review
  - arrangements to review and report the risk management programme
  - a process whereby the risk management plans are measured against compliance with HIS standards
  - a clear indication of which risks are/shall be insured.
- 22.3 The existence, integration and evaluation of the above elements will assist in providing a basis to make a statement on the effectiveness of risk management arrangements in the organisation as required by current guidance on the Governance Statement within the annual accounts.
- 22.4 In the case of Partnership Working with other agencies, the NHS Golden Jubilee risk management framework will be shared to identify and quantify the individual risks, particularly where responsibility cannot be assigned to an individual partner. Where conflicts occur between these two sets of arrangements each partner's Executive Director of Finance will be required to agree a course of action to resolve the conflict.
- 22.5 There are occasions where commercial insurance arrangements will be required e.g. motor vehicles owned by NHS Golden Jubilee including third party liability arising from their use, income generation arrangements but the CNORIS coverage should be checked prior to entering into any commercial coverage.
- 22.6 The Executive Director of Finance shall ensure that insurance arrangements exist in accordance with the risk management programme and that the procedures are documented.

## STANDING FINANCIAL INSTRUCTIONS

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### SECTION 23: FUNDS HELD ON TRUST (ENDOWMENTS)

- 23.1 This section refers to the NHS Golden Jubilee Charity (formerly known as the National Waiting Times Centre Board Endowment Fund).
- 23.2 Endowments are donations held on Trust by, and used at the discretion of, the Trustees, for the charitable purpose defined in the National Health Service (Scotland) Act 1978 which is broadly summarised as the advancement of health.
- 23.3 The Trustees of the endowment fund are NHS Golden Jubilee Board members. The Trust is a registered charity. The legal framework under which charities operate in Scotland is the Charities and Trustee Investment (Scotland) Act 2005. To meet the requirements of charitable status under the 2005 Act Trustees must act in the interests of the charity at all times.
- 23.4 The business of the endowment fund will be conducted separately from and independent of the business of the NHS Golden Jubilee Board. However, the Trustees of the endowment fund have adopted these Standing Financial Instructions (in so far as each section is applicable to Endowment Fund Transactions) to apply to the financial transactions of the endowment fund to ensure sound control is maintained.
- 23.5 The Executive Director of Finance shall maintain such accounts and records as may be necessary to record and protect all transactions on behalf of the trustees of non-exchequer funds. The provisions of the Charities Accounts (Scotland) Regulations 2006 will apply.
- 23.6 The Executive Director of Finance shall ensure that annual accounts are prepared as soon as possible after the year end and in accordance with the Charities Accounts (Scotland) Regulations 2006, and that proper arrangements are made for these to be subject to audit by a separately appointed External Auditor.
- 23.7 The Executive Director of Finance (in their capacity as Trustee) shall prepare detailed procedural instructions concerning the receiving, recording, investment and accounting for endowment funds.
- 23.8 Only donations which can be spent in a way which meets the charitable purposes of the endowment fund can be accepted by the Trustees. Any such funds must be lodged in the endowment fund bank account. Where a donation could not be spent in a way that is consistent with the purposes of the endowment fund, this must be explained to the donor. If an alternative purpose is not acceptable the donation must be declined.
- 23.9 It is not acceptable under any circumstances to receive the donation and hold the cash or lodge it in a bank account that has not been authorised by the Executive Director of Finance.
- 23.10 The Executive Director of Finance shall be required to advise the NHS Golden Jubilee Board on the financial implication of any proposal for fund raising activities which NHS Golden Jubilee may initiate, sponsor or approve. Advice to the NHS Golden Jubilee Board on the financial implications of fund raising activities by outside bodies or organisations shall be given only by the Executive Director of Finance.

## STANDING FINANCIAL INSTRUCTIONS

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- 23.11 The Executive Director of Finance (in their capacity as Trustee) shall be kept informed of all enquiries regarding legacies and shall keep an appropriate record. After the death of a testator, all correspondence concerning a legacy shall be dealt with on behalf of the Fund by the Executive Director of Finance who alone shall be empowered to give an executor a good discharge.
- 23.12 Endowment funds shall be invested by the Executive Director of Finance (in their capacity as Trustee) subject to the following considerations subject to statutory requirements: -
- The policy regarding the treatment of accumulated balances.
  - Division of funds between narrow and wide range investments as defined in the Investment Act 1962 (as amended by Charities and Trustees Investment Act 2005).
  - Agreement of the Trustees after considering any advice received from the Trustees' Investment Managers.
- 23.13 Expenditure of any endowment funds shall be conditional upon the item being within the terms of the appropriate fund and the procedures approved by the Trustees.
- 23.14 Where it becomes necessary for the Endowment Fund to obtain Grant of Probate, or to make application for grant of letters of administration, in order to obtain a legacy due to the Fund under the terms of a Will, the Executive Director of Finance (in their capacity as Trustee) shall be the Fund's nominee for the purpose.

## SCHEME OF DELEGATION

### **ANNEX A OF STANDING FINANCIAL INSTRUCTIONS SCHEME OF DELEGATION**

The Standing Financial Instructions and related finance procedures enable the transfer of delegated authority from the Board to the Chief Executive, Directors, Heads of Departments, and other staff within NHS Golden Jubilee. This enables the Board to increase effectiveness through:

- streamlining decision-making
- allowing greater flexibility on the use of funds
- motivating and incentivising staff to maximise the return from their funds whilst maintaining sound financial controls.

The Scheme of Delegation details responsibilities that are assigned to individuals within the Board, regarding their ability to approve decisions, contracts, business cases, and to commit and approve expenditure.

The following tables provide information on these responsibilities -

1. Allocations and Budgets				
Area of Responsibility	SFI	Executive Group, or Committee Approval if applicable	Officer Responsible	Limits Applying
1.1 Preparation and approval of Revenue and Capital Financial Plans		NHS Golden Jubilee Board	Executive Director of Finance	Revenue Resource Limit/Capital Resource Limit / External Income Forecasts / AME Limit
1.2 System for funding decisions and business planning where the funding is part of the approved financial plan		Executive Leadership Team	Executive Director of Finance	Overall limit per Financial Plan



## SCHEME OF DELEGATION

1.3 System for funding decisions and business planning where the funding is not part of the approved financial plan		Executive Leadership Team / NHS Golden Jubilee Board	Executive Director of Finance	Consideration of in-year contingency and affordability within forecasts
1.4 Establishment and maintenance of Budgetary Control System		Finance and Performance Committee	Executive Director of Finance	
1.5 Preparation and Issue of Budget to NHS Golden Jubilee		NHS Golden Jubilee Board	Executive Director of Finance	Overall Limit as per Financial Plan
1.6 Authority to use convert non-recurring budget to Recurring expenditure commitments (e.g. permanent recruitment against non-recurring allocation)		Executive Leadership Team	Executive Director of Finance and Chief Executive	Within available resources and after risk assessment and agreed mitigation
1.7 Virement of budget within the approved Financial Plan		Executive Director of Finance / Chief Executive / NHS Golden Jubilee Board	Executive Director of Finance/Chief Executive up to £2.5m NHS Golden Jubilee Board > £2.5m	Within available resources and after risk assessment and agreed mitigation
1.8 Authority to commit expenditure for which no provision has been made within the approved Financial Plan		Executive Director of Finance / Chief Executive / NHS Golden Jubilee Board	Executive Director of Finance/Chief Executive up to £2.5m NHS Golden Jubilee Board > £2.5m  If decision will result in year deficit, it is reserved for NHS Golden Jubilee Board though in an emergency situation CE can act in best interest of organisation and ratify at first available opportunity.	Providing decision will not put NHS Golden Jubilee Board into deficit
1.9 Management of Revenue Budgets - Individual budget level (pay and non-pay)	4		Nominated Budget Holders	Budget notified to Divisional Director

## SCHEME OF DELEGATION

- Service level - Contingencies			Divisional Directors Deputy Director of Finance	
1.10 Delegation of Budgets	4		Chief Executive and Executive Director of Finance	Limit as per Financial Plan
1.11 Approval of Change Programmes (Organisational Restructuring)		Executive Director of Finance / Chief Executive / NHS Golden Jubilee Board	Executive Director of Finance and Chief Executive up to £2.5m NHS Golden Jubilee Board > £2.5m or where proposal includes major service change or headcount change	Within available resources and after risk assessment and agreed mitigation
1.12 Standard Business Case approval - Capital  - Revenue  - Capital and Revenue	6	Capital - Strategic Capital Programme Group  Revenue – Executive Leadership Team / NHS Golden Jubilee Board  Capital and Revenue – Executive Leadership Team / NHS Golden Jubilee Board	NHS Golden Jubilee Board and Scottish Government > £3m NHS Golden Jubilee Board up to £3m Strategic Capital Programme Board up to £2m  Executive Director of Finance/Chief Executive up to £2.5m NHS Golden Jubilee Board > £2.5m  Executive Director of Finance/Chief Executive up to £2.5m NHS Golden Jubilee Board > £2.5m	
1.13 Approval of Business Cases for engaging Consultancy Services	8		Executive Director of Finance < £50k Executive Director of Finance / Scottish Government > £50K Board / Scottish Government > £250k	
1.14 Prioritisation of Core Equipment	8	Strategic Capital Programme Board	Executive Director of Finance / Deputy Director of Finance	in line with capital plan limits

## SCHEME OF DELEGATION

2. Annual Accounts and Reports				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
2.1 Submission of Financial monitoring returns	4		Executive Director of Finance	In accordance with Scottish Government requirements
2.2 Approval of Annual Accounts	16	NHS Golden Jubilee Board	Chief Executive	In accordance with Accounts Manual
2.3 Preparation of Performance Report	16	Audit and Risk Committee and NHS Golden Jubilee Board	Chief Executive	In accordance with Accounts Manual
2.4 Preparation of Accountability Report	16	Audit and Risk Committee and NHS Golden Jubilee Board	Chief Executive	In accordance with Accounts Manual

## SCHEME OF DELEGATION

3. Banking Arrangements				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
3.1 Opening of Bank accounts in the Board's name	11		Executive Director of Finance	Subject to appointment of bankers by NHS Board Subject to national direction
3.2 Notification to bankers of authorised signatories on bank accounts	11		Executive Director of Finance	
3.3 Bank administrator rights to change approval levels on bank accounts			Executive Director of Finance / Deputy Director of Finance / Associate Director of Finance	
3.4 CHAPS/SWIFT Authorisation	11		Chief Executive over £5m Executive Director of Finance or Deputy Director of Finance £2.5m to £5m Associate Director of Finance or Assistant Director of Finance £10k to £2.5m Less than £10k one from the following - Head of Finance Financial Accountant	
3.5 BACS / Cheque Run Authorisation	11		Executive Director of Finance or Deputy Director of Finance over £5m Associate Director of Finance or Assistant Director of Finance £1.5m to £5m Less than £1.5m one from the following - Head of Finance Financial Accountant	

## SCHEME OF DELEGATION

3.6 Cheque/ Payable Order (Out of Course Payment) Authorisation	11		<p>&gt;£100k One Level 1 signatory plus any other authorised signatory</p> <p>£5k to £100k One Level 1 or Level 2 signatory plus any other authorised signatory</p> <p>&lt;£5k Any two authorised signatories</p> <p>Level 1 Signatories – Executive Director of Finance / Deputy Director of Finance</p> <p>Level 2 Signatories – Associate Director of Finance / Assistant Director of Finance</p> <p>Other Authorised Signatories – Head of Finance / Financial Accountant</p>	
3.7 Transfers to / from local bank account to main bank account	11		<p>Associate Director of Finance</p> <p>Head of Finance</p> <p>Financial Accountant</p>	
3.8 Opening credit cards in Boards name			Executive Director of Finance	
3.9 Changing credit cards authorisations limits in Boards name			Executive Director of Finance	

## SCHEME OF DELEGATION

4. Healthcare Contracts/Service Level Agreements				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
4.1 Healthcare Agreements (incl. income generation, amendments to existing agreements, agreements with other NHS Boards)	5		Executive Director of Finance up to £2.5m Executive Leadership Team £2.5m - £5m NHS Golden Jubilee Board > £5m	Subject to confirmation of revenue affordability
4.2 Setting of Fees and Charges: income generation	12		Executive Director of Finance / Deputy Director of Finance	

## SCHEME OF DELEGATION

5. Workforce				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
5.1 Preparation of Workforce Plan, Strategy, and Human Resource policies and procedures	7		Executive Director of People and Culture	Within existing resources
5.2 Preparation of Learning and Development Plan	7		Executive Director of People and Culture	
5.3 Responsibility for implementing changes to terms and conditions of service	7		Executive Director of People and Culture	Within national guidance
5.4 Preparation of contracts of employment	7		Compliance with current legislation and agreed terms and conditions	
5.5 Approval of Severance agreements – Executive Directors	7	Remuneration Committee and Scottish Government	Executive Director of People and Culture and Executive Director of Finance	Compliance with current legislation and agreed terms and conditions; within available funding
5.6 Approval of Severance agreements -all other staff	7	Scottish Government	Executive Director of People and Culture and Executive Director of Finance	Compliance with current legislation and agreed terms and conditions; within available funding
5.7 Settlement of employment litigation claims			Executive Director of People and Culture and Executive Director of Finance	
5.8 Executive and Senior Management Pay	97	Remuneration Committee	Executive Director of People and Culture	Compliance with current legislation and agreed terms and conditions

## SCHEME OF DELEGATION

5.9 Engagement, termination, re-engagement, re-grading of staff	9		Budget Holder with sign off from Executive Director of People and Culture and Executive Director of Finance	Within approved budget and funded establishment and in accordance with approved HR policies
5.10 Appointment and Management of External contractors			Budget Holder	Within approved budget ensuring compliance with tax implications, PVG and Health and Safety requirements.
5.11 Approval of retrospective pay adjustments - Non-Executive Directors  - All other staff		Audit & Risk Committee  Remuneration Committee	Chief Executive and Executive Director of Finance  Executive Director of Finance and Executive Director of People and Culture	All amounts  Amounts greater than £10,000



## SCHEME OF DELEGATION

6. Non-Pay Expenditure				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
6.1 Preparation and Implementation of Procurement Strategy	8		Head of Procurement	
6.2 Implementation of Procurement Strategy (Contract Management) - Pharmacy	8		Director of Pharmacy	All medicines

## SCHEME OF DELEGATION

7. Orders, Invoices, Quotations and Tenders				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
7.1 Request for tender/purchase (including specification)  Capital and revenue; including all classes of goods, services and works within scope of public procurement law.	8		Head of Procurement	In accordance with approved strategy/ Business Case/ Project Authorisation Checklist
7.2 Direct Award of Contract without Competition (SFI Waiver)			SFI waivers will be approved by Executive Director of Finance	In accordance with public procurement law.
7.3 Quotations and Tenders	8		<b>Supplies and Services Contracts</b> <£10k - quote obtained in writing by budget holder £10k to £50k (excl. VAT) competitive quotations obtained using Public Contracts Scotland portal; managed by Procurement. £50k (excl. VAT) to £139k (incl. VAT) - Regulated Scottish tender using Public Contracts Scotland portal; managed by Procurement. >£139k (incl. VAT) - Regulated UK Tender (FTS) using UK Find-A-Tender Service; managed by Procurement. <b>Works Contracts</b> <£10k – quote obtained in writing by budget holder £10k to £50k (excl. VAT) 3 quotes obtained in writing by budget holder £50k to £250k (excl. VAT) competitive quotations obtained	To be interpreted in using the definitions of Supplies, Services, Works, and Social and Other Specific Services set out in The Public Contracts (Scotland) Regulations 2015.

## SCHEME OF DELEGATION

			<p>using the Public Scotland portal budget; managed by Procurement</p> <p>&gt;£250k (excl. VAT) advertised tender obtained using Public Contracts Scotland portal; managed by Procurement.</p> <p>£2m (excl. VAT) to £5.37m (incl. VAT) - Regulated Scottish tender using Public Contracts Scotland portal; managed by Procurement.</p> <p>&gt;£5.37m (incl. VAT) - Regulated UK Tender (FTS) using UK Find-A-Tender Service; managed by Procurement.</p> <p><b>Social and Other Specific Services Contracts</b></p> <p>&lt;£10k – quote obtained in writing by budget holder</p> <p>£10k to £50k (excl. VAT) competitive quotations obtained using Public Scotland Portal; managed by Procurement</p> <p>£50k (excl. VAT) to £663k (incl. VAT) advertised tender obtained through Public Contracts Scotland portal; managed by Procurement</p> <p>&gt;£663k (incl. VAT) - Regulated UK Tender (FTS) using UK Find-A-Tender Service; managed by Procurement.</p>	
7.4 Placing external commitments / contract awards / award of tenders	8		<p>Chief Executive up to £5m lifetime value</p> <p>Executive Director of Finance up to £4m lifetime value</p> <p>Head of Procurement up to £2m lifetime value</p> <p>Director £500k to £1m lifetime value</p> <p>Divisional Director &lt; £500k lifetime value</p>	Approval requests will be accompanied by a tender report signed by the Head of Procurement supporting award of the contract.
7.5 Maintenance of Contract Register	8		Head of Procurement	
7.6 Maintenance of Tender Register	8		Head of Procurement	
7.7 Authorisation of Purchase	8		Executive Director of Finance / Chief Executive > £1m	Subject to containment with

## SCHEME OF DELEGATION

Orders for Goods and Services			<p>Executive Directors up to £1m</p> <p>Deputy Director of Finance up to £500k</p> <p>Directors / Head of Board Governance and Board Secretary up to £100k</p> <p>Head of Procurement up to £50k</p> <p>Head of Learning and Development up to £50k</p> <p>Head of Medical Physics up to £50k</p> <p>Deputy Directors / Associate Directors up to £50k</p> <p>Heads of Department / Clinical Service Managers up to £25k</p> <p>Designated Ordering Officers up to £10k</p> <p><u>Only exception to the above applies to well regulated expenditure contained within list held by Finance</u></p>	delegated budget
7.8 Authorisation of Purchase Invoices for Goods and Services	8		<p>Executive Director of Finance / Chief Executive &gt; £1m</p> <p>Executive Directors up to £1m</p> <p>Deputy Director of Finance up to £500k</p> <p>Directors / Head of Board Governance and Board Secretary up to £100k</p> <p>Head of Procurement up to £50k</p> <p>Head of Learning and Development up to £50k</p> <p>Head of Medical Physics up to £50k</p> <p>Deputy Directors / Associate Directors up to £50k</p> <p>Heads of Department / Clinical Service Managers up to £25k</p> <p>Designated Ordering Officers up to £10k</p> <p><u>Only exception to the above applies to well regulated expenditure contained within list held by Finance</u></p>	Subject to containment with delegated budget

## SCHEME OF DELEGATION

8. Management and Control of Stock				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
8.1 Issue of Stores recording and operating procedures	14		Head of Procurement	All stocks
8.2 Day to day management and security arrangements (Pharmacy)	14		Director of Pharmacy	Pharmacy stock
8.3 Day to day management and security arrangements	14		Director of Facilities and Capital Projects	All other stocks

## SCHEME OF DELEGATION

9. Capital Investment and Budget Monitoring				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
9.1 Approval of Business Cases	9	Strategic Capital Programme Group	NHS Golden Jubilee Board and Scottish Government > £3m  NHS Golden Jubilee Board up to £3m  Strategic Capital Programme Board up to £2m	Limit as per Capital Plan
9.2 Property acquisitions/ disposals / leases	9	Executive Leadership Team Finance and Performance Committee NHS Golden Jubilee Board	Executive Director of Finance approval if Lifetime value below £2m  NHS Golden Jubilee Board approval if Lifetime value above £2m	Disposals subject to declaration of property as surplus and compliance with Property Transactions Handbook.  Purchasing must be in accordance with Property Transactions Handbook.
9.3 Condemning and Disposal of Assets (excluding Property) – Items that are obsolete, obsolescent, redundant, irreparable or cannot be repaired cost effectively	9		Director of Facilities and Capital Projects if current/estimated purchase price (for non-medical equipment only) < £20k  Head of Medical Physics (for medical equipment and devices only) < £20k  Executive Director of Finance if current/estimated purchase price between £20k and £250k  Strategic Capital Programme Board if current/estimated purchase price £250k to £500k  NHS Golden Jubilee Board if current/estimated purchase price over £500k	Subject to section 10 of NHS Golden Jubilee's Standing Financial Instructions

## SCHEME OF DELEGATION

9.4 Maintenance of Asset Register and Capital Accounting Regime	9		Executive Director of Finance	In accordance with Scottish Capital Accounting Manual
9.5 Award of capital works tenders	8/9		NHS Golden Jubilee Board > £5m Chief Executive £2.5m – £5m Executive Director of Finance > £2.5m	Subject to: - containment within the overall Capital Plan, compliance with guidance and any requirements for transactions to be signed on behalf of Scottish Ministers - section 7.4 of this Scheme of Delegation.
9.6 Management of Capital Budgets	9		Budget leads at individual project level Chief Executive / Executive Director of Finance for virement of budget between schemes – per event Strategic Capital Programme Board Executive Director of Finance for Contingencies	Project Budgets notified to responsible officer Virement subject to confirmation of Capital Resource availability and approval of Strategic Capital Programme Group. Contingencies subject to confirmation of capital resource liability

## SCHEME OF DELEGATION

10. Fraud, Losses and Legal Claims				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
10.1. Arrangements for preventing, detecting and reporting fraud	18	Audit and Risk Committee	Chair of Audit and Risk Committee	Scottish Government guidance and Executive Director of Finance
10.2. Notification of discovered fraud/criminal offences to Scottish Government	17/18		Executive Director of Finance	
10.3. Maintenance of medical negligence claims register	17		Executive Medical Director	
10.4. Maintenance of legal claims register	17		Executive Director of Finance	
10.5. Writing off of losses / ex-gratia payments	17	Scottish Government	Executive Director of Finance or Chief Executive	Limits in CEL10(2010) for different types of losses
10.6. Settlement of Legal Claims – Clinical Claims	17		Executive Director of Finance / Executive Medical Director < £250k Chief Executive > £250k	Scottish Government Approval required for Clinical Claims Over £250,000;
10.7. Settlement of Legal Claims – Non-Clinical Claims	17		Executive Director of Finance < £100k Chief Executive / Scottish Government > £100k	Scottish Government Approval for non-clinical claims over £100,000
10.8. Actions to safeguard the NHS Golden Jubilee Board's interests in bankruptcies and company liquidations	17		Executive Director of Finance	



## SCHEME OF DELEGATION

11. Patients Private Funds and Property				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
11.1. Establishment of arrangements for the safe custody of patients' property	19		Executive Director of Nursing	
11.2. Establishment of detailed procedures for the safe custody and management of patients' and residents' property	19		Executive Director of Nursing	

## SCHEME OF DELEGATION

12. Clinical Governance				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
12.1. Approval of Healthcare Quality and Assurance Strategy			Executive Medical Director and Executive Director of Nursing	
12.2. Approval of research and development studies including associated clinical trials and indemnity agreements for commercial studies		Clinical Governance Committee	Head of Research and Development and Executive Medical Director	
12.3. Preparing Annual Workplan for Clinical Quality		Clinical Governance Committee	Executive Medical Director and Executive Director of Nursing	
12.4. Compliance with research governance		Clinical Governance Committee	Head of Research and Development and Executive Medical Director	
12.5. Preparation of Patients Complaints Policy		Clinical Governance Committee	Head of Risk and Clinical Governance	
12.6. Monitoring and reporting of Patients complaints		Clinical Governance Committee	Head of Risk and Clinical Governance	

## SCHEME OF DELEGATION

13. Risk management				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
13.1. Preparation of Risk Management Strategy	22	Executive Leadership Team Audit and Risk Committee NHS Golden Jubilee Board	Chief Executive	
13.2. Preparation and management of Strategic Risk Register	22	Audit and Risk Committee NHS Golden Jubilee Board	Executive Director of Finance	
13.3. Health and Safety - Staff	22	Health and Safety Committee	Executive Director of People and Culture	
13.4. Health and Safety - Buildings	22	Health and Safety Committee	Chief Executive	
13.5. Fire Safety		Health and Safety Committee	Chief Executive	
13.6. System for developing, listing and updating policies		Health and Safety Committee	Chief Executive	
13.7. Child Protection Policies			Executive Medical Director and Executive Director of Nursing	
13.8. Prescribing policies		Drug and Therapeutic Committee	Executive Medical Director	As per resource constraints of Prescribing Management Board
13.9. Establishment and	22		Executive Director of Finance	Scottish Government

## SCHEME OF DELEGATION

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administration of insurance arrangements				guidance including expected adherence to National contracts
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## SCHEME OF DELEGATION

14. Health Planning				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
14.1. Preparation of Corporate Plan		NHS Golden Jubilee Board	Chief Executive	
14.2. Preparation of Annual Operational Plan	4	NHS Golden Jubilee Board	Executive Director of Operations	As per supporting Financial Plan

## SCHEME OF DELEGATION

15. Access				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
15.1. Achievement of waiting times targets		Finance and Performance Committee	Executive Director of Operations	
15.2. Public Information on access to services		Clinical Governance Committee	Executive Medical Director	
15.3. Procedure for patients who wish to appeal against clinical decisions on their continuing healthcare		Clinical Governance Committee	Executive Medical Director	CEL 6 2008

## SCHEME OF DELEGATION

16. Information Governance				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
16.1. Responsibility for Information Management Systems and Strategy	20	Digital Steering Group	Director of Digital	
16.2. Clinical responsibility for Digital Strategy	20	Digital Steering Group	Executive Medical Director	
16.3. Data Protection Act	20	Digital Steering Group	Executive Director of Finance	
16.4. Caldicott Guardian	20	Clinical Governance Committee	Executive Medical Director	
16.5. Freedom of Information	20	Finance and Performance Committee	Executive Director of Finance	

## SCHEME OF DELEGATION

17. Communication				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
17.1. Preparation of Communication and Engagement Strategy		Staff Governance and Person Centred Committee NHS Golden Jubilee Board	Executive Director of Transformation, Strategy, Planning and Performance	
17.2. Preparation of Annual Report	16	Staff Governance and Person Centred Committee NHS Golden Jubilee Board	Executive Director of Transformation, Strategy, Planning and Performance	
17.3. Communication of and adherence to SFIs and Scheme of Delegation	1	Audit and Risk Committee	Executive Director of Finance	
17.4. Distribution of all relevant new legislation, regulations, good practice and case law		NHS Golden Jubilee Board/Audit and Risk Committee as necessary	Head of Corporate Governance and Board Secretary	



## SCHEME OF DELEGATION

18. Emergency and Continuity Planning				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
18.1. Preparation and maintenance of comprehensive Emergency Plan		NHS Golden Jubilee Board	Executive Director of Operations	
18.2. Preparation and maintenance of Business Continuity Plan		NHS Golden Jubilee Board	Chief Executive	

## SCHEME OF DELEGATION

19. Other Areas				
Area of Responsibility	SFI	Group or Committee Approval if applicable	Officer Responsible	Limits Applying
19.1. Compliance with guidelines on chaplaincy and spiritual care including spiritual care strategy implementation		Staff Governance and Person Centred Committee	Executive Director of People and Culture	
19.2. Compliance and adherence to national standards in healthcare acquired infection		Clinical Governance Committee	Executive Director of Nursing	
19.3. Compliance and adherence to national standards in infection control and decontamination		Clinical Governance Committee	Executive Director of Nursing	
19.4. Screening / Immunisation / Vaccination programmes		Clinical Governance Committee	Executive Director of People and Culture	
19.5. Communicable disease control		Clinical Governance Committee	Executive Medical Director / Executive Director of Nursing	
19.6. Development and maintenance of Performance Management Framework		Finance and Performance Committee	Director of Transformation, Strategy, Planning and Performance	
19.7. Preparation and dissemination of Scheme of Delegation		Audit and Risk Committee	Chief Executive	
19.8. Sealing of Documents with the NHS Golden Jubilee Board Seal			Head of Corporate Governance and Board Secretary	Use of NHS Golden Jubilee Board seal is accompanied by signature as determined in NHS Golden Jubilee

## SCHEME OF DELEGATION

				Board Standing Orders
19.9. Maintenance of register of NHS Golden Jubilee Board members interests	15		Head of Corporate Governance and Board Secretary	
19.10. Maintenance of register of gifts / hospitality and interest in contracts for other employees	15		Head of Corporate Governance and Board Secretary	
19.11. Execution of documents on behalf of Scottish Ministers relating to property transactions			Chief Executive and Executive Director of Finance	

## SCHEME OF DELEGATION

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### References

Scottish Public Finance Manual <http://www.gov.scot/Topics/Government/Finance/spfm>

NHS Circular MEL (1994) 48  
Standards of Business Conduct for NHS Staff

NHS Circular MEL (1994) 80  
Corporate Governance in the NHS,

NHS Circular MEL (2000) 13,  
Fundraising, Income Generation and Sponsorship within the NHSiS

Ethical Standards in Public Life (Scotland) Act 2000.  
Incorporating the Model Code of Conduct for Members of Devolved Bodies  
[Ethical standards in public life framework: factsheet - gov.scot](#)

Scottish Government Publication 2001  
Standards of conduct, accountability and openness

Scottish Government Publication  
A Common Understanding; Guidance on Joint working between NHS Scotland and the Pharmaceutical Industry 2003

Prevention of Corruption Acts 1906 and 1916

The Bribery Act 2010

National Whistleblowing Standards  
<https://workforce.nhs.scot/policies/whistleblowing-policy/>